

federal register

Friday
January 7, 1983

Selected Subjects

- Air Pollution Control**
Environmental Protection Agency
 - Animal Drugs**
Food and Drug Administration
 - Antibiotics**
Food and Drug Administration
 - Cable Television**
Federal Communications Commission
 - Child Support**
Personnel Management Office
 - Drugs**
Food and Drug Administration
 - Employment Taxes**
Internal Revenue Service
 - Environmental Impact Statements**
Environmental Protection Agency
 - Exports**
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 - Fisheries**
National Oceanic and Atmospheric Administration
 - Flood Insurance**
Federal Emergency Management Agency
 - Food Assistance Programs**
Food and Nutrition Service
 - Food Ingredients**
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- CONTINUED INSIDE



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Securities and Exchange Commission

Marketing Agreements

Agricultural Marketing Service

Milk Marketing Orders

Agricultural Marketing Service

Quarantine

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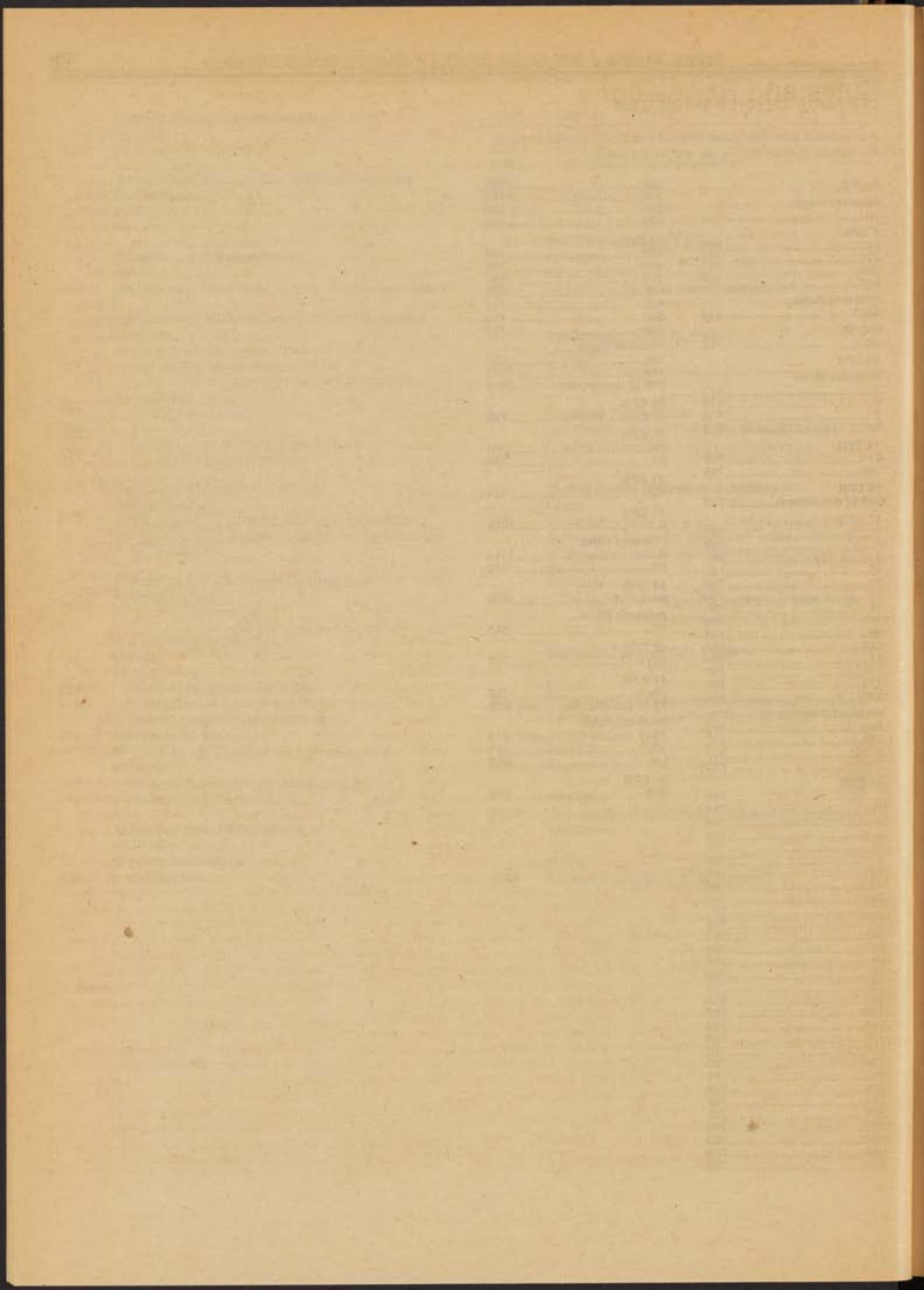
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 225, and 226

Vegetable Protein Products; Used in Child Nutrition Programs

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends Appendix A of the National School Lunch Program Regulations, and adds a new Appendix A to the Summer Food Service Program for Children Regulations, and the Child Care Food Program Regulations to allow program administrators greater flexibility in the use of vegetable protein products. Vegetable protein products have been authorized as an alternate food for the child nutrition programs since 1971, although the authorization was not stated in the program regulations. The Department is issuing these regulations because of developments in food technology, rising food costs, and the need to simplify federal administrative procedures. This rule: (1) Adopts the naming and nutritional requirements for vegetable protein products used to resemble and substitute, in part, for meat, poultry, and seafood developed by the Food and Drug Administration (FDA). (2) establishes a 30 percent maximum level of substitution by hydrated vegetable protein products, (3) allows for vegetable protein products in the dry form or partially hydrated form, (4) allows for the appropriate hydration of all forms of vegetable protein products by setting the protein quantity requirements for a product "when hydrated or formulated," (5) establishes a requirement that vegetable protein products fortified for use in the child nutrition programs be identified as

meeting USDA-FNS specifications, (6) eliminates the "texture" requirement for vegetable protein products as defined in FNS Notice 219.

EFFECTIVE DATE: February 7, 1983. Implementation period: During the one year period following the effective date of this regulation, vegetable protein products used as an alternate food in the child nutrition programs may meet all the requirements of either FNS Notice 219 or all of the new requirements presented in this final rule. However, after this one year implementation period, vegetable protein products used as an alternate food in the child nutrition programs must meet the requirements set forth in this rule.

FOR FURTHER INFORMATION CONTACT: Cynthia H. Ford, Branch Chief, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756-3556.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Executive Order 12291 and has been classified nonmajor because it does not meet any of the three criteria of the Executive Order. It will not have an annual effect on the economy of \$100 million, will not cause a major increase in costs or prices, and will not have a significant impact on competition, employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete. Vegetable protein products have been allowed to be used as an alternate food in the child nutrition programs since 1971; this rule would merely increase the flexibility for their use in child nutrition programs and expand on the types of vegetable protein products that are currently authorized.

The rule has also been reviewed with regard to the provisions of Pub. L. 96-354. Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that the rule does not have a significant economic impact on a substantial number of small entities.

The rule does not contain reporting and recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act.

Background

In February of 1971, the Department issued FNS Notice 219 which permitted

the use of hydrated textured vegetable protein products as an alternate food to provide up to 30 percent (uncooked basis) of meat, poultry, or seafood used to meet the meat/meat alternate requirement of meal patterns for the various child nutrition programs. The Department permitted the use of these products because they were nutritious, helped school food service directors to cope with the high cost of meats, and helped to provide more flexibility in menu planning.

The Department designed the nutrient specifications for textured vegetable protein products outlined in FNS Notice 219 to be nutritionally equivalent to raw ground beef containing no more than 30 percent fat. The dry textured vegetable protein was to contain at least 50 percent protein and when hydrated have a maximum moisture content of 65 percent. FNS Notice 219 was clearly designed around soy flour which was the vegetable protein product available at that time. Other vegetable protein products were still in the initial stages of development.

Due to recent advances in food technology, several new types of vegetable protein products have been developed and made available—isolates and concentrates. On July 23, 1982, the Department issued a proposed rule which would allow wider choices than those described by FNS Notice 219 in the types of vegetable protein products used. The proposal, however, did not expand the amount of vegetable protein products allowed to substitute for meat, poultry, and seafood beyond what is currently allowed.

The proposed rule adopted portions of tentative final regulations for vegetable protein products published by the FDA in the Federal Register of July 14, 1978, (43 FR 30472). FDA reviewed the proposed rule and agreed that it did not conflict with their tentative final regulations. A total of 60 days was afforded to the general public in which it could comment on the proposed rule.

Comment Analysis

On September 21, 1982, the proposed rule comment period closed. One hundred and ninety-eight comments were received during the sixty day comment period. Comments were received from district food service directors, local school and child nutrition program personnel,

manufacturers of vegetable protein products, other industry groups, trade associations, State directors and State staff, universities and colleges, nutrition professionals, and nutrition advocacy and public interest groups. Of the 198 comments received, 192 were in favor and 5 were opposed to the proposal. One hundred and sixty-three of these comments were received from school food service directors and personnel supporting the proposed rule as a group.

One comment was received which is not applicable to the proposed rule. This commentator recommended that the Department include highly nutritious dairy proteins as substitutes for meat. This rule relates only to vegetable protein sources; thus, it is not appropriate to address this issue at this time.

Comments in Favor

Commentors favoring the proposal agreed that revisions in FNS Notice 219 were needed. In general, these commentors agreed that the proposal would: (1) Allow for greater flexibility in the use of vegetable protein products, (2) allow the use of improved products, and (3) permit greater economy. At the same time the high quality and high nutritional content of meat, poultry, and seafood products served in the child nutrition programs would be maintained. One commentor also stated that the proposal would rectify a number of long standing discrepancies in the use of vegetable protein products in the child nutrition programs which some in the industry have called discriminatory.

Comments in Opposition

Commentors opposing the proposal were concerned that the nutritional integrity of the child nutrition programs would not be maintained. These commentors contended that even if vegetable protein products are fortified they will not be nutritionally equivalent to meat. Some commentors also expressed concern that the amount of meat used in the child nutrition programs would be significantly reduced.

Discussion

There are a number of issues surrounding the use of vegetable protein products as an alternate food in the child nutrition programs which were addressed in the July 23, 1982, proposal. Twenty-one of the commentors favoring and three of the commentors opposing the proposal presented substantive comments on one or more of these specific issues. The following is a discussion of comments received on

pertinent issues addressed in the proposal and the Department's response. It should be noted that a thorough understanding of these issues requires reference to the July 23, 1982, proposal.

1. *Nutritional Requirements for Vegetable Protein Products Used in the Child Nutrition Programs.* In the proposed rule, the Department adopted the nutrient profile set forth by the FDA (in tentative final regulations) for vegetable protein products used to resemble and substitute, in part, for meat, poultry, and seafood. The nutrient profile established nutrient levels for various vitamins and minerals. In establishing these nutrient levels, bioavailability considerations were taken into account for specific nutrients. The nutrient profile also established that the biological quality of protein for the vegetable protein product be at least 80 percent that of casein. The proposal continued the use of the Protein Efficiency Ratio (PER) assay as the basis for determining this protein quality, but also allowed consideration of exceptions to this method when adequately supported.

Nutrient Levels

Five commentors favored the nutrient levels established in the proposed rule. These commentors agreed that the use of these nutrient levels would maintain the nutritional value of meals served in the child nutrition programs. One commentor did note, however, that the nutrient profile is based on FDA's tentative final regulations and emphasized that these are subject to change.

Three commentors expressed opposition to the nutrient levels established in the proposed rule. These commentors believed that even if fortified a vegetable protein product cannot be evaluated as nutritionally equivalent to the whole food (meat, poultry, seafood) it is replacing based only on a quantification of known nutrients. They stated that meat contains unidentified nutrients for which recommended dietary allowances have not been determined.

The Department believes that the nutrient levels established in the proposed rule will reasonably ensure that vegetable protein products are nutritionally equivalent to the food they replace. Extensive analysis and comparison by FDA have shown that the proposed levels of vitamins and minerals for vegetable protein products closely approximates the final vitamin—mineral content of all meat products. In fact, levels have been established for some nutrients, such as zinc and copper,

that are not in FNS Notice 219. Additionally, any unidentified nutrients which may not be provided in the vegetable protein product itself, will be provided when the product is combined as required with the food it is replacing and served in combination with other components of the meal. Therefore, the proposed nutrient levels are being retained in the final rule. However, if any revisions should be made in the nutrient profile when FDA publishes a final rule, the Department will review such changes for suitability in meeting the needs of the child nutrition programs and amend the regulations as appropriate.

Bioavailability of Nutrients

Questions as to the nutritional soundness of using vegetable protein products in light of their impact on absorption of iron were raised by two commentors. One commentor cited studies which indicated that the addition of soy products reduced the bioavailability of iron in a meal.

In the proposal, the Department stated that the effect of certain factors present in soy products on the absorption of iron were taken into consideration in establishing the nutrient profile. However, at that time there was insufficient evidence to alter the level of this nutrient. It was also stated that the Department would continue to monitor research in this field. We now have available to us a report completed in June 1982 by the International Nutritional Anemia Consultative Group (INACC) which reports additional findings in this area. This report stated that, in general, it appears that there are certain factors present in soy products and other cereals and legumes that depress iron absorption. However, recent studies have shown that there are foods such as meat and/or ascorbic acid which enhance the percentage of iron absorbed from cereals and legumes. The report stated that the use of up to 30% soy substitution for several meals per week is justifiable if there are adequate amounts of meat, fish, poultry, and ascorbic acid in the diet. Since vegetable protein products are used in combination with meats, poultry or seafood in the child nutrition programs at or below the level recommended in the report, the Department intends to continue the use of vegetable protein products; however, it will continue to review studies in this area.

Biological Quality of Protein

Five commentors believed that a biological quality of protein for vegetable protein products of at least 80

percent that of casein was unnecessarily high. They stated that this 80 percent level would prevent utilization of soy isolates and products derived from peanuts. Additionally, in accordance with FDA's regulations, 21 CFR 172.320 (c) (2), amino acids may not be added to a vegetable protein product to raise the protein quality unless the quality is raised to a level equivalent to casein. Two alternatives were offered by these commentors. Three commentors recommended lowering the biological quality of protein to at least 60 percent that of casein. Two commentors recommended that the biological quality of protein in the total extended product be specified rather than that of the vegetable protein product itself.

The Department believes that the biological quality of protein for vegetable protein products of at least 80 percent that of casein should be maintained in the final rule. This is consistent with FDA's tentative final regulations. FDA received similar comments on their proposed regulations, but felt that lowering the 80 percent level or specifying the biological quality of protein on the total extended product in their tentative final regulations was not warranted. FDA's analysis and rationale supporting this position is presented in their tentative final regulations on pages 30484-30487 of the July 14, 1978, [Vol 43, No. 136] Federal Register. The Department concurs with the rationale presented by FDA on this issue and incorporates by reference the FDA justification.

One commentor did state that he recognized the limitations placed upon the Department in considering substantive changes that would be in conflict with FDA's tentative final regulations and would pursue this and other issues directly with them. If any changes concerning the biological quality of protein are made by FDA when they publish a final rule, the Department will reconsider this issue at that time.

Protein Efficiency Ratio (PER) Assay

Three commentors were in favor of allowing methods other than the PER assay to be used to determine protein quality. These commentors agreed that the PER assay is just a yardstick and PER, which is based on the growth response of a rat to the protein in the diet, is not a good indicator of the biological quality of the protein product for humans. One commentor, however, did qualify his support for use of other methods for determining protein quality. He believed that at this time all reference to the requirement of any PER value should be deleted until such time

as a well-recognized, acceptable procedure has been developed as an alternative to the PER assay. Work is currently being done in this area. He also stated that any tests or exceptions approved by the Food and Nutrition Service, unless generally available to all producers, would be discriminatory.

The Department recognizes that the scientific community is currently studying other methods for determining protein quality which would be acceptable alternatives to the PER assay. However, until work is completed in this area, a need exists for considering exceptions to the PER assay on an individual basis. Therefore, the final rule allows requests for exceptions to the PER assay to be considered by the Food and Nutrition Service for any producer of vegetable protein products when adequately supported.

2. Labeling. The proposed rule eliminated the requirement for manufacturers to apply for inclusion of their products on an approved list maintained by the Food and Nutrition Service. However, the proposal did require that vegetable protein products for use in the child nutrition programs as an alternate food be labeled, as other alternate foods, as meeting USDA-FNS requirements for such use. The proposal also recommended that information be provided on the percent protein contained in dry vegetable protein products labeled as specified above. It was also recommended that manufacturers provide information on how to hydrate and use vegetable protein product mixes.

The proposed rule also stated that a commercially prepared meat, poultry or seafood product combined with vegetable protein products may be used to meet all or part of the meat/meat alternate requirement if the product bears a label containing a statement that "this product contains vegetable protein product(s) which can be used to meet a portion of the meat/meat alternate requirement of the child nutrition programs."

Vegetable Protein Products and Mixes

Three commentors favored the elimination of the approval list for vegetable protein products and supported the labeling requirement. Only one commentor recommended that vegetable protein products continue to be monitored by the Food and Nutrition Service through the use of the approval list.

The recommendation that information be provided on the percent protein contained in a dry vegetable protein product was supported by three commentors. One of these commentors,

however, stated that this should be a requirement rather than a recommendation. The recommendation that manufacturers provide information on how to hydrate and use vegetable protein products mixes was supported by four commentors. Three of these commentors, however, stated that this information should be required on the label.

The Department believes that the labeling requirement for vegetable protein products eliminates the need to continue the monitoring of these products by the Food and Nutrition Service through an approval list. However, the Department does not believe that there is a need to require, rather than recommend, additional label information for vegetable protein products and vegetable protein product mixes. It is expected that manufacturers will comply with the Department's recommendations to provide information on the percent protein in a vegetable protein product and how to use and hydrate vegetable protein product mixes. Manufacturers are generally aware that such information is needed in order for purchasers to properly use their products. This view was supported by a commentor representing soy manufacturers, who stated that such information for usage is currently provided through labels or technical brochures and will continue to be provided.

Combination Products

Six comments were received on the label statement pertaining to commercially prepared meat, poultry, and seafood products containing vegetable protein products. All of these commentors expressed a need for clarification of what the statement is intended to designate. There was concern that the label statement might be accepted by local food service personnel as a claim that the product meets the meat/meat alternate requirement of the child nutrition meal pattern requirements, when in fact only a part of this requirement may be met. Three of the six commentors also expressed concern that the statement could be perceived by the Food Safety and Inspection Service of the U.S. Department of Agriculture (the agency responsible for labeling and inspection of meat and poultry products) as a child nutrition claim and would trigger a requirement that the product bear a statement on the label pertaining to its contribution toward meal pattern requirements. Two other commentors, however, did recommend that such

additional information be required on the label.

It is not the Department's intention, nor the authority of this rule, to require that a commercially prepared meat, poultry or seafood product containing vegetable protein products bear a statement on the label pertaining to its contribution toward child nutrition meal pattern requirements. Based on the comments received, the statement has been revised in the final rule. The statement now reads: "This item contains vegetable protein product(s) which is authorized as an alternate food in the child nutrition programs." Additional clarification is also presented in the final rule.

3. "Texture" of Vegetable Protein Products. FNS Notice 219 required vegetable protein products used in the child nutrition programs to have texture, that is, "structural integrity and identifiable texture such that each unit will withstand hydration and cooking and other procedures used in preparing the food for consumption." This requirement was eliminated in the proposed rule due to recent advances in the technology of vegetable protein products.

Five comments were received on the elimination of the texture requirement—four favored the elimination and one opposed it. The four commentors favoring the provision agreed that the elimination of the texture requirement would enable new forms of products to be considered for use in the child nutrition programs. Two of these four commentors, however, felt that requiring texture for products with less than 65 percent protein should be considered. They stated that the functional and organoleptic properties differ vastly between textured and non-textured products with less than 65 percent protein. One commentor also stated that the requirement that a vegetable protein product "resemble the product for which it substitutes" should also be eliminated, stating that this appears to be in conflict with the elimination of the texture requirement and would prohibit functional uses of vegetable protein products.

The commentor opposing the elimination of the texture requirement felt that texture needed to be required in order to ensure that the hydrated product resembles the physical characteristics of the major protein food it replaces.

The final rule will not require that vegetable protein products be textured as defined in FNS Notice 219. Other methods are, and may be, used to provide structure where appropriate. Additionally, it is believed that product

competition and acceptability will demand that a product be "texturized" where applicable. The elimination of the texture requirement, however, is not intended to be in conflict with the requirement that a vegetable protein product resemble the major protein food for which it substitutes. We believe that confusion on this provision resulted from the proposed rule inappropriately referencing functional uses such as binders as a basis for eliminating the texture requirement. FDA specifically excluded vegetable protein products used as functional ingredients such as binders in meat products from the "naming" and "nutrient" provisions of their tentative final regulations.

Vegetable protein products used in this manner do not resemble or substitute for a major protein food. FDA recognized these products as substituting for an ingredient such as a starch rather than the major protein food. In other words, the use of a vegetable protein product as a binder in a meat product does not result in the presence of a smaller amount of meat, poultry or seafood than is customarily expected or appears to be present in that food. Accordingly, vegetable protein products used strictly as functional ingredients and not resembling or substituting for meat, poultry or seafood can not be used to meet part of the meat/meat alternate requirement of the child nutrition programs.

4. Usage. The proposed rule allowed the use of vegetable protein products in the dry form (non-hydrated), partially hydrated as well as fully hydrated with meat, poultry, or seafood only when used to meet part of the meat/meat alternate component of the child nutrition meal pattern requirements. The proposal required that vegetable protein products used in this manner be prepared in combination with raw or cooked meat, poultry or seafood and resemble as well as substitute for one of these major protein foods. In this regard, the vegetable protein product is not allowed to meet part of the meat/meat alternate requirement when used in such items as pizza crust or breading on a meat, poultry or seafood product. In essence, a vegetable protein product used in this manner is substituting for a starch and not the major protein food. However, comments were requested on establishing a nutrient profile for breading containing vegetable protein products which would allow it to be used as an alternate food with meat, poultry or seafood for the purposes of the child nutrition programs.

The proposal also addressed the basis for determining the contribution toward meal pattern requirements of a product

containing meat, poultry or seafood and vegetable protein products. The Department proposed that in making this determination, the vegetable protein product be evaluated as having the same preparation yield applied to the major protein food with which it is combined.

Limiting Use of Vegetable Protein Products With Meat, Poultry or Seafood

Four commentors expressed some confusion as to what was meant by this requirement and requested clarification. These commentors perceived that this requirement could be interpreted as meaning that all other uses of vegetable protein products, even if not used to meet part of the meal pattern requirements, were precluded in the child nutrition programs. The requirement that vegetable protein products must be used with meat, poultry or seafood applies only to those products which are used to meet part of the meat/meat alternate component in the child nutrition programs. This does not preclude other uses of vegetable protein products in these programs. Vegetable protein products may be used for functional purposes in bread products or for other purposes deemed appropriate in any food served in the child nutrition programs. However, unless used in accordance with all requirements set forth in this final rule, they may not be used to meet part of the meat/meat alternate component. This has been clarified in the final rule.

Use of Vegetable Protein Products in the Dry Form, Partially Hydrated, and Fully Hydrated

Two commentors favored allowing vegetable protein products to be allowed in the dry form and partially hydrated as well as fully hydrated. They believed that this would provide for greater flexibility.

One commentor was opposed to allowing the use of vegetable protein products in the dry form, stating that this could easily lead to errors in usage. This commentor felt that untrained cooks could use more vegetable protein product than allowed.

The Department believes that flexibility in the use of vegetable protein products warrants allowing their use in the dry form, and partially hydrated as well as fully hydrated in the final rule. The Department recognizes, however, that allowing the use of vegetable protein products in the dry or partially hydrated form may present some problems in assuring proper usage. To provide additional training in this area, guidance materials will be prepared by

the Department. Additionally, it is expected that manufacturers will supply needed information on how to use their products through label instructions or brochures.

Use of Vegetable Protein Products as a Breeding

One commentator favored establishing a nutrient profile for breeding containing vegetable protein products to allow it to be used as an alternate food with meat, poultry or seafood to meet part of the meal pattern requirements. This commentator felt that this was a viable concept which is both nutritionally and economically sound.

Four commentators were strongly opposed to the use of vegetable protein products in this manner. One of these commentators stated that this would represent a step toward total fabrication of the food supply and would conflict with nutrition education principles. The Department believes that this issue warrants further consideration and will not take any action at this time.

Yield Factor for Vegetable Protein Products

This issue was addressed by two commentators. One commentator supported evaluating the vegetable protein product as having the same preparation yield as the product with which it is combined. The other commentator recognized the basis for this concept, but believed that this is an area which should remain under further study and consideration. This commentator felt that there should be a non-complex mechanism by which accurate, but greater, yields may be supported and adopted.

The method outlined in the proposed rule for evaluating the contribution of a product containing vegetable protein products toward meal pattern requirements will be retained in the final rule. This method is consistent with the Department's policy for determining the contribution toward meal pattern requirements of all meat/meat alternate products. Additionally, it is believed that this method will help assure that a product containing a vegetable protein product, as served (cooked), is nutritionally equivalent to a similar product formulated without the addition of such product. The Department does, however, continue to review and study yield data for meat/meat alternates and other food items served in the child nutrition programs and, when warranted, policy changes will be considered.

5. *Hydration.* The proposed rule allowed for the appropriate hydration of all forms of vegetable protein products by setting the protein quantity

requirements for a product "when hydrated or formulated." The proposal stated that a vegetable protein product shall contain at least 18 percent protein by weight when hydrated or formulated to be used to resemble and substitute for meat, poultry or seafood. This 18 percent level was adopted from FDA's tentative final regulations.

Eleven commentators addressed the hydration requirement. Ten of these commentators agreed that by setting the protein quantity requirements for a product when hydrated would allow for the appropriate use of all types of vegetable protein products. This concept was opposed by one commentator who stated that it would be confusing to local food service personnel in determining the appropriate hydration for vegetable protein products they use.

Seven of the eleven commentators specifically addressed the 18 percent protein level. Three of the seven commentators agreed that the 18 percent protein level was acceptable. However, two of these three commentators, felt that this level may be high relative to certain products used in the child nutrition programs, such as ground beef which contains 15 percent protein. They also stated that the 18 percent protein level may not be optimal for taste purposes.

Opposition to the 18 percent protein level was expressed by four of the seven commentators. Three of these four commentators recommended reducing the level of protein to 15 percent which is consistent with the protein level of many meat products. The fourth commentator recommended varying the level of protein required for the hydrated product commensurate with the type of product being produced.

The final rule retains the 18 percent protein level for hydrated vegetable protein products. This requirement is consistent with FDA's tentative final regulations which established this level of protein for the hydrated product based on the average percent protein provided by meat, poultry, and seafood. FDA indicated that this was the most appropriate method to use in view of other alternatives available. FDA's analysis and rationale supporting this position is presented in their tentative final regulations on pages 30481 and 30482 of the July 14, 1978, (Vol 43, No. 136) *Federal Register*. The Department has reviewed the rationale and findings presented by FDA on this issue and adopts their position as supported in their tentative final regulations. If any revisions should be made on the hydration requirement when FDA publishes a final rule, the Department will reconsider this issue at that time.

To assist users in implementing the hydration requirement, the Department will publish guidance materials. Manufacturers are also expected to provide users with information needed to properly hydrate their products.

6. *Allowable Levels of Substitution for Meat, Poultry, and Seafood.* The proposed rule states that a fully hydrated vegetable protein product shall not exceed 30 parts to 70 parts meat, poultry or seafood on an uncooked basis when used as an alternate food in the child nutrition programs.

Six commentators favored this provision, agreeing that the 30 percent maximum level of substitution was acceptable. Only one commentator expressed opposition to this provision, stating that rapidly advancing technology is expected to render the 30 percent maximum level of substitution too restrictive. The final rule will retain the 30 percent maximum level of substitution. First, the Department understands that this level is consistent with normal use. Second, at a level greater than 30 percent, FDA makes a distinction on nutritional requirements for protein quality; that is, vegetable protein products used at levels greater than 30 percent must have a biological quality of protein of 100 percent that of casein. Additionally, studies have indicated a distinction between bioavailability of iron in products containing vegetable protein products at the 30 percent level and those above this level.

Other Comments

A few commentators expressed concern that the proposed rule would significantly reduce the use of meat in the child nutrition programs. As was stated previously, the proposed rule did not expand the amount of vegetable protein product allowed to substitute for meat beyond the 30 percent maximum level of substitution currently allowed. This level is being retained in the final rule. The intent of the proposal was to allow greater flexibility in the use of improved vegetable protein products; thus, improving the acceptability of meat products that contain vegetable protein products.

Some commentators recommended clarification of specific terms and sections presented in the proposed rule which they felt caused some confusion. One commentator recommended that applicable sections of FDA's tentative final regulations adopted in the proposed rule be specifically referenced by the actual numerical number used by FDA. Other comments were received recommending that specific terminology

used in the proposed rule including the use of the terms substitute and dry vegetable protein product be more clearly defined. In response to these and other comments addressed previously, minor revisions have been made in the final rule for clarification only; the content has not been changed. The Department will provide additional clarification of the provisions set forth in the final rule through guidance materials.

List of Subjects

7 CFR Part 210

Food assistance programs, National School Lunch Program, Grant programs—Social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 225

Food assistance programs, Grant programs—Health, Infants and children, Reporting requirements.

7 CFR Part 226

Day care, Food assistance programs, Grant programs—Health, Infants and children, Surplus agricultural commodities.

PART 210—[AMENDED]

Accordingly, a new section, Vegetable Protein Products, is added to Appendix A of 7 CFR Part 210 to read as follows:

Appendix A: Alternate Foods for Meals

Vegetable Protein Products

1. Schools, institutions, and service institutions may use a vegetable protein product, defined in paragraph 2, as a food component meeting the meal requirements specified in § 210.10, § 225.10 or § 226.21 under the following terms and conditions:

(a) The vegetable protein product must be prepared in combination with raw or cooked meat, poultry or seafood and shall resemble as well as substitute, in part, for one of these major protein foods. Substitute refers to a vegetable protein product whose presence in another food results in the presence of a smaller amount of meat, poultry or seafood than is customarily expected or than appears to be present in that food. Examples of items in which a vegetable protein product may be used include, but are not limited to, beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad.

(b) Vegetable protein products may be used in the dry form (nonhydrated), partially hydrated or fully hydrated form in combination with meat, poultry or seafood. The moisture content of the fully hydrated vegetable protein product shall be such that the mixture will have a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form

(based on the level that would be provided if the product were fully hydrated).

(c) The quantity, by weight, of the fully hydrated vegetable protein product must not exceed 30 parts to 70 parts meat, poultry or seafood on an uncooked basis. The quantity by weight of the dry or partially hydrated vegetable protein product must not exceed a level equivalent to the amount (dry weight) used in the fully hydrated product at the 30 percent level of substitution. The dry or partially hydrated product's replacement of meat, poultry or seafood will be based on the level of substitution it would provide if it were fully hydrated.

(d) A vegetable protein product may be used to satisfy the meat/meat alternate requirement when combined with meat, poultry or seafood and when it meets the other requirements of this section. The combination of the vegetable protein product and meat, poultry or seafood may meet all or part of the meat/meat alternate requirement specified in §§ 210.10, 225.10 or 226.21.

(e) The contribution vegetable protein products make toward the meat/meat alternate requirement specified in §§ 210.10, 225.10, 226.21 shall be determined on the basis of the preparation yield of the meat, poultry or seafood with which it is combined. When computing the preparation yield of a product containing meat, poultry or seafood and vegetable protein product, the vegetable protein product shall be evaluated as having the same preparation yield that is applied to the meat, poultry or seafood it replaces.

(f) When vegetable protein products are served in a meal with other alternate foods authorized in Appendix A, each individual alternate food shall be used as specifically directed.

2. A vegetable protein product to be used to resemble and substitute, in part, for meat, poultry or seafood, as specified in paragraph 1 must meet the following criteria:

(a) The vegetable protein product (substitute food) shall contain one or more vegetable protein products which are defined as follows:

(1) Vegetable (plant) protein products are foods which are processed so that some portion of the nonprotein constituents of the vegetable is removed. These vegetable protein products are safe and suitable edible products produced from vegetable (plant) sources including, but not limited to, soybeans, peanuts, wheat, and corn.

(b) The types of vegetable protein products described in paragraph 2(a)(1) above shall include flour, concentrate, and isolate as defined below:

(1) When a product contains less than 65 percent protein by weight calculated on a moisture-free basis excluding added flavors, colors, or other added substances it is a "flour", the blank is to be filled with the name of the source of the protein, e.g., "soy" or "peanut".

(2) When a product contains 65 percent or more but less than 90 percent protein by weight calculated on a moisture-free basis excluding added flavors, colors, or other added substances, it is a "protein concentrate", the blank to be filled with the name of the source of the protein, e.g., "soy" or "peanut".

(3) When a product contains 90 percent or more protein by weight calculated on a moisture-free basis excluding added flavors, colors or other added substances, it is a "protein isolate" or "isolated protein," the blank to be filled in with the name of the source of the protein, e.g., "soy" or "peanut".

(c) Compliance with the moisture and protein provisions of paragraph 2(b)(1)(2) and (3) above shall be determined by the appropriate methods described in "Official Methods of Analysis of the Association of Official Analytical Chemists" (latest edition).

(d) Vegetable protein products which are used to resemble and substitute, in part, for meat, poultry or seafood shall be labeled in conformance with applicable sections of 102.76, tentative final regulations published by the Food and Drug Administration in the Federal Register of July 14, 1978 (43 FR 30472). Adopted for the purpose of this regulation are the following:

(1) The common or usual names for a vegetable protein product used to resemble and substitute, in part, for meat, poultry or seafood shall include the term "vegetable protein product" and may include the term "textured" or "texturized" and/or a term e.g., "granules," when such term is appropriate. The term "plant" may be used in the name in lieu of the term "vegetable."

(2) The vegetable protein products used as ingredients in the substitute food shall be listed by source (e.g., soy or peanut) and product type (i.e., flour, concentrate, isolate) in the ingredient statement of the label. Product type(s) listed shall comply with the appropriate definition(s) set forth in paragraph 2(b)(1)(2) and (3), and may include a term which accurately describes the physical form of the product, e.g., "granules" when such term is appropriate.

(e) Vegetable protein products which are used to resemble and substitute, in part, for meat, poultry or seafood shall meet the following nutritional specifications adopted from § 102.76(f)(1)(ii)(a)(b) tentative final regulations, published by the Food and Drug Administration in the Federal Register of July 14, 1978 (43 FR 30472).

(1) The biological quality of the protein in the vegetable protein product shall be at least 80 percent that of casein, determined by performing a Protein Efficiency Ratio (PER) assay or unless FNS grants an exception by approving an alternate test.

(2) The vegetable protein product shall contain at least 18 percent protein by weight when hydrated or formulated to be used in combination with meat, poultry or seafood. ("When hydrated or formulated" refers to a dry vegetable protein product and the amount of water, fat or oil, colors, flavors or any other substances which have been added in order to make the resultant mixture resemble the meat, poultry or seafood).

(3) The vegetable protein product must contain the following levels of nutrients per gram of protein:

Nutrient	Amount
Vitamin A (IU)	13
Thiamine (milligrams)	0.02
Riboflavin (milligrams)	.01

Nutrient	Amount
Niacin (milligrams)	.3
Pantothenic acid (milligrams)	.04
Vitamin B ₆ (milligrams)	.02
Vitamin B ₁₂ (micrograms)	.1
Iron (milligrams)	15
Magnesium (milligrams)	1.15
Zinc (milligrams)	.5
Copper (micrograms)	24
Potassium (milligrams)	17

(4) Compliance with the nutrient provisions set forth in paragraph 2(e)(1) (2) and (3) above shall be determined by the appropriate methods described in "Official Methods of Analysis of the Association of Official Analytical Chemists" (latest edition).

(f) Vegetable protein products to be used in the child nutrition programs to resemble and substitute, in part, for meat, poultry or seafood that comply with the labeling and nutritional specifications set forth in paragraph 2(d) (1) and (2) and paragraph 2(e)(1) (2) and (3) shall bear a label containing the following statement: "This product meets USDA-FNS requirements for use in meeting a portion of the meat/meat alternate requirement of the child nutrition programs." This statement shall appear on the principal display panel area of the package.

(g) It is recommended that for vegetable protein products to be used to resemble and substitute, in part, for meat, poultry or seafood and labeled as specified in paragraph 2(f) above, manufacturers provide information on the percent protein contained in the dry vegetable protein product (on an as is basis).

(h) It is recommended that for a vegetable protein product mix, manufacturers provide information on (1) the amount by weight of dry vegetable protein product in the package, (2) hydration instructions, and (3) instructions on how to combine the mix with meat, poultry or seafood. A vegetable protein product mix is defined as a dry product containing vegetable protein products that comply with the labeling and nutritional specifications set forth in paragraphs 2(d) (1) and (2) and paragraph 2(e)(1) (2) and (3) along with substantial levels (more than 5 percent) of seasonings, bread crumbs, flavorings, etc.

3. Schools, institutions, and service institutions may use a commercially prepared meat, poultry or seafood product combined with vegetable protein products to meet all or part of the meat/meat alternate requirement specified in §§ 210.10, 225.10 or 226.21 if the product bears a label containing the statement: "This item contains vegetable protein product(s) which is authorized as an alternate food in the child nutrition programs." (outlined in paragraph 2 above). This would designate that the vegetable protein product used in the formulation of the meat, poultry or seafood item complies with the naming and nutritional specifications set forth in paragraph 2 above. The presence of this label does not insure the proper level of hydration, ratio of substitution nor the contribution that the product makes toward meal pattern requirements for the child nutrition programs.

A new Appendix A is added to Parts 225 and 226 to read as follows:

Appendix A: Alternate Foods for Meals

Vegetable Protein Products

1. Schools, institutions, and service institutions may use a vegetable protein product, defined in paragraph 2, as a food component meeting the meal requirements specified in § 210.10, § 225.10 or § 226.21 under the following terms and conditions:

(a) The vegetable protein product must be prepared in combination with raw or cooked meat, poultry or seafood and shall resemble as well as substitute, in part, for one of these major protein foods. Substitute, refers to a vegetable protein product whose presence in another food results in the presence of a smaller amount of meat, poultry or seafood than is customarily expected or than appears to be present in that food. Examples of items in which a vegetable protein product may be used include, but are not limited to, beef patties, beef crumbles, pizza topping, meat loaf, meat sauce, taco filling, burritos, and tuna salad.

(b) Vegetable protein products may be used in the dry form (nonhydrated), partially hydrated or fully hydrated form in combination with meat, poultry or seafood. The moisture content of the fully hydrated vegetable protein product shall be such that the mixture will have a minimum of 18 percent protein by weight or equivalent amount for the dry or partially hydrated form (based on the level that would be provided if the product were fully hydrated).

(c) The quantity, by weight, of the fully hydrated vegetable protein product must not exceed 30 parts to 70 parts meat, poultry or seafood on an uncooked basis. The quantity by weight of the dry or partially hydrated vegetable protein product must not exceed a level equivalent to the amount (dry weight) used in the fully hydrated product at the 30 percent level of substitution. The dry or partially hydrated product's replacement of meat, poultry or seafood will be based on the level of substitution it would provide if it were fully hydrated.

(d) A vegetable protein product may be used to satisfy the meat/meat alternate requirement when combined with meat, poultry or seafood and when it meets the other requirements of this section. The combination of the vegetable protein product and meat, poultry or seafood may meet all or part of the meat/meat alternate requirement specified in §§ 210.10, 225.10 or 226.21.

(e) The contribution vegetable protein products make toward the meat/meat alternate requirement specified in §§ 210.10, 225.10, 226.21 shall be determined on the basis of the preparation yield of the meat, poultry or seafood with which it is combined. When computing the preparation yield of a product containing meat, poultry or seafood and vegetable protein product, the vegetable protein product shall be evaluated as having the same preparation yield that is applied to the meat, poultry or seafood it replaces.

(f) When vegetable protein products are served in a meal with other alternate foods authorized in Appendix A, each individual alternate food shall be used as specifically directed.

2. A vegetable protein product to be used to resemble and substitute, in part, for meat,

poultry or seafood, as specified in paragraph 1 must meet the following criteria:

(a) The vegetable protein product (substitute food) shall contain one or more vegetable protein products which are defined as follows:

(1) Vegetable (plant) protein products are foods which are processed so that some portion of the nonprotein constituents of the vegetable is removed. These vegetable protein products are safe and suitable edible products produced from vegetable (plant) sources including, but not limited to, soybeans, peanuts, wheat, and corn.

(b) The types of vegetable protein products described in paragraph 2(a)(1) above shall include flour, concentrate, and isolate as defined below:

(1) When a product contains less than 65 percent protein by weight calculated on a moisture-free basis excluding added flavors, colors, or other added substances it is a "flour", the blank is to be filled with the name of the source of the protein, e.g., "soy" or "peanut".

(2) When a product contains 65 percent or more but less than 90 percent protein by weight calculated on a moisture-free basis excluding added flavors, colors, or other added substances, it is a "protein concentrate", the blank to be filled with the name of the source of the protein, e.g., "soy" or "peanut".

(3) When a product contains 90 percent or more protein by weight calculated on a moisture-free basis excluding added flavors, colors or other added substances, it is a "protein isolate" or "isolated protein," the blank to be filled in with the name of the source of the protein, e.g., "soy" or "peanut."

(c) Compliance with the moisture and protein provisions of paragraph 2(b)(1)(2) and (3) above shall be determined by the appropriate methods described in "Official Methods of Analysis of the Association of Official Analytical Chemists" (latest edition).

(d) Vegetable protein products which are used to resemble and substitute, in part, for meat, poultry or seafood shall be labeled in conformance with applicable sections of § 102.76, tentative final regulations published by the Food and Drug Administration in the Federal Register of July 14, 1978 (43 FR 30472). Adopted for the purpose of this regulation are the following:

(1) The common or usual names for a vegetable protein product used to resemble and substitute, in part, for meat, poultry or seafood shall include the term "vegetable protein product" and may include the term "textured" or "texturized" and/or a term e.g., "granules," when such term is appropriate. The term "plant" may be used in the name in lieu of the term "vegetable."

(2) The vegetable protein products used as ingredients in the substitute food shall be listed by source (e.g., soy or peanut) and product type (i.e., flour, concentrate, isolate) in the ingredient statement of the label. Product type(s) listed shall comply with the appropriate definition(s) set forth in paragraph 2 (b)(1)(2) and (3), may include a term which accurately describes the physical form of the product, e.g., "granules" when such term is appropriate.

(e) Vegetable protein products which are used to resemble and substitute, in part, for meat, poultry or seafood shall meet the following nutritional specifications adopted from § 102.76 (f)(1)(ii)(a)(b) tentative final regulations, published by the Food and Drug Administration in the Federal Register of July 14, 1978 (43 FR 30472).

(1) The biological quality of the protein in the vegetable protein product shall be at least 80 percent that of casein, determined by performing a Protein Efficiency Ratio (PER) assay or unless FNS grants an exception by approving an alternate test.

(2) The vegetable protein product shall contain at least 18 percent protein by weight when hydrated or formulated to be used in combination with meat, poultry or seafood. ("When hydrated or formulated" refers to a dry vegetable protein product and the amount of water, fat or oil, colors, flavors or any other substances which have been added in order to make the resultant mixture resemble that meat, poultry or seafood).

(3) The vegetable protein product must contain the following levels of nutrients per gram of protein:

Nutrient	Amount
Vitamin A (IU)	13
Thiamine (milligrams)	0.02
Riboflavin (milligrams)	.01
Niacin (milligrams)	.3
Pantothenic acid (milligrams)	.4
Vitamin B ₆ (milligrams)	.02
Vitamin B ₁₂ (micrograms)	1
Iron (milligrams)	.15
Magnesium (milligrams)	1.15
Zinc (milligrams)	.5
Copper (micrograms)	24
Potassium (milligram)	17

(4) Compliance with the nutrient provisions set forth in paragraph 2(e)(1) (2) and (3) above shall be determined by the appropriate methods described in "Official Methods of Analysis of the Association of Official Analytical Chemists" (latest edition).

(f) Vegetable protein products to be used in the child nutrition programs to resemble and substitute, in part, for meat, poultry or seafood that comply with the labeling and nutritional specifications set forth in paragraph 2(d) (1) and (2) and paragraph 2(e)(1) (2) and (3) shall bear a label containing the following statement: "This product meets USDA-FNS requirements for use in meeting a portion of the meat/meat alternate requirement of the child nutrition programs." This statement shall appear on the principal display panel area of the package.

(g) It is recommended that for vegetable protein products to be used to resemble and substitute, in part, for meat, poultry or seafood and labeled as specified in paragraph 2(f) above, manufacturers provide information on the percent protein contained in the dry vegetable protein product (on an as is basis).

(h) It is recommended that for a vegetable protein product mix, manufacturers provide information on (1) the amount by weight of dry vegetable protein product in the package, (2) hydration instructions, and (3) instructions on how to combine the mix with meat,

poultry or seafood. A vegetable protein product mix is defined as a dry product containing vegetable protein products that comply with the labeling and nutritional specifications set forth in paragraphs 2(d) (1) and (2) and paragraph 2(e) (1) (2) and (3) along with substantial levels (more than 5 percent) of seasonings, bread crumbs, flavorings, etc.

3. Schools, institutions, and service institutions may use a commercially prepared meat, poultry or seafood product combined with vegetable protein products to meet all or part of the meat/meat alternate requirement specified in §§ 210.10, 225.10 or 226.21 if the product bears a label containing the statement: "This item contains vegetable protein product(s) which is authorized as an alternate food in the child nutrition programs." (outlined in paragraph 2 above). This would designate that the vegetable protein product used in the formulation of the meat, poultry or seafood item complies with the naming and nutritional specifications set forth in paragraph 2 above. The presence of this label does not insure the proper level of hydration, ratio of substitution nor the contribution that the product makes toward meal pattern requirements for the child nutrition programs.

(National School Lunch Act Sections 9, 13, 17, 42; U.S.C. 1758, 1761, 1766; 7 CFR 210.10, 225.10, 226.21)

Dated: January 3, 1983.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

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BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 393]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period January 9 through January 15, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: January 9, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and

Executive Order 12291, and has been designated a "non-major" 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. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on January 4, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.693 is added as follows:

§ 910.693 Lemon regulation 393.

The quantity of lemons grown in California and Arizona which may be handled during the period January 9, 1983, through January 15, 1983, is established at 215,000 cartons.

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

Dated: January 5, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-691 Filed 1-6-83; 12:45pm]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service**9 CFR Part 92**

[Docket No. 82-106]

Horses From South and Central America

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the import regulations by requiring that horses intended for importation from South America or Central America or that have transited South America or Central America within 7 days immediately preceding importation into the United States be quarantined at the New York Animal Import Center (NYAIC), Newburgh, New York, the Miami Animal Import Center, Miami, Florida, or the Hawaii Animal Import Center, Honolulu, Hawaii. This document prohibits the use of quarantine facilities provided by the importer for such horses. This action is necessary because Venezuelan equine encephalitis occurs in all countries of South and Central America and horses from these countries present a potential source for introducing this disease into the United States. The intended effect of this action is to decrease the probability of the introduction of Venezuelan equine encephalitis into the United States by amending the regulations to restrict the quarantine of such horses to quarantine facilities maintained by Veterinary Services.

DATES: Effective date: January 3, 1983. Written comments must be received on or before March 7, 1983.

ADDRESS: Written comments should be submitted to the Deputy Administrator, VS, APHIS, USDA, Room 728, Federal

Building, 6505 Belcrest Road, Hyattsville, MD 20782

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, Room 728, Hyattsville, MD, 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 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Dr. M. P. Dulin, Import/Export Staff, VS, APHIS, USDA, Room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:**Executive Order 12291 and Emergency Action**

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been determined to be not a "major rule." The Department has determined that this action will not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impractical for the Agency to follow the procedures in Executive Order 12291 with respect to this action.

Dr. George P. Pierson, Acting Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule because of the danger of the introduction of Venezuelan equine encephalitis into the United States from horses which are from South America or Central America within 7 days immediately preceding importation into the United States.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action are impractical and contrary to the public interest; and good cause is found for making this emergency action

effective less than 30 days after publication of this document in the Federal Register. Comments are being solicited for 60 days after publication of this document, and this emergency action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

Certification Under the 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. In the past three years, approximately 18 shipments of horses totaling approximately 179 horses have been imported from South and Central American Countries into the United States through quarantine facilities provided by importers. Therefore, this emergency action will not have a significant economic impact on a substantial number of small entities.

Alternatives Considered

The following alternatives were considered in making this decision:

1. Continue to permit horses imported from any part of the world, except horses from or which have transited any country in which African horsesickness is declared to exist, to be quarantined in quarantine facilities provided by the importer which have received prior approval of the Deputy Administrator, Veterinary Services.

2. Amend the regulations to require that horses from South America or Central America or horses that have transited South America or Central America within 7 days preceding their importation be quarantined at quarantine facilities maintained by Veterinary Services located at Newburgh, New York; Miami, Florida; and Honolulu, Hawaii.

Alternative No. 1 is not adopted because of the danger of the spread of Venezuelan equine encephalitis from quarantine facilities over which this Department does not have complete control and responsibility.

Alternative No. 2 is adopted because horses which are from South or Central America or which have transited South America or Central America within 7

days preceding their importation, can be quarantined at quarantine facilities maintained by Veterinary Services without a significant risk of introducing Venezuelan equine encephalitis into the United States.

Background

The regulations in § 92.11(d)(2) provide that horses presented for entry into the United States at any additional port for horses as provided in § 92.3(g) shall be quarantined in facilities provided by the importer and approved by the Deputy Administrator, Veterinary Services. However, the Department has reconsidered its previous position regarding the quarantine of horses which are from South America or Central America or have transited South America or Central America within 7 days of their importation into the United States, because of the existence of Venezuelan equine encephalitis in these countries. The Department does not believe that the security and biological safeguards at a quarantine facility provided by the importer is equal to the conditions at quarantine facilities maintained by Veterinary Services at Newburgh, New York; Miami, Florida; or Honolulu, Hawaii.

Further, the owners of horses in quarantine often want to take the horses outside the quarantine barn before the 7-day quarantine has been completed. This Department is unable to continually monitor quarantine facilities provided by importers to assure that owners of horses will not remove the horses from the barn prematurely due to their desire to keep the horses in training. The Department's regulations prohibit such removal and provide procedures for withdrawal of approval from such facilities if horses are removed from quarantine prior to the completion of the 7-day quarantine. This sanction is not sufficient to prevent the introduction of Venezuelan equine encephalitis into the United States. Therefore, the regulations are amended to prohibit the importation of horses which are from South America or Central America or which have transited South America or Central America within 7 days of their importation through quarantine facilities provided by importers. Horses which become infected with Venezuelan equine encephalitis exhibit clinical symptoms within 7 days of infection and can be detected. Therefore, infected horses imported into the United States which transited South America or Central America prior to 7 days immediately preceding importation would be detected upon entry into the United States, and it is not necessary to

restrict the importation of such horses to quarantine facilities maintained by Veterinary Services.

Present § 92.3(a) designates New York, New York, Miami, Florida, Los Angeles and San Francisco, California, and Honolulu, Hawaii, as ports having inspection and quarantine facilities necessary for quarantine stations and requires that all animals enter through said stations, except as otherwise provided in the regulations. This document amends § 92.3(a) to limit the importation of horses which are from South America or Central America or which have transited South America or Central America within 7 days of the importation to Newburgh, New York, Miami, Florida, and Honolulu, Hawaii. This amendment is necessary because, as stated above, these are the only places at which there are located quarantine stations maintained by Veterinary Services with the security and biological safeguards necessary to prevent the introduction of Venezuelan equine encephalitis into the United States.

Present § 92.3(g) allows the importation of horses, except those from or which have transited any country where African horsesickness is declared to exist, through any additional port designated as an international port or airport by the United States Customs Service provided that certain specified provisions of the regulations are met. This document amends § 92.3(g) of the regulations to prohibit the importation of horses which are from South America or Central America or which have transited South America or Central America within 7 days of the importation through such additional ports. This amendment is necessary to ensure that such horses are imported through quarantine stations maintained by Veterinary Services.

In § 92.11, paragraphs (d)(1)(iii), and (d)(1)(iv) are renumbered (d)(1)(iv), and (d)(1)(v), respectively, and a new paragraph (d)(1)(iii) is added to provide that horses from South America or Central America or that have transited any country in South America or Central America within 7 days preceding importation shall be quarantined for 7 days at Newburgh, New York, Miami, Florida, or Honolulu, Hawaii.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and 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 92.3 (a) and (g) is revised to read:

§ 92.3 Ports designated for the importation of animals.

(a) *Air and ocean ports.* (1) The following ports have inspection and quarantine facilities necessary for quarantine stations and all animals, except horses which are from South America or Central America or which have transited South America or Central America within 7 days immediately preceding the importation, shall be entered through said stations, except as provided in paragraphs (b), (c), (d), (e), and (g) of this section, §§ 92.11(d) and 92.24: Newburgh, New York; Miami, Florida; Los Angeles and San Francisco, California; and Honolulu, Hawaii.

(2) Newburgh, New York; Miami, Florida; and Honolulu, Hawaii, are designated as quarantine stations for the entry of horses which are from South America or Central America or which have transited South America or Central America within 7 days immediately preceding importation into the United States.

(g) *Additional ports for horses.* In addition to other ports designated for the importation of animals in this section, horses from any part of the world, except: (i) Horses from or which have transited any country in South America or Central America within 7 days immediately preceding importation into the United States and (ii) horses from or which have transited any country in which African horsesickness is declared to exist, * may be entered into the United States at any port designated as an international port or airport by the U.S. Customs Service provided that applicable provisions of §§ 92.2(i), 92.8(a), 92.11(d), and 92.17 are met.

3. In § 92.11, paragraphs (d)(1)(iii) and (d)(1)(iv) are renumbered (d)(1)(iv) and (d)(1)(v), respectively, and a new paragraph (d)(1)(iii) is added to read:

§ 92.11 Quarantine requirements.

(d) * * *
(1) * * *

(iii) Horses intended for importation from South America or Central America, or that have transited any country in South America or Central America, within 7 days immediately preceding importation, shall be quarantined for 7 days at a quarantine facility operated and maintained by Veterinary Services.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, and 11, 78 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134c, and 134f); 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 3rd day of January 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-309 Filed 1-4-83; 11:20 am]

BILLING CODE 3410-34-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 221 and 296

[Order 82-12-24]

Tariffs and Indirect Air Transportation of Property; Waiver of Certain Rules for Indirect Cargo Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of rule by Order 82-12-24.

SUMMARY: The CAB is waiving provisions of its rules to the extent necessary to permit indirect cargo air carriers to participate in joint tariffs filed by direct air carriers and direct foreign air carriers for the foreign air transportation of cargo, with certain conditions. In response to a request by Emery Air Freight the Board takes this action to provide greater operating flexibility for indirect and direct carriers and to continue its policy of removing itself from the regulation of cargo pricing practices.

DATES:

Adopted: December 9, 1982.

Effective: December 9, 1982, however this order may be amended at any time at the Board's discretion without hearing.

FOR FURTHER INFORMATION CONTACT:

Lawrence Myers, Office of the General Counsel, Pricing & Entry Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20420; (202) 673-5205.

SUPPLEMENTARY INFORMATION: The Board is granting a waiver from the provisions of Part 296 of its Economic Regulations, 14 CFR Part 296, which prevent U.S. airfreight forwarders and cooperative shippers associations ("indirect cargo air carriers") from participating in through cargo service on

an "interline" basis with direct carriers. The principal relief granted would permit indirect carriers such as Emery to participate in through joint tariffs, published where required by law, as if they were direct carriers, and to divide the revenues with their interline partners pursuant to unfiled prorate agreements. The Board's regulations prohibit the division of primary transportation responsibility inherent in direct/indirect carrier interlining and also prohibit indirect cargo air carriers from filing or participating in any tariffs. The waiver is subject to the conditions that the shipper be provided actual advance notice that the shipment will be interlined and that the shipment not be consolidated by the indirect carrier for rating purposes. As in the case of direct carrier interlining, the arrangements permitted by the Board's action are not accorded antitrust immunity. The Board takes this action to provide greater operating flexibility for indirect and direct carriers and to continue its policy of removing itself from the regulation of cargo pricing practices.

By the Civil Aeronautics Board: December 9, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-496 Filed 1-6-83; 9:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 21117-232]

Reformat of the Commodity Control List

Correction

In FR Doc. 82-34908 beginning on page 58122 in the issue of Wednesday, December 29, 1982 some material was inadvertently omitted. On page 58135, at the bottom of the first column, preceding paragraph (a) add the following material:

3261A Neutron generator systems, including tubes, designed for operation without an external vacuum system, and utilizing electrostatic acceleration to induce a tritium-deuterium nuclear reaction; and specially designed parts therefor.

Controls for ECCN 3261A

Unit: Report systems and tubes in "number"; parts and accessories in "\$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV \$ Value Limit: \$0 for all destinations.

Processing Code: EE.

Reason for Control: National security, nuclear non-proliferation.

Special Licenses Available: None.

Advisory Notes: 1. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of neutron generator systems, including tubes, as defined in ECCN 3261A.

2. Licenses are likely to be approved for export to satisfactory end-users in Country Groups PQSWY of tubes and systems whose technical specifications are essentially the same as those for previously approved exports, provided that they are for civil uses.

4261B Particle accelerators having all of the specifications described in the List below.

Controls for ECCN 4261B

Unit: Report in "number"; parts and accessories in "\$ value."

Validated License Required: Country Groups PQSTVWYZ.

GLV \$ Value Limit: \$500 for Country Groups T and V; \$0 for all other destinations.

Processing Code: EE.

Special Licenses Available: None.

List of Specifications for Particle Accelerators Controlled by ECCN 4261B

BILLING CODE 1505-01-M

15 CFR Part 399

[Docket No. 21223-258]

Clarification of Commodity Interpretation 29 of Supp. No. 1 to § 399.2, General Industrial Equipment

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule

SUMMARY: This rule makes one clarification of the change in controls on the U.S.S.R. and Poland published in the Federal Register on November 18, 1982. The definition of "seismograph thumper mounted trucks" in Interpretation 29 of Supp. No. 1 to section 399.2 is clarified to read "seismograph thumper/vibrator mounted trucks."

DATE: Effective January 7, 1983.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-4811).

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. This rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act by section 13(a) of the Export Administration Act of 1979 (Pub. L. 97-72, 50 U.S.C. app. 2401 *et seq.*). This rule does not impose new controls on exports, and it is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in CFR Part 399

Exports.

PART 399—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Part 368, *et seq.*) are amended as follows:

§ 399.2 [Amended]

Commodity Interpretation 29: General Industrial Equipment, of Supplement No. 1 to § 399.2, is amended by revising the listing "Special purpose vehicles, n.e.s." to read: Special purpose vehicles, n.e.s., non-military, *e.g.* cement mixers, street and airfield cleaning equipment, asphalt mixers, mine shuttle vehicles, trucks with derrick assemblies, and similar equipment mounted integral to the truck frame, seismograph thumper/vibrator mounted trucks and oil/gas well drilling rigs.¹

(Secs. 4, 6, 13, 15, 16, and 21, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended; E.O. No. 12002 (42 FR 35623, July 11, 1977); and E.O. No. 12214 (45 FR 29783, May 8, 1980))

Dated: December 22, 1982.

John K. Boidock,
Director, Office of Export Administration.

[FR Doc. 83-465 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3, 4, 15, 16, 18, 21, 32, 33, 145, 147, 155, 170 and 180

Domestic Exchange-Traded Commodity Options; Expansion of Pilot Program To Include Options on Physicals**Correction**

In FR Doc. 82-34538 beginning on page 56996 in the issue of Wednesday, December 22, 1982, make the following changes:

1. On page 57007, the third column, the paragraph designated "(D)", the ninth line, the word "the" should be removed.

2. On page 57017, the third column, the paragraph designated "(c)", the seventeenth line, the word "officer" should read "offer".

3. On page 57018, the third column, the thirty-seventh line, the word "or" should read "of".

4. On page 57019, the first and second columns, the paragraphs designated "(2)", "(3)", "(5)" and "(6)", the italicized material immediately following the numbers should be capitalized.

5. On the same page, the second column, the paragraph designated "(7)", the italicized material immediately following the number and before "(i)" should be capitalized.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

18 CFR Parts 1, 1b, 2, 3, 3a, 4, 12, 16, 25, 32, 33, 34, 35, 41, 45, 131, 152, 153, 154, 156, 157, 158, 250, 270, 271, 275, 281, 282, 284, 286, 292, 375, 385, and 388

[Docket No. RM78-22-000]

Revision of Rules of Practice and Procedure To Expedite Trial-Type Hearings; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document makes corrections to: (1) The final rule revising the Commission's Rules of Practice and Procedure that was published on May 3, 1982 (47 FR 19014), and (2) corrections of the final rule that were published on August 18, 1982 (47 FR 35952). This action is necessary to correct certain typographical, cross-reference, and editorial errors.

FOR FURTHER INFORMATION CONTACT:

Fredric D. Chanania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D. C. 20426, (202) 357-8033.

Kenneth F. Plumb,
Secretary.

A. The following corrections are made in FR Doc. 82-11675 appearing on 19014 in the issue of May 3, 1982:

1. On page 19022, in § 1.101(c), "means" is corrected to read "mean".

2. On page 19057, in § 157.10, "§ 385.209" is corrected to read "§ 385.211".

3. On page 19058, in § 375.307(g), "§ 385.214" is corrected to read "§ 385.216".

4. On page 19026, column three, in § 385.214(b), the last subparagraph, which is erroneously designated as subparagraph "(2)" is redesignated as subparagraph "(3)".

5. On page 19026, in § 385.213(d)(2) (i) and (ii) add "notice of" after the word "if", so that both introductory clauses begin "If notice of the pleading . . .".

6. On page 19028, in § 385.504(b)(14)(iii), "appropriate" is corrected to read "appropriate".

7. On page 19042, in § 385.1110(c), the last six words "grant on denial of that adjustment" are corrected to read "grant or denial of that adjustment".

8. On page 19046, in § 385.1902, open and closed parentheses are inserted respectively in lieu of the first and fourth commas; thus, the first sentence, as corrected, reads as follows: "Any staff action (other than a decision or ruling of a presiding officer, as defined in Rule 102(e)(1), made in a proceeding set for hearing under Subpart E of this part) taken pursuant to authority delegated to the staff by the Commission that would be final, but for the provisions of this section, may be appealed to the Commission by a party."

9. On page 19049, in § 385.2006, paragraphs (1) and (2) are redesignated as paragraphs (a) and (b) respectively.

10. On page 19052, in § 388.101, the last paragraph, which now is erroneously designated as paragraph "(b)", is redesignated as paragraph "(f)".

11. On page 19053, in § 388.105(a)(15)(iii), a second closed parentheses is added after "(other than 5 U.S.C. 552(b))" and before the following comma.

12. On page 19054, in § 388.108, third line, the word "for" that precedes "material" is removed.

B. The following correction is made in FR Doc. 82-22510 appearing on 35952, in the issue of August 18, 1982:

1. On page 35956, column one, the amendatory language in paragraph (1) is corrected to read: "1. On page 19025, column three, the period at the end of paragraph (a)(2) of § 385.212 is changed to a semicolon and a new paragraph (a)(3) is added to read as follows:".

Dated: December 30, 1982.

[FR Doc. 83-377 Filed 1-6-83; 8:45 am]
BILLING CODE 8717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 429

(Docket No. 82N-0221)

Fees for Certifying Insulin Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the insulin regulations by increasing the fees for certification services. The increases are needed to maintain an adequate insulin certification program, as required by the Federal Food, Drug, and Cosmetic Act (the act).

DATES: Effective March 8, 1983; comments by February 7, 1983.

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:

David Petak, Division of Financial Management, Accounting Branch (HFA-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1768.

SUPPLEMENTARY INFORMATION: Section 506(b)(5) of the act (21 U.S.C. 356(b)(5)) requires that fees adequate to maintain an insulin certification program be specified in agency regulations. The current fee schedule specified in § 429.55(b) (21 CFR 429.55(b)) was published as a final regulation in the Federal Register of May 27, 1977 (42 FR 27227). An internal agency review of the costs and revenues associated with insulin certification was completed in 1980, and at that time it was determined not to alter the schedule that had been established in 1977. Another review of the insulin certification activities and associated revenues and costs was completed in 1982. It concluded that current fees are now insufficient to

provide, equip, and maintain an adequate certification service, and that a revised fee structure is necessary.

Program costs associated with insulin certification have been altered in four ways:

1. A dramatic increase in the number of samples requiring bioassay analysis is occurring and is projected to be sustained for the foreseeable future. These bioassay analyses are required for each master lot of insulin manufactured. In the past, firms produced very large master lots and maintained large inventories of insulin crystals. Recently, firms have been found to be producing much smaller master lots more frequently, reportedly to reduce the costs associated with carrying large inventories. This practice substantially increases the number of master lots that FDA must bioassay. In addition, two other factors are also increasing the number of master lots that FDA must bioassay—new insulin manufacturers have entered the market and there is occurring an increase in the types of insulin being manufactured.

2. New techniques in the manufacture of insulin, such as recombinant DNA technology, make it essential to increase the resources devoted to insulin research and the development of testing methodology.

3. The insulin program will need to carry the full costs of certification support activities that in the past were shared with the recently terminated antibiotic certification program.

4. Inflation since 1977 would make it necessary to increase the fees required to support the existing certification program even if the increased costs in the program described above had not occurred.

These factors taken together require the raising of fees to ensure adequate funding for the insulin certification program. Unlike the statutory provision on antibiotic certification (21 U.S.C. 357), the provision on insulin certification (21 U.S.C. 356) does not provide for regulations granting exemptions from certification. Moreover, FDA believes there is a need to continue the independent replication of manufacturer tests that has in the past comprised the agency's insulin certification program. Diabetic patients depend not only on a continuing supply of insulin, but on a supply whose quality generally, and particularly whose potency, have been determined with precision. Independent replication ensures best that quality has not been subject to variation and that potency remains within safe limitations. In all, maintaining an adequate certification service will require increases in the laboratory and

equipment needs associated with the insulin certification program and an increase in the staff associated with the program from 10 to 16 positions.

The new fee schedule for the insulin certification program is as follows. The fee for each master lot is raised from \$195 to \$450, for each trial dilution from \$3,177 to \$7,000, and for each trial mixture of Protamine Zinc Insulin from \$2,754 to \$5,000. These changes reflect FDA's true cost of performing these tests as well as the cost of expanding the agency's capability to perform bioassay analysis. The amendment also increases the fee on each vial contained in the sample of the final batch from \$16 to \$100 per vial. The manufacturer is required to submit for analysis one vial for each 10,000 vials in the batch, with a minimum of 10. The amendment eliminates the administrative fee of \$85 per batch, the facsimile fee of \$1.25 per certificate, and the fees for a trial mixture of globin zinc insulin (\$2,754) and globin hydrochloride (\$386). The latter two products are no longer produced. The total cost of FDA's fees, after the changes made in this regulation, will amount to about 2 cents for each vial of insulin produced. Documents supporting the need for increased fees and which set forth the basis on which the agency has established the new fee schedule are available for review in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. Because this provision is issued as a final rule without being preceded by general notice of proposed rulemaking, a final regulatory analysis under section 604 of the Regulatory Flexibility Act (94 Stat. 1167) is not required. In any event, the rule will not have a significant economic impact on a substantial number of small entities. Only a small number of large companies will be affected, and the costs involved are minuscule in relation to the revenues affected. Accordingly, the agency certifies that a regulatory flexibility analysis is not required. In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this rule and has determined that it is not a major rule as defined by that Order.

List of Subjects in 21 CFR Part 429

Administrative practice and procedure, Drugs, insulin, Labeling, Packaging and containers.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 506, 55 Stat. 851 as amended (21 U.S.C. 356)) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Part 429 is amended in § 429.55 by revising the introductory text of paragraph (b), by revising paragraph (b)(1)(i), (2)(ii), and (3)(ii), by removing paragraph (b)(6), (7), and (10) and marking it "reserved", and by revising paragraph (b)(9), to read as follows:

PART 429—DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN**§ 429.55 Fees.**

(b) The fee for such services is the sum of the fees for all services rendered with respect to the samples submitted under § 429.40(d), as follows:

(1) * * *
(i) \$450 if the master lot or mixture has not been previously approved by the Commissioner.

(2) * * *
(ii) \$7,000 if the results referred to in paragraph (b)(2)(i) of this section are not submitted and are not to be submitted.

(3) * * *
(ii) \$5,000 if the results referred to in paragraph (b)(2)(i) of this section are not submitted and are not to be submitted.

(6) [Reserved]
(7) [Reserved]

(9) \$100 for each package in the sample of the finished batch submitted for all tests except sterility; \$68 for all packages in the sample submitted for the initial sterility test in accordance with § 429.40(d)(10); and \$136 for all packages in the sample submitted for any repeat sterility test, if necessary, in accordance with the U.S.P.

(10) [Reserved]

The establishment of fees necessary to provide, equip, and maintain an adequate certification service for insulin has been mandated by Congress under section 506(b) of the act (21 U.S.C. 356(b)). As certification services are provided to manufacturers directly by FDA, the setting of a fee schedule to pay for these services is a matter particularly within the purview and expertise of the agency. The fees established by this regulation have been based on cost-accounting methods using data compiled and fully analyzed by the

agency. The cost-accounting methods used are the same as those used in support of the fee schedule set in the 1977 final rule, on which FDA invited comments but received none. Furthermore, if the new fee schedule is not put in place soon, FDA will not be able to respond to the increased industry demands for insulin certification services as described above, with resulting delays, added costs to industry and patients, and possible product shortages. For all of these reasons, FDA finds, for good cause, that providing for notice and public comment prior to the establishment of these fees is neither practicable nor necessary, and may be dispensed with under 5 U.S.C. 553(b)(B). Under § 10.40(e) (21 CFR 10.40(e)), however, interested persons may on or before February 7, 1983, submit to the dockets Management Branch (address above), written comments regarding this regulation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

Effective date. This amendment becomes effective March 8, 1983.

(Sec. 506, 55 Stat. 851 as amended (21 U.S.C. 356))

Mark Novitch,

Deputy Commissioner of Food and Drugs.

Richard S. Schweiker,

Secretary of Health and Human Services.

Dated: December 13, 1982.

[FR Doc. 83-418 Filed 1-6-83; 8:45 am]

BILLING CODE 4150-01-M

21 CFR Parts 430, 436, and 442

[Docket No. 82N-0362]

Antibiotic Drugs; Sterile Cefoperazone Sodium

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, sterile cefoperazone sodium. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective January 7, 1983; comments, notice of participation, and

request for hearing by February 7, 1983; data, information, and analyses to justify a hearing by March 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, sterile cefoperazone sodium. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 442 (21 CFR Parts 430, 436, and 442) to provide for the inclusion of accepted standards for the product.

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

List of Subjects**21 CFR Part 430**

Administrative practice and procedure, Antibiotics.

21 CFR Part 436

Antibiotics.

21 CFR Part 442

Antibiotics, Cepha.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, and 442 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:
 - a. In 430.4, by adding new paragraph (a)[49] to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(49) *Cefoperazone*. Cefoperazone is a semi-synthetic antibiotic substance produced by the acylation of the amino group at the 7 position of 7-aminocephalosporanic acid with α -(4-ethyl-2,3-dioxo-1-piperazinecarboxamido)- α -(4-hydroxyphenyl) acetic acid and introduction of a methylthiotetrazol group at the 3 position.

b. In § 430.5, by adding new paragraphs (a)(76) and (b)(76) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(76) *Cefoperazone*. The term "cefoperazone master standard" means a specific lot of cefoperazone that is designated by the Commissioner as the standard of comparison in determining the potency of the cefoperazone working standard.

(b) * * *

(76) *Cefoperazone*. The term "cefoperazone working standard" means a specific lot of a homogeneous preparation of cefoperazone.

c. In § 430.6, by adding new paragraph (b)(77) to read as follows:

§ 430.6. Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) * * *

(77) *Cefoperazone*. The term "microgram" applied to cefoperazone means the cefoperazone activity (potency) contained in 1.056 micrograms of the cefoperazone master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended by adding new § 436.338 to read as follows:

§ 436.338 High-pressure liquid chromatographic assay for cefoperazone.

(a) *Equipment*. A suitable high-pressure liquid chromatograph equipped with:

- (1) A low dead volume cell 8 to 20 microliters;
- (2) A light path length of 1 centimeter;
- (3) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;
- (4) A suitable recorder of at least 25.4 centimeter deflection;
- (5) A suitable integrator;
- (6) A 30-centimeter column having an inside diameter of 4.0 millimeters and packed with octadecyl silane chemically

bonded to porous silica or ceramic microparticles, 5 to 10 micrometers in diameter, United States Pharmacopeia XX.

(b) *Mobile phase*. Mix 1.2 milliliters 1M triethylammonium acetate, 2.8 milliliters 1M acetic acid, and 120 milliliters acetonitrile in a one liter flask and dilute to volume with distilled water. Filter the mobile phase through a suitable glass fiber filter or equivalent that is capable of removing particulate contamination to 1 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatographic pumping system.

(c) *Operating conditions*. Perform the assay at ambient temperature with a typical flow rate of 2.0 milliliters per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale.

(d) *Preparation of working standard solution*. Dissolve approximately 40 milligrams of working standard, accurately weighed, with sufficient 1 percent potassium phosphate buffer, pH 1.0 (Solution 1) as described in § 436.101(a)(1) of this chapter, to obtain a solution containing 1 milligram of cefoperazone per milliliter. Further dilute to a concentration of 0.16 milligram of cefoperazone activity per milliliter with mobile phase.

(e) *Preparation of sample solutions—*
(1) *Product not packaged for dispensing (micrograms of cefoperazone per milligram)*. Dissolve an accurately weighed sample in sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefoperazone per milliliter. Further dilute an aliquot of the stock solution with mobile phase to a concentration of 0.16 milligram of cefoperazone per milliliter. Using this sample solution, proceed as directed in paragraph (f) of this section.

(2) *Product packaged for dispensing*. Determine both micrograms of cefoperazone per milligram of the sample and milligrams of cefoperazone per container. Use separate containers for preparation of each sample solution as described in paragraph (e)(2)(i) and (ii) of this section.

(i) *Micrograms of cefoperazone per milligram*. Dissolve an accurately weighed sample in sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefoperazone per milliliter. Further dilute an aliquot of the stock solution with mobile phase to a concentration of 0.16 milligram of cefoperazone per milliliter. Using this sample solution, proceed as directed in paragraph (f) of this section.

(ii) *Milligrams of cefoperazone per container*. Reconstitute the sample as

directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute an aliquot of this solution with distilled water to obtain a stock solution containing a concentration of 1.0 milligram of cefoperazone per milliliter. Further dilute an aliquot of the stock solution with mobile phase to a concentration of 0.16 milligram of cefoperazone per milliliter. Using this sample solution, proceed as directed in paragraph (f) of this section.

(f) *Procedure*. Using the equipment, reagents, and operating conditions as listed in paragraphs (a), (b), and (c) of this section, inject 10 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of the expected components. After separation of the working standard solution has been completed, inject 10 microliters of the sample solution prepared as described in paragraph (e)(1) of this section into the chromatograph and repeat the procedure described for the working standard solution. If the sample is packaged for dispensing, repeat the procedure for each sample solution prepared as described in paragraph (e)(2)(i) and (ii) of this section.

(g) *Calculations—*(1) Calculate the micrograms of cefoperazone per milligram of sample as follows:

$$\frac{\text{Micrograms of cefoperazone}}{\text{per milligram}} = \frac{A_s \times P_s \times 100}{A_r \times C_s \times (100-m)}$$

where:

A_s = Area of the cefoperazone sample peak (at a retention time equal to that observed for the standard);

A_r = Area of the cefoperazone working standard peak;

P_s = Cefoperazone activity in the cefoperazone working standard solution in microgram per milliliter;

C_s = Milligrams of sample per milliliter of sample solution; and

m = Percent moisture content of the sample.

(2) Calculate the cefoperazone content of the vial as follows:

$$\frac{\text{Milligrams of cefoperazone}}{\text{per vial}} = \frac{A_s \times P_s \times d}{A_r \times 1,000}$$

where:

A_s = Area of the cefoperazone sample peak (at retention time equal to that observed for the standard);
 A_w = Area of the cefoperazone working standard peak;
 P_s = Cefoperazone activity in the cefoperazone working standard solution in micrograms per milliliter; and
 d = Dilution factor of the sample.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. By adding new § 442.12a to read as follows:

§ 442.12a Sterile cefoperazone sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile cefoperazone sodium is the sodium salt of (6R, 7R)-7-[[[1-methyl-1H-tetrazol-5-yl]thio]methyl]-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylate. It is a white to off-white crystalline powder or it may be a lyophilized powder. It is so purified and dried that:

(i) If the cefoperazone sodium is not packaged for dispensing, its cefoperazone content is not less than 870 micrograms and not more than 1,015 micrograms of cefoperazone per milligram on an anhydrous basis. If the cefoperazone sodium is packaged for dispensing, its cefoperazone content is not less than 870 micrograms and not more than 1,015 micrograms of cefoperazone per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of cefoperazone that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) Its moisture content is not more than 5.0 percent, except if it is the lyophilized powder, its moisture content is not more than 2.0 percent.

(v) Its pH in an aqueous solution containing 250 milligrams per milliliter is not less than 4.5 and not more than 6.5.

(vi) It gives a positive identity test.

(vii) It is crystalline, except if it is the lyophilized powder, it is not crystalline.

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

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

(i) Results of tests and assays on the batch for cefoperazone content, sterility, pyrogens, moisture, pH, identity, and

crystallinity (if it is not the lyophilized powder).

(ii) Samples, if required by the Director, National Center for Drugs and Biologics:

(a) If the batch is packaged for repacking or for manufacturing use:

(1) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(2) For sterility testing: 20 packages, each containing equal portions of approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 10 immediate containers of the batch.

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

(b) *Tests and methods of assay*—(1) *Cefoperazone content.* Proceed as directed in § 436.338 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of cefoperazone per milliliter.

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

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 250 milligrams per milliliter.

(6) *Identity.* From the high-pressure liquid chromatograms of the sample and the cefoperazone working standard determined as directed in paragraph (b)(1) of this section, calculate the adjusted retention times of the cefoperazone in the sample and standard solutions as follows:

Adjusted retention time of cefoperazone = $\pm - \pm_a$ where:

\pm = Retention time measured from point of injection into the chromatograph until the maximum of the cefoperazone sample or working standard peak appears on the chromatogram; and

\pm_a = Retention time measured from point of injection into the chromatograph until the maximum of non-retarded solute appears in the chromatogram.

The sample and the cefoperazone working standard should have corresponding adjusted cefoperazone retention times:

(7) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

b. By adding new § 442.212 to read as follows:

§ 442.212 Sterile cefoperazone sodium.

The requirements for certification and the tests and methods of assay for

sterile cefoperazone sodium packaged for dispensing are described in § 442.12a.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective January 7, 1983. However, interested persons may, on or before February 7, 1983, submit written comments on this regulation to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before February 7, 1983, a written notice of participation and request for hearing, and (2) on or before March 8, 1983 the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that require a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact preclude the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

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

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

Effective date: This regulation shall be effective January 7, 1983.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 483 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: December 28, 1982.

James C. Morrison,
Acting Assistant Director for Regulatory Affairs.

[FR Doc. 83-303 Filed 1-6-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 522 and 556

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Tolerances for Residues of New Animal Drugs in Food; Gentamicin Sulfate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Schering Corp. providing for safe and effective use of gentamicin sulfate injection for intramuscular use in piglets for treatment of porcine colibacillosis and to establish tolerances for residues of gentamicin in edible tissues of swine.

EFFECTIVE DATE: January 7, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Schering Corp., Galloping Hill Rd., Kenilworth, N.J. 07033, filed NADA 103-037 providing for use of gentamicin sulfate injection for intramuscular use as a single-dose treatment of piglets up to 3 days old for porcine colibacillosis (weanling pig scours) caused by strains of *E. coli* sensitive to gentamicin. Schering has submitted data from safety studies and well-controlled experiments supporting the safety and effectiveness of gentamicin for this use. The NADA is approved and the regulations are amended accordingly.

The stepwise data collection procedures prescribed in the agency's proposal of March 20, 1979 (44 FR 17070) on chemical compounds in food-producing animals were not applied to approval of this NADA. The approval is

based on alternative criteria, which assure that the products are safe and on factors which justify the equitable treatment of the sponsor, who adequately completed drug development testing in accordance with scientific standards in existence before March 20, 1979.

Schering submitted data related to human safety from radiotracer tissue residue depletion, drug residue depletion studies using the regulatory method of analysis, and laboratory toxicology and pathology studies which support a preslaughter withdrawal period of 40 days for the labeled conditions of use. The agency has accepted, for regulatory purposes, Schering's drug residue methods. Therefore, the regulations are further amended to establish tolerances for gentamicin in swine of 0.1 part per million (ppm) in muscle, 0.3 ppm in liver, and 0.4 ppm in kidney and fat.

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. 4-82, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch (address above).

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 522

Animal drugs, injectable.

21 CFR 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. 360(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 522 and 556 are amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. Part 522 is amended in § 522.1044 by revising paragraphs (a), (b), and (c) and by adding new paragraph (d)(4), to read as follows:

§ 522.1044 Gentamicin sulfate injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains the equivalent of either 5 or 50 milligrams of gentamicin.

(b) *Sponsors.* (1) See No. 000085 in § 510.600(c) of this chapter for use of 5 milligram-per-milliliter solution in swine as in paragraph (d)(4) of this section and for use of 50 milligram-per-milliliter solution in dogs, cats, and chickens as in paragraph (d) (1) and (3) of this section.

(2) See No. 000138 for use of 5 milligram-per-milliliter solution in turkeys as in paragraph (d)(2) of this section.

(c) *Related tolerances.* See § 556.300 of this chapter.

(d) * * *

(4) *Swine—(i) Amount.* 5 milligrams of gentamicin as a single intramuscular dose using 5 milligram-per-milliliter solution.

(ii) *Indications for use.* In piglets up to 3 days old for treatment of porcine colibacillosis caused by strains of *E. coli* sensitive to gentamicin.

(iii) *Limitations.* For single intramuscular dose in pigs up to 3 days of age only. Do not slaughter treated animals for food for at least 40 days following treatment.

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

2. Part 556 is amended by revising § 556.300, to read as follows:

§ 556.300 Gentamicin sulfate.

(a) A tolerance of 0.1 part per million is established for negligible residues of gentamicin sulfate in the uncooked edible tissues of turkeys.

(b) Tolerances are established for total residues of gentamicin in edible tissues of swine as follows: 0.1 part per million in muscle, 0.3 part per million in liver, and 0.4 part per million in fat and kidney. A microbiological determinative procedure and an HPLC confirmatory procedure for gentamicin have been developed to assay gentamicin in kidney at 0.4 ppm. Since residues of gentamicin

as the parent compound and total residues are equal, the marker (parent drug) residue concentration of 0.4 ppm in kidney corresponds to 0.4 ppm of total residue.

Effective date. January 7, 1983.

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

Dated: December 30, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-283 Filed 1-6-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Penicillin G Procaine-Novobiocin Sodium Intramammary Suspension

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 The Upjohn Co. providing for intramammary use of a penicillin G procaine-novobiocin sodium suspension in dry cows for treating subclinical mastitis caused by susceptible strains of *Staphylococcus aureus* and *Streptococcus agalactiae*.

EFFECTIVE DATE: January 7, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, Mich. 49001, filed NADA 55-098 providing for the use of Albady Plus Suspension (200,000 International Units of penicillin G procaine with 400 milligrams of novobiocin sodium per 10 milliliters) for intramammary use in dry cows for treating subclinical mastitis caused by susceptible strains of *Staphylococcus aureus* and *Streptococcus agalactiae*.

The firm submitted data from well-controlled clinical field trials demonstrating the combination product's effectiveness, dose-response, and the contribution of each ingredient. Tissue irritation, drug toxicity, and tissue residue depletion studies demonstrate animal and consumer safety when the drug is used in accordance with label directions.

The NADA is approved and the regulations are amended accordingly.

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 540

Animal drugs, Antibiotics, penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n) 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n))) 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 540 is amended in § 540.874f by revising the second sentence in paragraph (a)(1) and by revising paragraph (c) (1) and (3), to read as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.874f Procaine penicillin G-novobiocin for intramammary infusion.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* * * * It contains in each 10-milliliter dose 100,000 units of procaine penicillin G and 150 milligrams of novobiocin as sodium novobiocin or 200,000 units of procaine penicillin G and 400 milligrams of novobiocin as sodium novobiocin. * * *

(c) *Conditions of marketing—(1) Specifications.* The drug contains a suspension of procaine penicillin G, 100,000 units, and novobiocin sodium, equivalent to 150 milligrams of novobiocin, in 10 milliliters of peanut oil vehicle for use in lactating cattle, or procaine penicillin G, 200,000 units, and novobiocin sodium equivalent to 400 milligrams of novobiocin in 10 milliliters of oil for use in dry cows, and conforms to the certification requirements of paragraph (a) of this section. * * *

(3) *Conditions of use—(i) Lactating cows—(a) Indications for use.* Use for treating lactating cows for mastitis caused by susceptible strains of *Staphylococcus aureus*, *Streptococcus agalactiae*, *Streptococcus dysgalactiae*, and *Streptococcus uberis*.

(b) *Amount.* Infuse 10 milliliters in each infected quarter after milking. Repeat once after 24 hours.

(c) *Limitations.* For udder instillation in lactating cattle only. Do not milk for at least 6 hours after treatment; thereafter, milk at regular intervals. Milk taken from treated animals within 72 hours (6 milkings) after the latest treatment must not be used for food. Treated animals must not be slaughtered for food for 15 days following the latest treatment. If redness, swelling, or abnormal milk persists, discontinue use and consult a veterinarian.

(ii) *Dry cows—(a) Indications for use.* For the treatment of subclinical mastitis caused by susceptible strains of *Staphylococcus aureus* and *Streptococcus agalactiae*.

(b) *Amount.* Infuse 10 milliliters in each quarter at time of drying off.

(c) *Limitations.* For udder instillation in dry cows only. Do not use less than 30 days prior to calving. Milk from treated cows must not be used for food during the first 72 hours after calving. Treated animals must not be slaughtered for food for 30 days following udder infusion.

Effective date. January 7, 1983.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)))

Dated: December 30, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-284 Filed 1-6-83; 8:45 am]

BILLING CODE 4160-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange-Visitor Program

AGENCY: United States Information Agency.

ACTION: Interim rule.

SUMMARY: The United States Information Agency is modifying the effective date on which certain rules concerning this Part become final from January 1, 1983 to February 15, 1983. This part will establish criteria for the lengths of availability of the J-1 visa used by certain alien physicians as

exchange-visitors for graduate medical education and training.

DATE: This rule shall become final on February 15, 1983 unless sooner revoked or modified.

FOR FURTHER INFORMATION CONTACT: Richard L. Fruchterman, (202) 724-9055, Rm. 917, 1750 Pennsylvania Ave., Washington, D.C. 20547.

SUPPLEMENTARY INFORMATION:

Background

The United States Information Agency published in Volume 47, No. 197 of the *Federal Register* on October 12, 1982 (47 FR 44726) an interim rule amending Section 514.13 of Part 514 of Chapter V, Title 22 of the Code of Federal Regulations. The rule was to become final on January 1, 1983 unless sooner revoked or modified. This part will establish criteria for the lengths of availability of the J-1 visa used by certain alien physicians as exchange-visitors for graduate medical education and training. Comments on the rule were due by November 15, 1982. The United States Information Agency is reviewing the comments and proposes to delay the date on which the rule becomes final to February 15, 1983.

List of Subjects in 22 CFR Part 514

Exchange-visitor program.

Action

The interim rule published in Volume 47, No. 197 of the *Federal Register* on October 12, 1982 (47 FR 44726) which amended Part 514 of Chapter V, title 22 of the Code of Federal Regulations shall become final on February 15, 1983 unless sooner revoked or modified.

Dated: December 30, 1982.

Gilbert A. Robinson,

Acting Director, United States Information Agency.

[FR Doc. 83-304 Filed 1-6-83; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 32

[T.D. 7867]

Temporary Employment Tax; Withholding Social Security or Railroad Retirement Tax From Sick Pay

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains an amendment to the temporary employment tax regulations under §§ 32.1 and 32.2 governing withholding depositing, and paying social security or railroad retirement taxes on payments made on account of sickness or accident disability. The amendment affects States making payments under a State temporary disability insurance program and employees receiving such payments.

DATE: The regulations apply to payments made on account of sickness or accident disability on or after January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Pamela F. Olson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3590).

SUPPLEMENTARY INFORMATION:

Background and General Explanation

This document amends the temporary income tax regulations published in the *Federal Register* on Tuesday, July 6, 1982 (47 FR 29224), relating to withholding, depositing, and paying social security or railroad retirement taxes on payments made on account of sickness or accident disability under the Act of December 29, 1981 (Pub. L. 97-123, 95 Stat. 1662, 1663). Those temporary regulations provide that State temporary disability insurance payments are not wages to the extent that they are attributable to contributions of the employee. The regulations adopted by this Treasury decision make it clear that a tax which is paid by the employee to fund a State temporary disability insurance program is considered a contribution by the employee for purposes of this section.

Non-applicability of Executive Order 12291

The Treasury Department has determined that this temporary regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these regulations is Pamela F. Olson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal

Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects in 26 CFR Part 32

Employment taxes, Social security, Railroad retirement.

Adoption of Amendments to the Regulations

Accordingly, the following amendments are made to Part 32 of the Code of Federal Regulations:

PART 32—[AMENDED]

Paragraph 1. Section 32.1 is amended by revising the last sentence of paragraph (d) to read as follows:

§ 32.1 Social security taxes with respect to payments on account of sickness or accident disability.

(d) *Sickness or accident disability.*
* * * A tax which is paid by an employee to fund a State temporary disability insurance program is considered a contribution by the employee for purposes of paragraph (d)(3) of this section.

Par. 2. Section 32.2 is amended by revising the last sentence of paragraph (d) to read as follows:

§ 32.2 Railroad retirement taxes with respect to payments on account of sickness or accident disability.

(d) *Sickness or accident disability.*
* * * A tax which is paid by an employee to fund a State temporary disability insurance program is considered a contribution by the employee for purposes of paragraph (d)(3) of this section.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. The amendments contained in this Treasury decision are based on written and oral comments received, pursuant to the notice and public procedure requirement under subsection (b) of section 553 of title 5 of the United States Code, with respect to the notice of proposed rulemaking published by cross-reference to the temporary regulations amended by this Treasury decision (47 FR 29266). Because there is a need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it subject to the effective date limitation of section

553(d) of title 5 of the United States Code.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: December 30, 1982.

David G. Glickman,
Acting Assistant Secretary of the Treasury.

[FR Doc. 83-400 Filed 1-6-83; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 51

[T.D. 7844]

Crude Oil Windfall Profit Tax Act of 1980; Excise Tax Regulations

Correction

In FR Doc. 82-30524 beginning on page 50215 in the issue of Friday, November 5, 1982, make the following corrections:

(1) On page 50219, middle column, in paragraph (b)(1) of § 51.4988-1, in the third line from the bottom of the page, insert a parenthesis before the clause beginning with the word "regardless".

(2) On page 50220, first column, in § 51.4991-1(b), paragraph (b)(2) should read "(2) The taxable period.", and the rest of the text should start on a new line flush with the margin.

(3) On page 50227, middle column, in § 51.4995-3(g)(2)(i)(B), paragraph (2) should end in the sixth line from the bottom of the page with the words "(or month)." The rest of the text beginning "The preceding * * *" should start on a new line flush with the margin.

BILLING CODE 1505-01-M

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Bank Interest Payments to Iran

Correction

In FR Doc. 82-35601 beginning on page 252 in the issue of Tuesday, January 4, 1983, make the following correction.

§ 64.6 List of eligible communities.

On page 253, second column, the file line should read as set forth below:

[FR Doc. 82-35601 Filed 12-30-82; 5:12 pm]

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6480]

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, (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. 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 sixth 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 USC 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.

PART 64—[AMENDED]

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:

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Arizona: Yavapai County	Clarkdale, town of	040095	Sept. 23, 1975, emergency; Dec. 1, 1982, regular.	Aug. 23, 1974.
California: Fresno County	Fresno County*	065029	June 30, 1970, emergency; Dec. 1, 1982, regular.	Jan. 9, 1979.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Do	Fresno, city of	060048	Oct. 30, 1975, emergency; Dec. 1, 1982, regular.	Oct. 18, 1974.
Do	Sanger, city of	060054	July 7, 1975, emergency; Dec. 1, 1982, regular.	June 28, 1974.
Colorado:				
Otero County	La Junta, city of	080133	June 13, 1975, emergency; Dec. 1, 1982, regular.	Apr. 12, 1974.
Jefferson County	Morrison, town of	080092	Sept. 11, 1975, emergency; Dec. 1, 1982, regular.	Sept. 13, 1974.
Connecticut: Middlesex County	Westbrook, town of	090070	Mar. 9, 1973, emergency; Dec. 1, 1982, regular.	Nov. 23, 1973.
Indiana:				
Blackford County	Hartford City, city of	180009	Aug. 8, 1976, emergency; Dec. 1, 1982, regular.	Do.
Huntington County	Roanoke, town of	180096	July 28, 1982, emergency; Dec. 1, 1982, regular.	Dec. 26, 1973.
Rush County	Rush County*	180421	May 7, 1975, emergency; Dec. 1, 1982, regular.	June 3, 1977.
Maryland: Montgomery County	Gaithersburg, city of	240050	Feb. 2, 1973, emergency; Dec. 1, 1982, regular.	Jan. 23, 1974.
Michigan: Oakland County	Keego Harbor, city of	260173	June 20, 1975, emergency; Dec. 1, 1982, regular.	May 24, 1974.
Montana:				
Fergus County	Fergus County*	300019	Apr. 13, 1978, emergency; Dec. 1, 1982, regular.	Apr. 18, 1978.
Do	Grass Range, town of	300021	Oct. 7, 1981, emergency; Dec. 1, 1982, regular.	Dec. 27, 1974.
New Jersey:				
Cumberland County	Commercial, township of	340166	July 23, 1975, emergency; Dec. 1, 1982, regular.	Aug. 23, 1974.
Gloucester County	East Greenwich, township of	340200	Mar. 27, 1975, emergency; Dec. 1, 1982, regular.	Sept. 6, 1974.
Camden County	Gloucester, township of	340133	July 24, 1975, emergency; Dec. 1, 1982, regular.	Dec. 13, 1974.
Bergen County	Hackensack, city of	340039	Oct. 2, 1974, emergency; Dec. 1, 1982, regular.	June 28, 1974.
Monmouth County	Hazlet, township of	340298	Feb. 11, 1974, emergency; Dec. 1, 1982, regular.	Jan. 9, 1974.
New York:				
Greene County	Hunter, village of	360293	Oct. 1, 1976, emergency; Dec. 1, 1982, regular.	Aug. 16, 1974.
Columbia County	Kinderhook, town of	361321	Oct. 18, 1978, emergency; Dec. 1, 1982, regular.	Oct. 22, 1976.
Do	Kinderhook, village of	361048	Apr. 4, 1974, emergency; Dec. 1, 1982, regular.	Nov. 5, 1976.
Cortland County	McGraw, village of	360184	Mar. 13, 1975, emergency; Dec. 1, 1982, regular.	Mar. 29, 1974.
Albany County	New Scotland, town of	360013	July 31, 1975, emergency; Dec. 1, 1982, regular.	May 10, 1974.
Columbia County	Valatie, village of	361508	May 27, 1976, emergency; Dec. 1, 1982, regular.	
Albany County	Voorheesville, village of	360015	June 11, 1975, emergency; Dec. 1, 1982, regular.	Apr. 12, 1974.
Oregon: Yamhill County	McMinnville, city of	410255	July 22, 1975, emergency; Dec. 1, 1982, regular.	Feb. 15, 1974.
Pennsylvania: Erie County	Springfield, township of	421369	Dec. 2, 1975, emergency; Dec. 1, 1982, regular.	Nov. 1, 1974.
Tennessee:				
Shelby County	Memphis, city of	470177	Aug. 8, 1974, emergency; Dec. 1, 1982, regular.	Aug. 23, 1974.
Do	Shelby County	470214	May 15, 1974, emergency; Dec. 1, 1982, regular.	Aug. 4, 1978.
Texas: Tarrant County	Colleyville, town of	480590	Jan. 29, 1975, emergency; Dec. 1, 1982, regular.	May 10, 1974.
Utah: Davis County	Layton, city of	490047	Dec. 13, 1974, emergency; Dec. 1, 1982, regular.	Aug. 9, 1974.
Washington: Thurston County	Thurston County	530188	Sept. 13, 1974, emergency; Dec. 1, 1982, regular.	Sept. 13, 1977.
Wisconsin:				
Waukesha County	Hartland, village of	550481	July 25, 1975, emergency; Dec. 1, 1982, regular.	Nov. 30, 1973.
Walworth County	Lake Geneva, city of	550466	Nov. 13, 1974, emergency; Dec. 1, 1982, regular.	Dec. 28, 1973.
Waukesha County	Lannon, village of	550482	July 18, 1975, emergency; Dec. 1, 1982, regular.	Do.
Green County	Monroe, city of	550162	May 1, 1975, emergency; Dec. 1, 1982, regular.	May 31, 1974.
West Virginia: Hancock County	Chester, city of	540048	June 23, 1975, emergency; Dec. 1, 1982, regular.	June 7, 1974.
New York:				
Cattaraugus County	New Albion, town of	360087	May 8, 1975, emergency; Dec. 3, 1982, regular.	May 17, 1974.
Ontario County	Phelps, town of	361302	May 14, 1975, emergency; Dec. 3, 1982, regular.	Nov. 8, 1974.
Steuben County	Rathbone, town of	360781	Oct. 3, 1980, emergency; Dec. 3, 1982, regular.	Aug. 2, 1974.
Pennsylvania: Wayne County	Sterling, township of	422175	May 13, 1975, emergency; Dec. 3, 1982, regular.	Nov. 22, 1974.
Virginia: Mecklenburg County	Boydton, town of	510269	Oct. 18, 1978, emergency; Dec. 3, 1982, regular.	Feb. 11, 1977.
California: Mendocino County	Fort Bragg, city of	060184	May 23, 1975, emergency; Dec. 7, 1982, regular.	May 10, 1974.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Nevada: Elko County	Wells, city of	320024	Aug. 15, 1975, emergency; Dec. 7, 1982, regular.	July 26, 1974.
Texas:				
Comanche County	Comanche, city of	480151	June 9, 1975, emergency; Dec. 7, 1982, regular.	July 26, 1974.
Morris County	Daingerfield, city of	480483	June 11, 1975, emergency; Dec. 7, 1982, regular.	May 31, 1974.
Wood County	Winnboro, city of	480680	Apr. 24, 1975, emergency; Dec. 7, 1982, regular.	June 28, 1974.
Michigan: Wayne County	Grosse Pointe Farms, city of	260229	Feb. 9, 1973, emergency; Dec. 10, 1982, regular.	May 17, 1974.
New York: Delaware County	Hancock, village of	360202	June 19, 1975, emergency; Dec. 10, 1982, regular.	May 31, 1974.
Oregon: Malheur County	Nyssa, city of	410151	Jan. 16, 1975, emergency; Dec. 14, 1982, regular.	Nov. 30, 1973.
Florida: Leon County	Leon County*	120143	June 4, 1973, emergency; Dec. 15, 1982, regular.	Dec. 20, 1974.
Iowa:				
Linn County	Cedar Rapids, city of	190187	Aug. 13, 1971, emergency; Dec. 15, 1982, regular.	Aug. 2, 1974.
Do	Central City, city of	190188	Jan. 6, 1976, emergency; Dec. 15, 1982, regular.	Apr. 23, 1976.
Do	Linn County*	190829	Jan. 5, 1979, emergency; Dec. 15, 1982, regular.	June 3, 1977.
Kansas: McPherson County	Moundridge, city of	200218	Apr. 14, 1975, emergency; Dec. 15, 1982, regular.	Mar. 8, 1974.
Massachusetts:				
Norfolk County	Bellingham, town of	250232	July 25, 1975, emergency; Dec. 15, 1982, regular.	June 28, 1974.
Plymouth County	Hanover, town of	250266	July 9, 1975, emergency; Dec. 15, 1982, regular.	July 26, 1974.
Michigan:				
Monroe County	Milan, township of	260152	Oct. 2, 1975, emergency; Dec. 15, 1982, regular.	May 24, 1974.
Grand Traverse County	Traverse City, city of	260082	Aug. 8, 1975, emergency; Dec. 15, 1982, regular.	Do.
Minnesota: Marshall County	Argyle, city of	270268	Apr. 24, 1974, emergency; Dec. 15, 1982, regular.	May 3, 1974.
Mississippi:				
Rankin County	Flowood, town of	280289	May 28, 1975, emergency; Dec. 15, 1982, regular.	Nov. 11, 1977.
Do	Pearl, city of	280145	May 15, 1974, emergency; Dec. 15, 1982, regular.	June 21, 1974.
Do	Rankin County*	280142	July 1, 1974, emergency; Dec. 15, 1982, regular.	Dec. 13, 1974.
New Jersey:				
Ocean County	Barnegat, township of	340386	Dec. 17, 1973, emergency; Dec. 15, 1982, regular.	May 31, 1974.
Bergen County	Hackensack Meadowslands Commission	340570	Jan. 3, 1975, emergency; Dec. 15, 1982, regular.	Jan. 8, 1976.
Ocean County	Lakehurst, borough of	340377	June 25, 1975, emergency; Dec. 15, 1982, regular.	June 28, 1974.
Salem County	Pennington, township of	340512	Aug. 5, 1974, emergency; Dec. 15, 1982, regular.	Sept. 13, 1974.
Morris County	Rosbury, township of	340362	June 12, 1975, emergency; Dec. 15, 1982, regular.	Mar. 29, 1974.
New York:				
Columbia County	Chatham, town of	361314	Oct. 26, 1979, emergency; Dec. 15, 1982, regular.	June 10, 1977.
Do	Chatham, village of	361323	Nov. 13, 1975, emergency; Dec. 15, 1982, regular.	Dec. 6, 1974.
Washington County	Fort Edward, town of	360885	Apr. 16, 1974, emergency; Dec. 15, 1982, regular.	Feb. 7, 1975.
Onondaga County	Manlius, town of	360584	Nov. 8, 1973, emergency; Dec. 15, 1982, regular.	Feb. 22, 1974.
Saratoga County	Northumberland, town of	360725	July 2, 1975, emergency; Dec. 15, 1982, regular.	June 21, 1974.
Ohio:				
Licking County	Hebron, village of	390330	July 23, 1975, emergency; Dec. 15, 1982, regular.	May 3, 1974.
Do	Usca, village of	390336	June 18, 1975, emergency; Dec. 15, 1982, regular.	Apr. 2, 1976.
Pennsylvania: Lackawanna County	South Abington, township of	421758	July 29, 1975, emergency; Dec. 15, 1982, regular.	Jan. 24, 1975.
Texas:				
Wichita County	Burkburnett, city of	480658	Feb. 7, 1975, emergency; Dec. 15, 1982, regular.	June 7, 1974.
Do	Iowa Park, city of	480660	July 9, 1975, emergency; Dec. 15, 1982, regular.	Apr. 5, 1974.
Virginia: Southampton County	Southampton County*	510315	Sept. 16, 1974, emergency; Dec. 15, 1982, regular.	Apr. 11, 1975.
Wisconsin: Pierce County	River Falls, city of	550330	Mar. 30, 1972, emergency; Dec. 15, 1982, regular.	Jan. 12, 1973.

NOTE: Total is: 81.

[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; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support]

Issued: December 22, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-311 Filed 1-6-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 522

Filing of Agreements by Common Carriers and Other Persons Subject to the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Notice of OMB clearance.

SUMMARY: The Federal Maritime Commission hereby gives notice that 46 CFR 522, Filing of Agreements by Common Carriers by Water and Other Persons Subject to the Shipping Act, 1916 (General Order 24) (47 FR 46284, October 18, 1982, 47 FR 49648, November 2, 1982, has received OMB clearance through November 30, 1985, under Control No. 3072-0040, pursuant to the Paperwork Reduction Act of 1980 (44 USC 3501, et seq.). The Commission's revised rules developed in Docket No. 76-63 set forth clear, consistent and standardized procedures whereby ocean carriers may file Section 15 agreements for approval. The rule contains procedures for filing agreements, modifications, supporting statements, comments and protests, as well as policies and procedures relating to the disposition of agreement requests. The final rule was approved by the Commission on October 6, 1982, to become effective on January 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-62 Filed 1-6-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-632; FCC 82-547]

Overseas Communications Services

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This document removes restrictions on the international service offerings of American Telephone & Telegraph (AT&T) and the International Record Carriers (IRCs). It is anticipated that elimination of TAT-4 voice/record

dichotomy will provide additional service options for users, promote efficiency and create a downward pressure on rates.

DATE: Effective December 22, 1982.

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau, (202) 632-3214.

SUPPLEMENTARY INFORMATION:

Adopted: December 8, 1982.

Released: December 22, 1982.

By the Commission: Commissioner Fogarty concurring and issuing a statement in which Commissioner Quello joins.

I. Background

1. On October 28, 1980, we released a Notice of Proposed Rulemaking (NPRM) soliciting comments on whether the regulatory limitations on the provision of international non-voice services on a primary basis by the American Telephone and Telegraph Company (AT&T) should be removed.¹ The NPRM also requested comments on the merits of authorizing the international record carriers (IRCs) to provide international voice services on a primary basis.²

2. AT&T currently provides international voice services such as international message toll service (IMTS) and private line voice service.³ The IRCs currently offer a variety of international record services including telegram, telex, private line, alternate voice-data (AVD), facsimile and high speed data.⁴

3. The voice/record dichotomy in international service offerings evolved from the historical differences in international voice and record technologies and the provision of these services by different carriers over separate networks. With respect to the prohibition on AT&T's provision of international record services, the general policy was codified in our 1964

¹ Overseas Communications Services, 84 FCC 2d 622 (1980).

² The major IRCs are: ITT World Communications Inc. (ITT), RCA Global Communications, Inc. (RCA), Western Union International, Inc. (WUI), TRT Telecommunications Corporation (TRT), and FTC Communications, Inc. (FTC). We note that several small carriers, and most recently Western Union, have also been authorized to provide international record services.

³ AT&T also provides international Dataphone service over its IMTS facilities on a secondary basis.

⁴ The IRCs also provide international voice service over their Datel facilities on a secondary basis.

TAT-4 decision.⁵ In TAT-4 we preserved the developing alternate voice-data market for the IRCs at a time when technology (submarine cables) made separate networks and service providers for international voice and record transmissions unnecessary. This protectionist decision insulated the IRCs from competition with AT&T and assisted them in making the transition from an older and less desirable technology (radio) to a newer and more desirable technology (cable).⁶ The origin of any Commission imposition of a prohibition on IRC provision of international voice services is less clear. It appears to be loosely rooted in the Commission's radio-telegraph rules (Part 6) and decisions that the Commission made on a case-by-case basis involving Hawaii-Mainland, Caribbean and trans-Atlantic high frequency (HF) radio and cable system applications. In these cases references are made to a general policy direction and then a waiver is granted or an exception made. In a more recent decision the Commission indicated that AT&T is "restricted" to voice services while the IRCs "primarily provide" record services.⁷

4. In our NPRM we raised both policy issues. There we traced the history of the international voice/record dichotomy, cited cases concerning IRC and AT&T service offerings, analyzed the TAT-4 decision, and discussed the current international market structure. We noted the existing high rates of return on international services, the evolving technology and, consistent with our numerous procompetitive policy decisions, tentatively concluded that removing regulatory constraints on AT&T and IRC service offerings would be in the public interest. We indicated our belief that unrestrained operations by these carriers would improve service, enhance efficiency and potentially lead to lower rates for users.

5. Comments on our tentative conclusions were filed by AT&T, ITT, RCA, WUI, TRT, Satellite Business Systems (SBS), the American Petroleum

⁵ AT&T, 37 FCC 1151 (1964).

⁶ The development of the indefeasible right of user (IRU) concept in 1964 and the 1966 Authorized Users decision also aided the IRCs during this transitional period. See Mackay Radio and Telegraph Company, Inc., FCC 64-41 (adopted January 22, 1964) and Authorized Users, 4 FCC 2d 421 (1966).

⁷ Datel, 76 FCC 2d at 179 (1980).

Institute (API), Aeronautical Radio, Inc. (ARINC), and the National Telecommunications and Information Agency (NTIA). As part of their comments, the IRCs jointly submitted a consultant's study on the effects of AT&T entry into the international record market. Additionally, NTIA presented a two volume analysis of fifteen recent Commission actions relating to international issues and their combined effect on users, carriers and market structure.⁸ Replies were filed by AT&T, ITT, RCA, WUI, TRT, FTC and the Department of Defense (DoD).

6. Below we outline the pleadings of the parties, analyze the submissions, affirm our tentative conclusion that the public interest would be best served by removing the barriers to full market entry by both AT&T and the IRCs.

II. The Pleadings

7. The focus of the submitted pleadings is our tentative conclusion that AT&T be permitted to provide international record services on a primary basis. This order therefore gives particular attention to the issue of AT&T's full market entry.

A. IRC Comments

8. The IRCs argue that competition between themselves and AT&T in the provision of international record services is not reasonably feasible and will jeopardize their ability to retain a meaningful share of the international market. Pointing to AT&T's vast nationwide domestic network, large sales force, financial resources and control of bottleneck facilities, the IRCs contend that AT&T will monopolize and dominate the entire international market if it is authorized to provide international record services. The IRCs conclude that AT&T's provision of international record services will stifle rather than promote competition, will increase rather than decrease market concentration, and will ultimately not be in the public interest. The IRCs therefore request that we retain the TAT-4 prohibition on AT&T provision of international record services.

9. The IRCs agree, however, with our tentative conclusion that they should be authorized to provide international voice services. Stating that they have neither control of bottleneck facilities

nor market power, the IRCs indicate that additional competition in the international voice arena would be consistent with our procompetitive philosophy and past decisions. Additionally, the IRCs aver that such expanded service would benefit users by creating a choice of carriers and offering the prospect of new services and substantially lower rates. To this end the IRCs have filed applications to provide private line voice-only service between the U.S. and the U.K.⁹ In seeking authority to provide voice services the IRCs particularly reject the concept that full market entry by both AT&T and the IRCs in symmetrical or represents a *quid pro quo*.

10. Specifically, as to AT&T provision of international record services, the IRCs contend that: (1) AT&T's relative market position in the telecommunications market *vis a vis* the IRCs has not materially changed since the 1964 TAT-4 decision; (2) exclusion of AT&T from the international record market would not adversely affect AT&T; (3) AT&T entry would seriously jeopardize the ability of the IRCs to provide essential services; (4) AT&T entry could result in disadvantageous operating agreements being imposed on all carriers other than AT&T by foreign correspondents; and (5) AT&T will not compete fairly with the IRCs. The IRCs further state that the existing international record market is competitive and meets customer needs in a reliable and innovative manner.

⁸File Nos. I-T-C-82-087 (FTC), I-T-C-82-109 (WUI), I-T-C-82-139 (ITT), I-T-C-82-151 (RCA) and I-T-C-82-232 (TRT). These applications request authority to lease satellite facilities from Comsat and provide voice-only private line (leased channel) service between the United States and the United Kingdom. All of these applications are now ripe for our consideration. The IRCs indicate in their applications that this service: (a) will be tariffed at a rate approximately 30% less than that presently charged by the IRCs for alternate voice-data circuits and nearly 50% less than that presently charged by AT&T for private line voice circuits; (b) will utilize new multiplexing techniques to increase facility efficiency; (c) will not economically injure AT&T; and (d) has already been coordinated with the U.K. correspondent, British Telecommunications International. In response to submissions from AT&T recommending that no action be taken on these applications until Docket 80-632 is fully resolved, the IRCs emphasize that these authorizations will provide immediate benefits to users. The IRCs also argue that TAT-4 does not apply to IRC voice offerings and, in the alternative, that a grant of these applications would not prejudice the TAT-4 proceeding. We note that Comsat, which did not file comments in Docket No. 80-632, generally supports the IRCs' requests for voice-only authority. However, Comsat's support is not unequivocal. Comsat indicates that technical problems may arise regarding the proposed multiplexing equipment. Comsat therefore recommends that we authorize this new offering on a developmental basis. In a separate order we today grant these applications.

These contentions are more fully described below.

11. In support of their argument that AT&T entry into the international record arena on a primary basis should not be permitted, the IRCs emphasize that the relative market position of AT&T and the IRCs which existed at the time of the Commission's 1964 TAT-4 decision continues to exist today. The IRCs present a substantial amount of data to demonstrate that AT&T continues to be the overwhelmingly dominant telecommunications entity in this country in terms of revenues, market penetration, employees, plant, expenditures and percentage of Gross National Product. While recognizing, in the words of the NPRM, that they are now "firmly established businesses with significant market shares, substantial rate bases, and impressive rates of return" (NPRM para. 16), the IRCs aver that such development has been negated by proportionate AT&T expansion. In short, the IRCs contend that the same factors which prompted the TAT-4 decision continue to exist and warrant the preservation of the TAT-4 policy. The IRCs therefore conclude that our TAT-4 policy decision was farsighted, continues to be correct and should not be modified.

12. The IRCs argue that excluding AT&T from the international record market would have only a minimal impact on AT&T. They state that AT&T's revenues from overseas voice services are approximately 2% of its total revenues. Since international voice services account for approximately 67% of all (both voice and record) international revenues, the IRCs conclude that AT&T exclusion from the international record market would not adversely affect AT&T's future earnings.¹⁰

13. Concomitant with above position, the IRCs emphasize their dependence on revenues derived from international record services and state that AT&T entry into the international record arena would greatly effect their revenues. The IRCs argue that AT&T entry would seriously jeopardize their viability and impair their ability to provide essential services. Pointing to our characterization in the TAT-4 decision of international telegram service as an essential offering the provision of which should not be placed in risk, the IRCs contend that their telex service is now comparably essential. The IRCs concede

¹⁰Thus, even if AT&T captured one half of the international record market, its revenues from international services would only increase from 2% to 2.5% of its total revenues.

⁸The IRC sponsored study was prepared by Dr. Walter G. Bolter and is titled International Communications Industry Policy: A Study of Competition, New Entry, and the TAT-4 "Voice-Record Dichotomy." The two volume study presented by NTIA was prepared by MarTach Strategies, Inc. and is titled Competition and Deregulation in International Telecommunications: An Analysis of Fifteen FCC Actions and Their Combined Effects.

that it is unlikely AT&T will offer a relatively low speed and mature service such as telex. While therefore not offering an exactly identical service to the IRCs' main source of revenue, the IRCs indicate that AT&T will no doubt provide an interchangeable or substitutable service. Such an offering by AT&T would, according to the IRCs, divert substantial revenues, severely impact their viability and eventually impair their ability to provide essential service to the public.¹¹ The IRCs argue that this result is contrary to the explicit competitive policy of the TAT-4 decision.

14. The IRCs fear that a foreign administration's preference to deal with as few U.S. carriers as possible may result in the bulk of inbound record traffic being routed through AT&T. Additionally, the IRCs anticipate that foreign administrations may negotiate more favorable operating agreements with AT&T and perhaps whipsaw the IRCs.¹² Such actions, the IRCs argue, would negate any possible safeguards to assure fair competition that could be attached to AT&T's authorization to enter the international record arena. Moreover, the IRCs state that such actions by foreign carriers would be difficult to correct since our jurisdiction does not reach foreign shores.

15. The IRCs do not believe that fair competition with AT&T in the provision of international record services is possible. They emphasize that AT&T controls facilities which are essential to their record offerings. These essential facilities include local loops, most access lines (interoffice links and terrestrial extensions) and submarine cables. The IRCs also cite cases in which AT&T's competitive tactics have been called into question.¹³ The IRCs argue that AT&T's track record, i.e., alleged past anticompetitive actions in the areas of facility access, interconnection and pricing tactics,

clearly indicates that it will employ its dominant position to engage in unfair and unlawful practices. They therefore recommend that we defer any final decision on AT&T entry until pending legislation is enacted and until the current antitrust proceeding is completed. The IRCs are skeptical that even the imposition of regulatory restraints and the threat of sanctions, ordinarily sufficient safeguards to anticompetitive practices, would be sufficient here. The IRCs generally reject the effectiveness of requiring a separate subsidiary, establishing a moratorium period, implementing closer rate base regulation, imposing service limitations, prescribing interconnection requirements and pursuing traditional antitrust remedies. They contend that only market exclusion will permit the international record market to remain competitive. Nevertheless, the IRCs argue that such restraints and checks must be imposed if we do decide to permit AT&T entry.

16. Finally, the IRCs contend that the present international record market is competitive and encourages innovation, provides efficient service and permits users to make carrier/offering decisions according to price and quality of service. The IRCs state that the international record market is the most competitive regulated telecommunications market in the United States. They conclude that this market structure is exactly the type desired by the Commission and should not be altered. In short, the IRCs claim that there is no need to tinker with a market which is already competitive and serves the public interest.¹⁴

B. Major Users and SBS

17. Major users of international communications services submitted filings which support our tentative conclusions that the IRCs should be authorized to provide international voice services and AT&T should be authorized to provide international record services. DoD, the largest single user of leased international facilities, supports our tentative conclusions and states that "with the increasing use of digital technology, the voice/record dichotomy is increasingly artificial." DoD states that a continuation of the dichotomy will create unnecessary uncertainty as to whether a service is a

voice or record offering and will adversely affect service availability and customer costs. API states that it would be in the public interest "to have available the greatest number of services offered by the greatest number of providers." API further characterizes the present dichotomy as creating for users "serious inconveniences and inefficiencies in the transmission of their overseas communications." API concludes by indicating that the IRCs and AT&T should be permitted to offer all international services and that the Commission should assure service compatibility and facilitate carrier interconnection.¹⁵ ARINC, which serves members of the air transport industry, states that AT&T and the IRCs should be encouraged to expand their international services. ARINC views the existing bar as increasingly artificial and as inhibiting competition to the detriment of users. SBS, a carrier, also supports our tentative conclusions. It states that removal of the artificial distinction between voice and record services "will facilitate the development of innovative telecommunications networks offering international services, similar to those authorized within the United States."¹⁶

C. NTIA

18. NTIA characterizes the existing voice/record dichotomy as an artificial barrier to the operation of market forces and states that such a barrier may result in system suboptimization and forestall, delay or inhibit the fullest development of new technologies and services. While indicating its belief that the relative market position between AT&T and the IRCs has not significantly changed since 1964, NTIA emphasizes that the dichotomy is inconsistent with the evolution of Integrated Services Digital Networks (ISDNs) which make no distinction between voice and record transmissions. NTIA concludes by stating that the elimination of this dichotomy would serve the public

¹¹ The IRCs argue that AT&T's secondary international record service (Dataphone) already adversely impacts on their revenues.

¹² Whipsawing is the term used to describe the ability of a foreign correspondent to utilize its monopoly power to play one U.S. international carrier against another to gain concessions and benefits. These concessions and benefits ordinarily would relate to settlement and accounting rates.

¹³ See *Hush-a-Phone Corp. v. United States*, 236 F. 2d 226 (D.C. Cir. 1956), *Carterfone*, 13 FCC 2d 420 (1968), *recon. denied* 14 FCC 2d 571 (1968), *Bell System Tariff Offerings*, 46 FCC 2d 413 (1974), *off d. sub nom.* *Bell Telephone Company of Pennsylvania v. FCC*, 503 F. 2d 1250 (3rd Cir. 1974), *cert. denied*, 442 U.S. 1026 (1975); *AT&T*, 60 FCC 2d 939 (1976); *MCI Telecommunications Corp. v. FCC*, 561 F. 2d 365 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978); *500 F. 2d 590* (D.C. Cir. 1978), *cert. denied*, 439 U.S. 860 (1978); *MCI Communications Corp. v. AT&T*, — F. Supp. — (N. D. Ill. 1980).

¹⁴ The IRCs note our authorizations of several new carriers. They also speculate as to the amendment of Section 222, Western Union's re-entry into the international record market, and Comsat's possible entry into the international record market as a result of the Authorized Users proceeding, events which have subsequently occurred. They also argue that AT&T entry would discourage the entry of any other carrier.

¹⁵ API's pleading indicates that the Central Committee on Telecommunications of the American Petroleum Institute is composed of representatives of forty-five of the nation's leading petroleum and natural gas companies. The filing also states that API has nearly six hundred member companies and that its members are major users of international telecommunications facilities.

¹⁶ SBS is a domestic satellite carrier jointly owned by Comsat, IBM and Aetna. SBS offers its customers a digital network within the United States integrating voice, data, video teleconferencing and high-speed document distribution services. While primarily a domestic satellite carrier, SBS has been authorized to provide international service between the United States and Canada as well as the United Kingdom. See 88 FCC 2d 195 (1981), 88 FCC 2d 258 (1981) and FCC 82-422 (released October 1, 1982).

interest. NTIA also concludes that the Commission should consider and address various other issues related to marketplace competition. One such issue identified by NTIA is interconnection terms and conditions.

D. AT&T Comments

19. AT&T supports our tentative conclusion that the *TAT-4* restriction on its service offerings should be set aside. It also raises no objection to the provision of international voice services by the IRCs. AT&T makes three major arguments. First, it states that full market entry by all carriers would be consistent with Commission decisions which have found that the public interest is best served by the introduction of competition into the provision of telecommunications services. AT&T argues that our current regulatory philosophy is based in large part on the premise that the statutory public interest standard can be met by allowing marketplace forces to control entry, exit and the extent of competition. Secondly, AT&T contends that the rationale for the *TAT-4* decision has been dissipated by the IRCs' new service offerings, domestic expansion, increased earnings, and substantial revenues. AT&T also references the size of the IRCs' parent corporations, the declining role of international telegram service and the substantial growth of the entire international record market. Finally, AT&T argues that technological advancements make the categorization of services as either voice or record impractical. AT&T states that the development of ISDNs evidences that the arbitrary distinction between voice and record offerings will create inefficiencies, curtail carrier offerings and limit customer options. Moreover, AT&T indicates that foreign administrations are instituting digital networks which will interconnect with U.S. carriers and users. The effectiveness of U.S. carriers is therefore related, according to AT&T, to their ability to provide all services through an integrated digital network both here and overseas.

E. IRC Replies

20. In their reply filings the IRCs reiterate their position that the *TAT-4* rationale is still valid since AT&T continues to have the capacity and resources to overwhelm the IRCs. The IRCs urge us to recognize, as they assert NTIA has done, that AT&T remains the dominant service provider and has the ability to exploit its telephone monopoly to substantially reduce competition in the international record market if it is permitted to enter that market. The IRCs

conclude that only continued market exclusion will preserve the competitive nature of the international record market. The IRCs also question NTIA's basis for supporting our tentative conclusion that AT&T entry into the international record market will be in the public interest. (NTIA states that retention of the voice/record dichotomy in view of technical advancements and the development of ISDNs would create inefficiencies and hinder further technological progress). The IRCs state that new technology may not necessarily blur the voice/record dichotomy, that NTIA misunderstands the relationship between analog and digital systems, and that some efficiencies may reasonably be sacrificed to preserve the competitiveness of the international record market. On other issues the IRCs: (a) indicate the two provisions of Title III of the Communications Act, Sections 313 and 314 relating to antitrust laws and competitive markets, are applicable to this rulemaking; (b) suggest that a separate proceeding on international competition and new technologies be initiated and completed prior to any further action in this proceeding; and (c) aver that any AT&T entry must be accompanied by real restraints and safeguards to preserve the viability of the IRCs and to assure fair competition.

F. AT&T Reply

21. In its reply filing AT&T notes that its support for our tentative conclusions is shared by major users of international services, SBS and NTIA. In response to the issues raised by the IRCs, AT&T states that substantial changes have occurred in the telecommunications industry since 1964, that the changes proposed in the NPRM are in the public interest, that foreign administrations will not act to preclude effective competition, and that advancements in technology are inconsistent with retention of the artificial voice/record dichotomy. AT&T also argues that its entry should not be conditioned upon the resolution of all interconnection issues and that requiring a separate subsidiary is unnecessary.

22. Specifically, AT&T states that: (a) The IRCs now provide established services, have experienced substantial revenues/earnings growth, and are no longer in need of protection; (b) the IRC study does not provide substantiation for the IRCs' claim of significant adverse impact; (c) retention of the *status quo* in the provision of international record services will perpetuate an oligopoly and deny real benefits to users; (d) competition between AT&T and the IRCs is reasonably feasible in the

international market just as competition between AT&T and OCCs, resellers and other entities, most of which are smaller than the IRCs, exists in the domestic market; (e) foreign administrations will not refuse to operate with multiple carriers and many foreign administrations are adopting a more positive attitude toward the competitive offering of facilities and services; and (f) the voice/record dichotomy is inconsistent with technological advancements and the worldwide development of integrated digital networks. AT&T further states that its entry into the international record market should not be delayed until all interconnection issues relating to the IRCs' voice services are resolved. AT&T notes that interconnection negotiations regarding the IRCs' nonprimary voice service (Datel) are ongoing. AT&T also notes that Datel is a relatively small revenue earner for the IRCs. In response to the IRCs' anticompetitive concerns, AT&T indicates that the *Computer II* decision requires a separate subsidiary for enhanced services. AT&T argues that a basic/enhanced dichotomy has replaced the voice/record dichotomy and that the imposition of a further structural separation requirement would be unnecessary and inconsistent with the evolving regulatory scheme. Finally, AT&T suggests that the Commission continues to have jurisdiction to resolve any other problems which may arise. It therefore concludes that the Commission should affirm its tentative conclusions and set aside the *TAT-4* voice/record dichotomy.

III. Discussion

23. The Communications Act requires this Commission to promote "a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities at reasonable charges . . . 47 U.S.C. 151. This statutory direction does not require the continuation of policies which do not serve this end. Our analysis of the history of the voice/record dichotomy, the *TAT-4* decision, the past and future industry structure, and the filings in this proceeding lead us to conclude that AT&T should be permitted to provide international record services and that the IRCs should be authorized to provide international voice services.¹⁷

¹⁷ This order eliminates a policy which unnecessarily restricted the international service offering of carriers. New international service offerings by AT&T and the IRCs will be implemented through the filing of appropriate applications and/or tariffs, such as the filings already made by the IRCs for additional facilities to provide leased channel voice service to the United Kingdom. See also *Dataphone*, 75 FCC 2d 662 (1980) and *Datel*, 76 FCC 2d 166 (1980).

This action is consistent with the Act, the RCA public interest standard,¹⁸ our many recent procompetitive decisions, the desires of major users, and changed circumstances. We anticipate that eliminating restrictions on IRC and AT&T service offering will promote new choices for consumers, enhance the efficient use of facilities, and create a downward pressure on rates in an area where charges have been historically high. Moreover, this decision is compatible with technological advancements and the development of digital systems. We further believe that the Communications Act contains sufficient safeguards to assure fair competition.

24. In reaching our decision to unfetter the international operations of AT&T and the IRCs we have analyzed the dynamics of the international market. Below we discuss: (a) the Act; (b) the RCA standard; (c) the voice/record dichotomy; (d) our regulatory approach; (e) the structure of the international record market (changed circumstances, including technological developments); (f) the IRC study as it relates to Western Union and AT&T entry; (g) other concerns raised by the IRCs and public benefits; and (h) IRC voice service.

A. The Act

25. There is no dispute among the parties submitting pleadings that clarification of the existing policy relating to AT&T and IRC international service offerings may be made by the Commission in this rulemaking proceeding. Neither congressional action nor a separate inquiry, as suggested by the IRCs, on the feasibility of international competition is required. In this proceeding we are changing a policy that was established in 1964 under our broad public interest mandate. After a thorough analysis of this policy and the significant changes which have occurred in the telecommunications industry in the last eighteen years, we believe that the public interest will be best served by eliminating the voice/record dichotomy in the provision of international services.¹⁹

B. The RCA Standard

26. The standard governing additional competitive entry in a given market is set forth in *FCC v. RCA Communications, Inc.* 346 U.S. 86 (1953).²⁰ Under RCA the Commission

must determine whether competition is reasonably feasible in those markets sought to be served and that added competition is in the public interest. Feasibility of competition " * * * depends on whether there is sufficient traffic to support the addition of another competing direct circuit and upon the effect of the opening of such circuit upon the applicant as well as all other carriers providing service to the public." *Mackay Radio and Telegraph Co.*, 28 FCC 231 (1960). In determining whether added competition is in the public interest, "the Commission is not required to make specific findings of tangible benefit * * * but the Commission must at least warrant * * * that competition would serve some beneficial purpose such as maintaining good service and improving it." 346 U.S. at 96-7.

27. This standard has recently been summarized by a reviewing court as follows:

[T]he Commission may lawfully allow, and indeed encourage, entry of multiple carriers offering overlapping services, if it has reviewed the characteristics of the particular communications field involved and rationally concludes that competition in that field predictably would further the public interest in larger, more economical, and more effective service. Essentially, the Commission must be able reasonably to forecast, first, that new entry will not so severely impair the economic base of existing carriers that the industry would experience an incidence of failure so high as to impair provision of service to the public and, second, that injection of new providers will probably result in better, cheaper, or more innovative communications offerings. These forecasts must have some ascertainable foundation in the record; at the same time, however, conclusions on the future conduct of licensees, the anticipated reaction of investors, the expected course of technological development, and other assumptions about the functioning of tomorrow's communications market are unavoidably exercises in prediction. For such prognoses, we can require only that the agency's decisional memoranda reveal that it identified all relevant issues, gave them thoughtful consideration duly attentive to comments received, and formulated a judgment which rationally accommodates the facts capable of ascertainment and the policies slated for effectuation (footnotes omitted).²¹

28. The public interest considerations discussed below lead us to the conclusion, under the RCA standard, that we should set aside the TAT-4

policy which limits AT&T's international service offerings and that we should also set aside any policy which may exist which limits the IRCs' offerings.

C. Voice/Record Dichotomy

29. The existing voice/record dichotomy in the provision of international services is rooted in the historical differences between international voice and record technologies, the provision of international voice and record services by different carriers, and the employment by these carriers of separate networks. The pre-1964 history of the international industry is traced in the NPRM and various pleadings, and need not be repeated here. What is important to emphasize here is that prior to 1964 no definitive policy existed as to IRC and AT&T service offerings. In our 1964 TAT-4 decision we clearly limited the service offerings of AT&T. The TAT-4 decision did not place any limitation on the offerings of the IRCs. In fact, no clear policy ban on IRC voice offerings has ever been enunciated by this Commission. Reference to a general policy of service separation appears as dictum in at least one Commission order prior to 1964. However, this and similar decisions did not establish a clear barrier to the provision of international voice services by the IRCs.²² In sum, we believe that the bar on AT&T is clearly stated in our TAT-4 decision while the existence of any bar on the IRCs is less clear.

D. Regulatory Approach

30. We anticipate that the introduction of established carriers into new markets will bring users better services, new offerings, more options and lower charges. We have in recent years adopted a number of orders which reflect our belief that the public interest is best served by removing unnecessary restrictions which bar or inhibit the operations of carriers. These initiatives in the domestic voice, domestic record and international record markets have been based on the premise that the

¹⁸ See AT&T, 27 FCC 113 (1959). The exact reasons surrounding the IRCs' failure to provide international voice services over existing facilities or to request authority for additional facilities to provide international voice services can only be the subject of speculation. Policy misconceptions, high start up operating costs, anticipated operating losses, perceived difficulties in modifying or obtaining new operating agreements, technical and engineering difficulties (facility access, interconnection arrangements, numbering plans, etc.) or fear of an AT&T response requesting symmetrical entry into the international record market may have contributed to the business decision apparently made by the IRCs not to provide international voice services.

¹⁹ See para. 26, *infra*.

²⁰ See *Geller v. FCC*, 610 F.2d 973 (D.C. Cir. 1979) and *Greater Boston Television Corporation v. FCC*, 444 F.2d 841 (D.C. Cir. 1971), cert. denied, 403 U.S. 923 (1971).

²¹ This standard has been modified by the Record Carrier Competition Act of 1981 (RCCA) for "record

carriers" providing "record communications service." However, this statute does not specifically apply to the provision of record services by AT&T or to the provision of voice services by the IRCs. See P. L. 97-130, 95 Stat. 1687.

²² *Telocator Network of America v. FCC*, No. 78-2218, slip op. at 40-41 (D.C. Cir. Oct. 5, 1982).

statutory public interest standard can be best met by allowing marketplace forces to control entry, exit and the extent of competition. In allowing firms greater flexibility to enter new markets and to align their services to respond to user requirements, we have removed artificial barriers to entry, mandated structural changes to assure fair competition, and simplified filing requirements.²³ In so doing we have consistently found that additional competition in an expanding market is reasonably feasible and will serve some beneficial purpose.²⁴

31. Concomitant with the adoption of this regulatory approach is the acknowledgement that not every new entrant will succeed and that not every existing carrier will remain competitive. There should be no doubt that our responsibility is to the public interest, not to the private financial interests of any particular carrier or group of carriers. This regulatory approach was stated with abundant clarity in our *Authorized User* decision.²⁵ If a carrier cannot compete after the establishment of a fair competitive environment, it will likely be because its customers have selected a competitor which offers a better service, a lower price or additional conveniences. Better services, lower prices or additional conveniences for the customer are results that we expect to occur through additional market entry and increased competition. The issue of adverse impact on revenues or market shares where competition is fair is unimportant unless it can be clearly demonstrated that such an

impact will adversely effect services to the public and outweigh the anticipated benefits of additional competition.

E. Industry Structure

32. The IRCs argue that the relative size and market positions of AT&T and the IRCs have not significantly changed since 1964. Employing data from their study, the IRCs state that the structure of the international telecommunications market has not significantly changed and that no modification of the TAT-4 policy is warranted. AT&T does not refute the data, all of which are public information from IRC and AT&T filings or Commission tabulations.

33. We do not question the market comparison data presented by the IRCs for the 1964-1980 period. We agree with the IRCs that AT&T was and continues to be the major U.S. carrier in terms of revenues, earnings, plant, employees, and percentage of Gross National Product. We also agree with the IRCs that on merely percentage terms the relative position of the carriers has not substantially changed since 1964. However, we believe that the approach taken by the IRCs ignores the dynamic changes that have occurred in the telecommunications industry in the last eighteen years. These changes can be demonstrated by: (a) analyzing data relating to IRC growth; and (b) surveying the development of digital technology.

34. *IRC Growth.* The data presented by the IRCs actually reflect a situation greatly different from that which existed in 1964. The data show an industry experiencing strong growth and vitality. The data also show the carriers serving this industry to be viable and stable entities. As we stated in the NPRM:

The IRCs are no longer struggling enterprises with dubious financial futures which must be kept afloat because they are the sole providers of a crucial service. The IRCs are now firmly established businesses with significant market shares, substantial rate bases, and impressive rates of return.

We also pointed out that:

IRC gross plant investment has grown from nearly \$200 million in 1964 to approximately \$700 million in 1978, a 12% growth rate in 1972 dollars * * *. Revenues from message, telex and private line services have increased from \$89.9 million in 1964 to \$397.8 million in 1978, a 15.1% growth rate in 1972 dollars.

Data available since the release of the NPRM reflect continued growth of the international record market and the revenues of the carriers which provide international service. By year-end 1981, IRC revenues had increased to approximately \$578 million and plant investment stood at \$939 million. Thus the IRCs, the majority of which are

affiliated with large corporate entities, have grown rather than stagnated during the last seventeen years. During this time period, plant investment has increased by over 500% and revenues have grown by over 600%. Most importantly, the international record market will continue to expand, thus providing the IRCs with the opportunity to compete from solid bases.²⁶

35. Disparity of size cannot alone be a basis to preclude or limit competition. Many carriers much smaller than the IRCs now compete with AT&T domestically. The key is establishing an environment in which competition can survive or at least in which entities can compete fairly. Additionally, unlike in 1964, the IRCs now provide wholly domestic record services, are no longer limited to a few gateway cities, and may interconnect with their domestic affiliates and other carriers. As stated by the United States Court of Appeals for the District of Columbia in affirming our *Datel* and *Dataphone* orders:

The IRCs, it seems clear, are no longer an infant industry in special need of extraordinary protection. Through the *Datel* order and related decisions, (footnote omitted) the FCC strengthened the position of the IRCs by securing to them expanded domestic operation centers and enhanced voice capacity.²⁷

36. *Digital Technology.* Major improvements in the performance and cost-effectiveness of solid state electronics have played a major role in revolutionizing telecommunications facilities and networks. These improvements, which were spurred in part by the enormous demand for information transfers, have resulted in the development of digital switches, loops and lines. Digital technology is becoming more cost efficient for a significant portion of telephone interoffice trunks and circuits as well as switches. Digital transmissions are also critically important to computer processing and the efficient transmission of data.

37. Digital networks economically employ resources, provide users with broad flexibility as to service options and promote facility efficiency. Digital signals are compatible with the data signals of computers as well as with voice signals, and can be stored and processed in convenient and sophisticated ways. They can be transmitted economically by reducing the bandwidth requirements or by

²³ See *Specialized Common Carrier Services*, 29 FCC 2d 870, *recon. denied*, 31 FCC 2d 1100 (1971), *aff'd sub nom. Washington Utilities and Transportation Commission v. FCC*, 513 F. 2d 1142 (9th Cir.), *cert. denied*, 423 U.S. 836 (1975); *International Record Carriers' Scope of Operations (Gateways)*, 76 FCC 2d 115 (1980), *aff'd sub nom. Western Union Telegraph Company v. FCC*, 665 F.2d 1126 (D.C. Cir. 1981); *Domestic Public Message Services (PMS)*, 71 FCC 2d 471 (1979), *aff'd sub nom. Western Union Telegraph Company v. FCC*, No. 79-1352, slip op. (D.C. Cir. Sept. 3, 1981); *American Telephone and Telegraph Company (Dataphone)*, 76 FCC 2d 682 (1980), and *Western Union International, Inc., et al. (Datel)*, 76 FCC 2d 166 (1980), *aff'd sub nom. Western Union International, Inc.*, 673 F.2d 539 (D.C. Cir. 1982); *RCA Global Communications, Inc., et al.*, 89 FCC 2d 905 (1982); *Western Union Telegraph Company*, FCC 82-378 (released August 12, 1982); *Second Computer Inquiry*, 77 FCC 2d 384 (1980), *reconsideration*, 84 FCC 2d 50 (1980), *further reconsideration*, 88 FCC 2d 512 (1981), *aff'd sub nom., C.C.I.A. v. FCC*, No. 80-1471, slip op. (D.C. Cir. Nov. 12, 1982); *Competitive Common Carrier Services*, 77 FCC 2d 308 (1979), 85 FCC 2d 1 (1980), 84 FCC 2d 445 (1982), and FCC 82-187 (1982).

²⁴ See *FCC v. RCA Global Communication, Inc.*, 346 U.S. 86 (1953) and *Mackay Radio and Telegraph Company*, 28 FCC 231 (1960).

²⁵ See *Authorized User*, FCC 82-357 (released August 19, 1982) at para. 56.

²⁶ Data on future market growth indicates continued expansion. See Docket Nos. 18875, 79-184 and 81-343 (Atlantic and Pacific Planning).

²⁷ *Western Union International, Inc. v. FCC*, 673 F. 2d at 543 (D.C. Cir. 1982).

sharing communications circuits using techniques such as time division multiplexing and packet switching. They can also be transmitted with more accuracy than previously possible since error detection techniques and error correction codes are now used, and since wide dynamic ranges can be handled. Greater flexibility is another characteristic of digital signalling because it permits a trade-off between distortion and noise immunity. Digital bitstreams can also be encrypted to provide greater security and privacy. Finally, digital technology is compatible with evolving services such as videotex and teletex, and we anticipate that digital equipment will continue to replace analog apparatus as digital networks expand.

38. Unlike circuits in existing analog systems which are usable for voice and data transmissions, but which are ordinarily conditioned for either voice or data, circuits in a digital network can be viewed as transparent pipelines which make no distinction between such transmissions. In a digital network, both voice and data transmissions are transformed into pulses (bits), transmitted through the pipeline to the desired phone/terminal/computer, and then reconstructed. In view of the deployment of transparent pipelines and digital networks, it makes little sense for a user of international services to acquire a transparent pipeline from a voice carrier for only voice requirements and a second transparent pipeline from a record carrier for only data requirements. We do not require this possibly wasteful duplication of facilities of domestic users and we see no reason to continue to require it of international users. As ITT points out, the existing dichotomy could be preserved. However, the cost to society in terms of money, convenience and system efficiency would, as emphasized by NTIA and the commenting users, be substantial. Moreover, the transparency of the digital pipeline would make enforcement of this dichotomy impossible. Our view of evolving technology is shared by DoD, SBS, AT&T and NTIA. We particularly point to the comments of NTIA and to its declaration that:

An artificial voice/record dichotomy will be meaningless in the evolving digital environment leading to an ISDN. Furthermore, any attempt at maintaining artificial market distinctions despite advances in technology would involve system suboptimization and could prove costly in terms of higher facility costs and consumer rates with resultant service constraints. (NTIA comments, pages 7-8).

39. We therefore find that the existing market structure and industry have substantially changed or will substantially change in the not too distant future. Thus, the rationale for the TAT-4 decision has been dissipated by the growth of the IRCs and the development of digital networks.²⁸

F. IRC Study

40. We note that the IRC study does not recommend a moratorium or bar on Commission authorization of new entrants to provide international record services. First, the study advocates the entry of non-dominant carriers. Secondly, as to the possible entry of Western Union and AT&T, the study states:

Entry by Western Union could be permitted, but only after establishment of appropriate structural and regulatory safeguards. These would assure that any overseas Western Union services would not be cross subsidized by domestic services and that Western Union could not use its control of essential ("bottleneck") facilities to the detriment of competitors. Appropriate and fair interconnection arrangements should be worked out beforehand between Western Union and the IRCs.

Only after other alternatives have been tested, should the Commission consider permitting AT&T to enter the overseas record industry generally, and then only under special terms and conditions. Before such entry is permitted, issues related to the IRCs' interconnection arrangements with AT&T should be resolved. Additionally, structural separation of Bell's overseas services into facilities and services subsidiaries should be required as a condition precedent to entry.²⁹

The RCCA coupled with our Interim Order³⁰ and tariff decision³¹ establish competitive safeguards and interconnection arrangements generally consistent with the study's recommendations regarding Western Union entry. As to AT&T entry, it is not clear from the record before us that a similar approach is appropriate.³²

²⁸ The AT&T divestiture supports our finding that circumstances have significantly changed since 1964. Under the divestiture plan, which is now scheduled to be implemented in early 1984, AT&T will divest its twenty-two operating companies which currently account for most of its plant and employees and which generate a substantial percentage of its revenues. In accordance with the divestiture plan AT&T will gain facility access from the divested entities on terms and conditions and at rates equal to that offered to other common carriers. AT&T will therefore have to compete on equal terms with other interexchange carriers, including the IRCs.

²⁹ IRC study at pages xviii and 138.

³⁰ Interconnection Arrangements, 89 FCC 2d 928 (1982).

³¹ Interconnection Arrangements, FCC 82-264 (released June 11, 1982).

³² For example, the facilities used to provide record communications services which Western Union and the IRCs were required to fully interconnect pursuant to the RCCA were already in

Certainly the record here is insufficient to prescribe any interconnection arrangements. Indeed, the carriers do not describe with any degree of specificity the arrangements that they desire. Most importantly, we regard interconnection as a separate matter which requires an initial request under Section 201 or 222 of the Act by the carrier desiring interconnection prior to any Commission action.³³ If interconnection proves necessary or desirable and is not readily forthcoming, we will entertain requests from the IRCs and may consider such issues in conjunction with any applications filed by AT&T pursuant to Section 214 for additional facilities to provide new international services.³⁴

41. In analyzing the IRC study we must emphasize that we do not subscribe to the study's stated conclusions regarding future IRC revenue trends due to AT&T's or Western Union's entry into the record market.³⁵ The study contains several speculative assumptions regarding projected IRC revenue diversion. These assumptions seriously undermine the study's value as a predictive model. For example, the study estimates that during the year 1985, 94% of IRC Telex profits (net income) will be diverted to AT&T if it is authorized to enter the record market. This estimate, however, is based upon a combination of three underlying assumptions each of which could well prove to be inaccurate. These assumptions are as follows: First, that the average annual growth rate of telex revenues and IRC profits during the 1981-1986 period will equal the average annual growth rate during the previous five year period. Second, that the IRCs have accurately estimated the future revenue diversions which could occur through 1985 if AT&T or Western Union entered the record market. Third, that these projected dollar losses in revenue would translate into an identical dollar loss in profits (net income). In the telex example cited in the study, it is

existence, were known to be technically compatible and were already interconnected for international transmissions. The same situation does not exist as to AT&T record or IRC voice services. Since any new switched record services of AT&T and any new switched voice services of the IRCs are not now in existence, the feasibility of interconnection, i.e. whether these future services would be technically compatible with existing networks and therefore possibly suitable for interconnection with those existing networks, can only be the subject of speculation at the present time.

³³ See para. 50, *infra*.

³⁴ We note that the initiation of any new service offering between the United States and a particular foreign point requires the cooperation and agreement of that foreign administration.

³⁵ IRC study, Chart 25.

estimated that IRC revenues from telex would decline 7% from \$373 million in 1981 to \$347 million in 1985, were AT&T to enter the market. The study, however, translates this 7% revenue decline into a 94% decline in profits based upon the three aforementioned assumptions: (a) IRC telex revenues might have grown to \$656 million by 1985 assuming a growth rate equal to the previous five year period. Thus, the decline in revenues is expressed not as the actual decrease from \$373 million to \$347 million but rather as a decline from hypothesized future revenues of \$656 million to \$347 million; (b) this \$309 million revenue diversion estimate is based upon unspecified IRC projections regarding the recasting of market shares; and (c) it is assumed that the estimated \$309 million revenue loss would result in an identical \$309 million loss in net income (profits).

42. We cannot conclude that any of these assumptions are valid for decisional purposes. In particular, we cannot accept the IRCs' projections of revenue diversion which are unsupported by any factual information. Further, we cannot agree that the projected revenue decline would translate to an identical net income decline. In fact, such a scenario would be atypical since it presumes that expenses would remain constant rather than decline in the face of falling revenues. Additionally, we cannot accept the study's analysis of future market shares and trends because it does not evaluate the effect of the interconnection, transiting and pro rata requirements of the RCCA and the Interim Order, and does not consider IRC domestic expansion, IRC competitive responses and IRC new service offerings.

43. Even if we were to accept the conclusions of the study, they do not provide a basis for altering our tentative decision regarding AT&T entry into the record market.³⁶ The study indicates that AT&T entry would reduce the IRCs' expected future revenues by approximately 31% for the 1981-1985 period. Such a diversion, it is claimed, would curtail the IRCs' growth and eventually result in a negative growth trend. However, in view of the telex

³⁶ As to Western Union entry, we have already determined that the provision of international service by Western Union would be consistent with the RCCA's direction to promote the development of fully competitive domestic and international markets in the provision of record communications services. In employing the RCA standard as an alternative basis for our decision, we found that entry into the expanding international record market was reasonably feasible, would not adversely affect the IRCs, and would be beneficial to users.

market's projected annual growth rate of 15.1%, and accepting the estimates of revenue diversion to AT&T, IRC telex revenues in 1985 would decline by only 7% from current (1981) levels. In short, any revenue diversion from the IRCs to AT&T would largely be offset by the growth in the market demand for telex or telex type services. Stated differently, the IRC's revenues from telex would be 31% less than they would otherwise be absent AT&T entry, but by 1985 they would actually have declined only 7% from current (1981) levels. Thus, even assuming the accuracy of the study's assumptions, we cannot conclude that the revenue diversion would be so great as to threaten service to the public in a manner which would outweigh the benefits of increased competition.

44. Furthermore, the IRC study appears to ignore the probability that increased competition within a market will expand the market. That is, there is not a set amount of record revenues, any gain of which by AT&T can be claimed by the IRCs as a loss. Rather, vigorous marketing by new entrants often increases the demand for service i.e., increases the size of the revenue pie. Thus the IRCs could have a smaller share of a growing pie and still experience revenue growth. We recognize that the IRC study does not consider the effects of the combined entry of Western Union, AT&T and possibly other carriers, including Comsat. Entry of these carriers would place in the market entities with considerable resources and customer bases, thus making vigorous competition all the more likely and the evolution of increased market concentration less likely. We view these probable effects of combined entry to be consistent with our regulatory approach and to be beneficial to users. We do not believe, and the IRCs have not demonstrated, that combined entry by Western Union, AT&T and Comsat will result in increased market concentration and the offering of less desirable service. In short, even assuming a worse case scenario, it does not appear likely that the IRCs will suffer irreparable injury and, most importantly, that service to the public will be adversely effected by additional entry. To the contrary, we believe that there will be significant benefits to the public as a result of our decision.

G. Other IRC Concerns and Public Benefits

45. The IRCs call our attention to Sections 313 (application of antitrust laws) and 314 (preservation of competition) of the Act. To the extent

that these Title III sections are applicable to the subject matter of this proceeding, we believe that we have adequately considered these points. Section 313 relates to unlawful restraints and monopolies in the manufacture and sale of and trade in radio apparatus and devices. Section 314 relates to control of wireline and radio facilities for the purpose and/or effect of substantially lessening competition. We believe full market entry by AT&T and the IRCs will stimulate competition, particularly in view of the AT&T divestiture and the safeguards which will be established. We further do not believe that full market entry by AT&T and the IRCs will have any significant effect on the manufacture, sale or trade of telecommunications equipment. We therefore reject the IRCs' contention that lifting the TAT-4 bar would be contrary to either the language or spirit of these two sections.

46. The IRCs contend that the international record market is presently competitive, that the carriers providing international record service are efficient and innovative, and that additional entrants are not needed. The IRCs view their industry as competitively balanced and particularly claim that AT&T's entry will destroy rather than promote competition. We disagree. First, the fact that more than one service provider is in a market does not necessarily mean that there is effective competition. In fact, price competition has rarely existed in the international record market.³⁷ The IRC filings, historically high rates of return, and the eagerness on new entities to gain market entry support this view of the international record market.³⁸ Secondly, we have already outlined and will discuss further below the benefits that removing operating restrictions will bring to users. Finally, the IRCs' argument that a competitive market exists into which additional competition should not be introduced is similar to the argument made by RCA and rejected by the Supreme Court in the previously cited RCA decision. In the RCA decision the Court clearly indicated that duplicating authorizations are in the public interest wherever competition is reasonably feasible and would serve some beneficial purpose.³⁹

³⁷ The IRCs compete, on a limited basis, on service and convenience terms rather than on price. See Preliminary Audit and Study of Operations of International Carriers and Their Communications Services Between the United States and Overseas and Foreign States, 75 FCC 2d 726 (1980).

³⁸ The IRCs themselves point to the large number of new entrants.

³⁹ 346 U.S. at 96-97 (1953).

Moreover, if the IRCs are as innovative and efficient as they claim, they should not be adversely effected by new entry. In view of these factors, the anticipated benefits of competition, and the reasonable feasibility of additional competition, we must reject the IRCs' contention that additional competition would not be in the public interest.⁴⁰

47. The IRCs also contend that AT&T entry will lead to the imposition of disadvantageous operating agreements by foreign administrations on the IRCs. In response, AT&T suggests that several foreign correspondents have recently shown interest in developing more competitive domestic networks. AT&T also suggest that overseas entities have recently shown more willingness to deal with multiple U.S. carriers. No evidence has been presented by the IRCs to demonstrate that existing operating agreements or procedures will be unfairly modified or terminated. We believe, however, that this is an area that will require strict carrier adherence to Commission policies relating to whipsawing. Moreover, we have the power under the Act to coordinate the positions of U.S. international service carriers and to take action against any U.S. carrier that operates in a manner inconsistent with the public interest.

48. As to the relationship between our *Computer II* orders and our decision to remove restraints on the non-voice service offerings of AT&T, our decision today permits AT&T to provide basic record and data services on a primary basis between the United States and foreign points. The provision of enhanced services by AT&T between the United States and foreign points is governed by our *Computer II* policy.⁴¹

⁴⁰ Full market entry by both AT&T and the IRCs is also consistent with the Record Carrier Competition Act of 1981. Congress' most recent legislative pronouncement regarding the international telecommunications market. Although the focus of the RCCA is record carrier provision of record communications services and does not specifically apply to either AT&T entry into the international record market or IRC entry into the international voice market, our action here relating to international services is a natural extension of the philosophy of that Act. Section 222(b)(1) states:

The Commission shall, to the maximum extent feasible, promote the development of fully competitive domestic and international markets in the provision of record communications services, so that the public may obtain record communications service and facilities (including terminal equipment) the variety and price of which are governed by competition.

Additionally, the House Committee Report emphasizes that the Commission is instructed to promote the development of fully competitive markets and to rely on market forces to protect the public interest. Energy and Commerce Committee Report of the House of Representatives, Report No. 97-356, 97th Cong., 1st Sess. (Dec. 3, 1981).

⁴¹ As offerings not subject to Title II regulation, enhanced services provided by AT&T must be

49. The IRCs have suggested that any AT&T entry into the international record market be done through a separate subsidiary. Under the IRC scheme AT&T would continue to provide international voice service while a new entity would be created to provide international record services. We reject this proposal. The IRC plan would substantially negate the evolving advantages of digital networks and transparent pipelines. Upon the deployment of digital networks a user with both international voice and record requirements could select service from AT&T or an IRC which would provide a transparent circuit for both voice and record requirements. However, under the IRC plan, a user could not satisfy both voice and record requirements in getting service from AT&T. Instead, the user would have to obtain record services from an AT&T subsidiary. This arrangement would substantially reduce for AT&T and its customers the anticipated benefits of evolving technology. An AT&T customer would be required under the IRC plan to obtain and pay for two separate circuits where one circuit could suffice. We view the IRC proposal to require AT&T to establish a separate subsidiary for its Title II record and data services offered between the United States and foreign points as unnecessary, as promoting inefficiency, as contrary to technological developments, as increasing user costs and as therefore not in the public interest.

50. We are confident that the removal of the *TAT-4* policy restriction on the international service offerings of AT&T will have beneficial results. The removal of unnecessary operating restrictions and the introduction of additional competitors into expanding markets has previously resulted in real benefits for users in the domestic voice, domestic record and international record arenas. We anticipate that these same benefits—additional user choice as to carriers, more service options, added conveniences and lower rates—will also result from AT&T's entry into the international record market. We also anticipate that the further development of digital networks will augment these benefits.

H. IRC Voice Services

51. There can be little doubt that IRC entry into the expanding international

offered through a separate subsidiary such as American Bell. See Amendment to Section 64.702 of the Commission's Rules and Regulations (Computer II), 77 FCC 2d 384 (1980); *reconsideration*, 84 FCC 2d 50 (1980); *further reconsideration*, 88 FCC 2d 512 (1981); *off'd sub nom.*, C.C.I.A. v. FCC, No. 80-1471 slip op. (D.C. Cir. Nov. 12, 1982).

voice arena is reasonably feasible. International voice service, measured in terms of circuits, minutes or revenues, has shown dramatic growth. Revenue growth and profitability are two of the most important measurements of competitive feasibility. Between 1975 and 1981 revenues from international voice services increased approximately threefold. While most of the revenue growth in this period is attributable to IMTS (\$576 million to \$1.67 billion), steady growth also occurred in private line revenues (11.7 million to \$13.7 million). International voice services have also been quite profitable. AT&T, the largest provider of international voice services, earned rates of return during the last several years generally above its permitted overall rate of return.⁴² The IRCs are established carriers with customer bases and the operating expertise to provide new services, additional conveniences for users, or duplicative offerings at lower rates. AT&T's revenues from international voice services are substantial but are not a significant percentage of its overall income. AT&T does not argue adverse impact on its financial status and we do not anticipate such a result. We therefore conclude that competition in the provision of international voice services is reasonably feasible.

52. Furthermore, voice-only service by the IRCs will broaden their service offerings, increase their operating flexibility and potentially promote a more efficient use of their plant. This could reduce costs and lead to lower rates. In a separate item before us today we grant several pending IRC applications for facilities to provide leased channel voice service. In their applications the IRCs indicate that they have secured customers and the agreement of at least one major overseas entity, and are ready to provide service at a rate substantially below that now available from AT&T. Thus, our action here will have immediate tangible benefits. The provision of international voice services by the IRCs thus satisfies the standard for entry established by the Supreme Court in its *RCA* decision,⁴³ will be in the public interest and justifies a clarification of Commission policy.

⁴² AT&T's rate of return for international services was 15.5% in 1977, 23.0% in 1978, and 36.5% in 1979. Although exact data is unavailable for 1980 and 1981, we believe that AT&T's rate of return for 1980 was nearly 20% and that its rate of return for 1981 was somewhat less due to tariff revisions.

⁴³ *FCC v. RCA Global Communications, Inc.*, 346 U.S. 86 (1953).

I. TAT-4 Conclusions

53. Based on the record in this proceeding and the additional information described above, we warrant that the elimination of the voice/record dichotomy in the provision of international services is required by the public convenience and necessity. Consistent with the *RCA, Mackay* and *Telocator* decisions we find that full market entry by AT&T and the IRCs is reasonably feasible and will serve beneficial purposes. This decision is based on our findings that the international telecommunications market has experienced substantial growth in both the voice and record segments; that this strong growth pattern will continue; that AT&T has been and continues to be the major U.S. provider of telecommunications services/facilities; that the IRCs earnings and revenues have increased significantly since 1964; that the IRCs are no longer struggling enterprises with dubious financial futures which must be protected from competition; that the removal of all restrictions on the service offerings of carriers is consistent with evolving technology; that additional competition will not irreparably harm either AT&T or the IRCs; and that the removal of service restrictions will enhance efficiency, consumer options and price competition.

54. Our action today is an important step in achieving our goal of providing users with greater carrier and service options as well as establishing an environment to stimulate lower rates. IRC entry into the expanding international voice arena will neither impair AT&T's economic viability nor adversely effect service to the public. Moreover, the IRC applications which we grant today will result in tangible financial benefits to users. We anticipate that future IRC applications will provide similar benefits to users. AT&T entry into the growing international record market will clearly impact the future revenues of the IRCs, but will neither threaten the economic viability of the IRCs nor adversely effect service to the public. Additionally, we expect that AT&T entry into the international record market will provide users with additional service options and create a downward pressure on existing rates.

55. Lastly, the full market entry by both AT&T and the IRCs is consistent with evolving technology and permits these carriers to utilize facilities in the most efficient manner possible. The development of digital technology and the deployment of digital networks are important occurrences in the

telecommunications industry. Digital networks permit carriers to employ their resources and facilities with greater efficiency and flexibility, advantages that are transferred to users in the form of additional options and conveniences as well as lower charges. Retention of an artificial market segmentation would be inconsistent with full utilization of digital networks and with the public interest.

IV. Interconnection

56. Having found that removing service restrictions on carriers' international operations will serve the public interest, we now turn to the separate issue of carrier interconnection. Several parties have identified interconnection arrangements as an issue which should be resolved. However, as we have noted, the existing record is insufficient for us to prescribe any interconnection arrangements and/or tariff revisions for either voice or record services which may be necessary. While we may at some future date have to resolve an interconnection dispute relating to the elimination of the voice/record dichotomy, this is an issue upon which the carriers ordinarily have initial responsibility under the Act. Pursuant to Section 201(a) of the Act, a carrier is required to provide interconnection upon reasonable request. We may order interconnection if, after an opportunity for hearing, we find such action to be necessary or desirable. In the circumstances presented here where the technical characteristics and compatibility of the new services are unknown, an approach based other than on Section 201 would be clearly premature.⁴⁴

V. Ordering Clause

57. Accordingly, IT IS ORDERED that the voice/record dichotomy in the provision of international services is eliminated, that full market entry by AT&T and the IRCs will be permitted, and that the restrictions on AT&T service offerings enunciated in the *TAT-4* decision are removed.

58. It is further ordered that this proceedings is terminated.

⁴⁴ Section 201(a) states: It shall be the duty of every common-carrier engaged in interstate or foreign communication by wire or radio to furnish such communication service upon reasonable request therefor; and, in accordance with the orders of the Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes.

FEDERAL COMMUNICATIONS COMMISSION.

William J. Tricarico,
Secretary.

Concurring Statement of Commissioner Joseph R. Fogarty in Which Commissioner James H. Quello Joins

In Re: Overseas Communications Services.

I concur in this decision because of the reasons stated in my dissent in *GTE Telenet Communications Corporation et al.*, — FCC 2d — (1982). In this Order the Commission has once again, on the strength of a footnote, declared a policy which it has never considered. The dictum contained in the "mysterious" footnote 4 of the *Computer II Reconsideration Order*⁴⁵ cannot serve as an adequate basis to deregulate international enhanced services and, thereby, establish resale internationally. To reaffirm this policy in another footnote serves only to compound the original error in an effort at intellectual bootstrapping which fails.

[FR Doc. 83-208 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-565; RM-4154]

Radio Broadcast Services; FM Broadcast Station in Arcata, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Class C Channel 226 for FM Channel 228A at Arcata, California, and modifies the license accordingly, in response to a petition filed by the licensee, Record Plant Broadcasting, Inc.

DATE: Effective February 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 15, 1982.

Released: December 23, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Arcata, California); BC Docket 82-565, RM-4154; report and order (Proceeding Terminated).

1. In response to a petition filed by *Record Plant Broadcasting, Inc.*

⁴⁵ See Second Computer Inquiry, on reconsideration, 84 FCC 2d 50, 53 n.4 (1980).

("petitioner"), the Commission adopted a notice of proposed rule making, 47 FR 38931, published September 3, 1982, proposing to substitute Class C Channel 226 for Channel 228A at Arcata, California. The notice also proposed to modify the Class A license for Station KXGO (FM) to specify operation on Channel 226. Comments supporting the proposal were filed by the petitioner. No oppositions were received.

2. The commission believes that the public interest would be served by the proposed substitution of channels which would provide Arcata with a wide-coverage area station. We have authorized in paragraph 4 a modification of petitioner's license for Station KXGO (FM) to specify operation on Channel 226, since there has been no other expression of interest in the Class C channel.

3. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective February 22, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Arcata, California.	226

4. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Record Plant Broadcasting, Inc., for Station KXGO(FM), Arcata, California, is modified, effective February 22, 1983, to specify operation on Channel 226 instead of Channel 228A. Station KXGO(FM) may continue to operate on Channel 228A for one year from the effective date of this action or until it is ready to operate on Channel 226, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) The licensee shall file with the Commission, a minor change application for a construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental

¹Record Plant Broadcasting, Inc. is the licensee of Station KXGO (FM), Arcata, California.

impact statement pursuant to § 1.1301 of the Commission's Rules.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 632-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-386 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-555; RM-4156]

Radio Broadcast Services; FM Broadcast Station in Delta Junction, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 228A to Delta Junction, Alaska, in response to a petition filed by Delta Broadcasters. The assignment could provide Delta Junction with its first local FM service.

DATE: Effective February 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Delta Junction, Alaska); BC Docket No. 82-555, RM-4156; report and order (Proceeding Terminated).

Adopted: December 13, 1982.

Released: December 23, 1982.

1. Before the Commission for consideration is the notice of proposed rule making, 47 FR 35996, published August 18, 1982, proposing the assignment of Channel 228A to Delta Junction, Alaska, as that community's first FM assignment, in response to a petition filed by Delta Broadcasters ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. No oppositions to the proposal were received. The channel

can be assigned consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules.

2. In view of the expressed interest in the proposed channel allocation, and based upon the fact that Delta Junction does not presently have any local radio service, we find that public interest considerations warrant the assignment of Channel 228A to that community.

3. Canadian concurrence in the assignment has been obtained.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204 and 0.281 of the Commission's Rules, it is ordered, That effective February 22, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to Delta Junction, Alaska, as follows:

City	Channel No.
Delta Junction, Alaska	228A

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-386 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-492; RM-82-492]

Radio Broadcast Services; FM Broadcast Station in Fresno, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class B Channel 239 for Class B Channel 238 at Fresno, California, and modifies the license of Station KYNO-FM to specify operation on Channel 239, in response to a petition filed by Radio KYNO, Inc. The change in channels was requested by Radio KYNO in order to permit it to relocate its transmitter.

DATE: Effective February 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 13, 1982.

Released: December 23, 1982.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fresno, California); BC Docket No. 82-492, RM-4134; report and order (Proceeding Terminated).

1. The Commission has under consideration a notice of proposed rule making, 47 FR 34591, published August 10, 1982, proposing the substitution of Class B Channel 239 for Class B Channel 238 at Fresno, California; and modification of the license for Station KYNO-FM to specify operation on Channel 239 in response to a petition filed by Radio KYNO, Inc. ("petitioner"). Petitioner filed comments reaffirming its interest in the modification. The substitution was requested by petitioner to permit it to relocate its transmitter out of downtown Fresno and into an area that would offer greater flexibility for maximizing coverage. The channel can be substituted in compliance with the minimum distance separation requirements. No opposing comments were received.

2. The Commission has determined that the public interest would be served by substituting Class B Channel 239 for Class B Channel 238 at Fresno, California, and by modifying the license of Station KYNO-FM to specify operation on Channel 239, to permit its planned transmitter relocation.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, that effective February 22, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Fresno, California	229, 239, 250, 266, 270, 274, and 290.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-390 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-622; RM-4162]

Radio Broadcast Services; FM Broadcast Station in Houma, Louisiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C FM Channel 298 for Channel 296A at Houma, Louisiana, and modifies the license for Station KCIL (FM) to specify operation on Class C Channel 298 at the request of South Louisiana Broadcasters, Inc.

DATE: Effective February 23, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 14, 1982.

Released: December 23, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Houma, Louisiana); BC Docket No. 82-622, RM-4162; report and order (Proceeding Terminated).

1. The Commission has under consideration the notice of proposed rule making, 47 F.R. 40456, published September 14, 1982, proposing the substitution of Class C FM Channel 298 for Channel 296A at Houma, Louisiana, in response to a petition filed by South Louisiana Broadcasters, Inc. ("petitioner"), licensee of Station KCIL(FM). The notice also proposed modification of the license for Channel 296A to specify operation on Class C Channel 298. Petitioner submitted comments in support of the proposal and reaffirmed its interest in the Class C channel. Jack A. Pelligrin also filed comments in support and expressed an interest in Channel 298 in Houma, Louisiana. However, he later withdrew his comments. No oppositions to the proposal were received.

2. After consideration of the proposal, we believe that the public interest would be served by the substitution of channels inasmuch as it would provide service to a larger area. We have also authorized, in paragraph 5 herein, a modification of the petitioner's license for Station KCIL(FM) to specify operation on Channel 298 since the only other expression of interest in the Class C channel has been withdrawn. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). A site restriction of 12.3 miles south of the city is required for Channel 298.

3. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective February 22, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Houma, Louisiana	281, 298

4. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by South Louisiana Broadcasters, Inc., for Station KCIL(FM), Houma, Louisiana, is modified, effective February 22, 1983, to specify operation on Channel 298 instead of 296A. Station KCIL(FM) may continue to operate on Channel 296A for one year from the effective date of this action or until it is ready to operate on Channel 298, whichever is earlier, unless the Commission sooner directs, subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301) specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-391 Filed 1-6-83; 9:48 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-563; RM-4153]

Radio Broadcast Services; FM Broadcast Station in Panama City, Florida; Changes Made in Table of Assignments**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: Action taken herein assigns Channel 292A to Panama City, Florida, in response to a petition filed by WANM, Inc. The assigned channel could provide a fifth local FM service to Panama City.

DATE: Effective February 22, 1982.**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 13, 1982.

Released: December 23, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Panama City, Florida); BC Docket No. 82-563, RM-4153; report and order (Proceeding Terminated).

1. The Commission has under consideration the notice of proposed rule making, 47 FR 37935, published August 27, 1982, proposing the assignment of Channel 292A to Panama City, Florida, as that community's fifth FM assignment, in response to a petition filed by WANM, Inc. ("petitioner"). Petitioner filed comments in support of the proposal and restated its intention to apply for the channel, if assigned. Gulf Property and Investment Company also filed comments in support and stated its intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. The Commission has determined that the public interest would be served by assigning Channel 292A to Panama City, Florida, since it could provide a fifth local service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i),

5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules, it is ordered, that effective February 22, 1983, § 73.202(b) of the Commission's Rules is amended with respect to the following community:

City	Channel No.
Panama City, Florida	223, 253, 276, 292A, and 300

4. It is further ordered, That this proceeding is terminated.

5. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-392 Filed 1-6-83; 9:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-491; RM-4128]

Radio Broadcast Services; FM Broadcast Station in Paris, Texas; Changes Made in Table of Assignments**AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: Action taken herein assigns Channel 280A to Paris, Texas, in response to a petition filed by the Gene Sudduth Company, Inc. The assigned channel could provide a second FM service to Paris.

DATE: Effective February 22, 1983.**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 13, 1982.

Released: December 23, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Paris, Texas); BC Docket No. 82-491, RM-4128; report and order (Proceeding Terminated).

1. The Commission has under consideration the notice of proposed rule making, 47 FR 34596, published

August 10, 1982, proposing the assignment of Channel 280A to Paris, Texas, as that community's second FM assignment, in response to a petition filed by the Gene Sudduth Company, Inc. ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 280A to Paris, Texas, since it could provide a second local FM assignment to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective February 22, 1983, § 73.202(b) of the Commission's Rules is amended with respect to the following community:

City	Channel No.
Paris, Texas	257A, 280A

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-393 Filed 1-6-83; 9:43 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 30104-02]

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Notice of continuation of fishing restriction.

SUMMARY: This notice announces continuation of the reduction in the level of fishing for widow rockfish in the

Pacific Ocean off Washington, Oregon, and California by imposition of a trip limit (of 75,000 pounds, round weight, per vessel per fishing trip) and requests public comment. This action, which extends the trip limit imposed on October 13, 1982, is authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan. This action continues to be necessary because several signs of biological stress to the stock have been identified. This action allows the fishery to continue operating, but at a somewhat reduced level.

DATE: This extended action is effective 0001 PST January 1, 1983, until modified, superseded, or rescinded. Comments will be accepted until January 24, 1983.

ADDRESSES: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206-527-6150.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982, and implementing final regulations were published October 5, 1982 (47 FR 43964). The regulations at 50 CFR 663.22 allow the Secretary of Commerce (Secretary) to reduce fishing levels if it is determined that continued fishing at current levels would cause biological stress to any species.

At the August meeting of the Pacific Fishery Management Council (Council) in Portland, Oregon, the Council's Groundfish Management Team (Team) presented a stock assessment of widow rockfish (*Sebastes entomelas*) and stated that the updated acceptable biological catch (ABC) levels had been, or soon would be, surpassed in four of five regulatory subareas. The Team identified several signs of biological stress, and recommended that this fishery be closed for the remainder of 1982. After extensive public review the Council recommended that the Secretary impose a trip limit of 75,000 pounds of widow rockfish per vessel per

fishing trip. The Secretary concurred and imposed this trip limit on October 13, 1982, effective for the rest of the year (47 FR 46287).

Subsequent review by the Team at the Council's November 17-18 meeting revealed that the signs of stress identified in August were evident still and were expected to persist into 1983: Catch for the 1983 calendar year was projected to exceed the best current estimate of ABC; previously fished grounds had become markedly less productive, diverting effort to new grounds (which, consequently, have become less productive); and increasing proportions of juvenile fish (juvencence) were reported in areas where effort had been high. The Team indicated that it is unlikely that any large unexploited concentrations of widow rockfish will be found off Washington, Oregon, and California in 1983. The Team also lowered its 1983 coastwide estimates for ABC and optimum yield (OY) to 10,500 metric tons, less than half the 1982 levels. The Team and Council both recommended that the trip limit be extended until January 31, 1983, to keep fishing levels down and to allow time for a Council-appointed task force to develop alternate management regimes for review at the January Council meeting. The public was alerted when notice of the trip limit was first published (47 FR 46287) that more restrictive catch levels were certain to be required in 1983.

The Secretary concurs with the Team's finding that widow rockfish will continue to be biologically stressed in 1983 and that extension of the trip limit is necessary. However, the Secretary believes that, because an alternate management regime may not be in place by January 31, 1983, it is necessary to extend the current trip limit indefinitely, with the understanding that it may be modified, superseded, or rescinded at any time.

The Secretary hereby announces a trip limit allowing no more than 75,000 pounds (round weight) of widow rockfish to be taken and retained, or landed, per fishing trip.

The determination to impose and extend the 75,000 pound trip limit of widow rockfish is based on the most recent data available. The aggregate data upon which this determination is based are available for public inspection at the Regional Director's office during business hours until the end of the comment period.

This action is taken under the authority of 50 CFR 663.23 and is taken in compliance with Executive Order 12291. The action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

Section 663.23 of the groundfish regulations states that the Secretary will publish a notice of proposed regulatory action before taking such action unless he determines that such notice and public review are impracticable, unnecessary, or contrary to the public interest. Because of the immediate need to extend the trip limit for widow rockfish (the initial trip limit expires 2359 PST December 31, 1982), and thereby reduce the level of overharvest that will otherwise occur, this extended regulatory action is taken without prior notice in the *Federal Register* and is made effective 0001 PST January 1, 1983. The public had an opportunity to comment on the initial trip limit at both the August and September Council meetings and at the industry meeting in Newport, Oregon in September. In addition, the public reviewed and commented on the extended trip limit at the November Council meeting and comments will be received for 15 days after publication of this notice.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

(16 U.S.C 1801 *et seq.*)

Dated: January 4, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-497 Filed 1-5-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 5

Friday, January 7, 1983

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 581

Processing Garnishment Orders for Child Support and/or Alimony

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management is proposing a revision of its regulations concerning the processing of garnishment orders for child support and/or alimony. At the suggestion of the Veterans Administration, OPM is revising the section which affects the garnishment of disability compensation payments disbursed by the Veterans Administration. The revision is intended to prevent possible misinterpretations. OPM is also revising the regulations to provide for the exclusion from garnishment of amounts payable as a result of the obligor's death and to expressly provide that agencies will not be required to ascertain whether the court or other authority which issued the garnishment order had obtained personal jurisdiction over the obligor prior to its issuance of the order. In addition, the proposed revisions make certain technical and typographical corrections.

DATE: Comments should be received by February 7, 1983.

ADDRESSES: Send or deliver comments to: Joseph A. Morris, General Counsel, United States Office of Personnel Management, Room 5H30, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Murray Meeker, Office of the General Counsel, (202) 254-6586.

SUPPLEMENTARY INFORMATION: On May 23, 1977, Congress enacted the Tax Reduction and Simplification Act of 1977 (Pub. L. 95-30). One section of Public Law 95-30, subsequently codified at 42 U.S.C. 662(f)(2), provides that disability compensation paid by the Veterans Administration is not subject to

garnishment except where a military retiree has waived a portion of his/her retired (military) pay in order to receive disability compensation from the Veterans Administration.

Section 581.103(c)(4)(iv) of the regulations, published July 22, 1980 (45 FR 48847-48864), reiterated the statutory exception. However, it has since become clear that the statutory and regulatory provisions are subject to more than one interpretation. This amendment will clarify the exception and ensure a more uniform interpretation of the statutory provision.

Section 581.104(i) is added to exclude from garnishment amounts payable as a result of the obligor's death as provided by 5 U.S.C. 5581 and 5582.

Section 581.305 is being amended to provide expressly that governmental entities need not ascertain whether the court or other authority which issued the garnishment order had obtained personal jurisdiction over the obligor and to provide further guidance where the obligor contests either the garnishment order or the underlying support order.

The remainder of the revisions are technical or typographical in nature, including changes in § 581.105(f) which were necessitated by a recent amendment of the Federal Employee's Group Life Insurance Act (Pub. L. 96-427, October 10, 1980).

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) 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.

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities, including small business, small

organizational units and small governmental jurisdictions.

In accord with 1 CFR Part 18, the following subject terms identify major topics and categories of persons affected by the rulemaking:

List of Subjects in 5 CFR Part 581

Alimony, Child welfare, Government employees, Wages.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM is proposing to amend 5 CFR Part 581 as set out below:

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

1. In § 581.102, paragraph (f)(1)(ii) is revised to read as follows:

§ 581.102 Definitions.

- (f) * * *
- (1) * * *
- (ii) A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement that requires the United States to honor such process; or

2. In § 581.103, paragraph (c)(4)(iv) is revised to read as follows:

§ 581.103 Moneys which are subject to garnishment.

- (c) * * *
- (4) * * *
- (iv) Any payments by the Veterans Administration as compensation for a service-connected disability or death, except any compensation paid by the Veterans Administration to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his/her retired pay in order to receive such compensation. In this case, only that part of the Veterans Administration payment which is in lieu of the waived retired/retainer pay is subject to garnishment. Payments of disability compensation by the Veterans Administration to an individual whose entitlement to disability compensation is greater than his entitlement to disability compensation is greater than his entitlement to retired pay, and who has waived all of his retired pay in favor of disability compensation, are not subject

to garnishment or other attachment under this part.

3. In § 581.104, the introductory text of paragraph (h) and paragraphs (h)(2)(xiii) and (h)(2)(xiv) are revised, and paragraph (h)(2)(xv) and (i) are added to read as follows:

§ 581.104 Moneys which are not subject to garnishment.

(h) Reimbursement for expenses incurred by an individual in connection with his/her employment, or allowances in lieu thereof, and other payments and allowances, including, but not limited to:

- (2) * * *
- (xiii) Clothing allowances for enlisted personnel;
- (xiv) Uniform allowances; and
- (xv) Personal money allowances for General and Flag officers, and for the Surgeon General of the United States.

(i) Moneys payable as a result of the obligor's death as provided for under sections 5581 and 5582 of title 5 of the United States Code.

4. In § 581.105, paragraph (f) is revised to read as follows:

§ 581.105 Exclusions.

(f) Are deducted as normal life insurance premiums from salary or other remuneration for employment, not including amounts deducted for supplementary coverage. Both Servicemen's Group Life Insurance and "Basic Life" Federal Employees' Group Life Insurance premiums are considered to be normal life insurance premiums; all optional Federal Employees' Group Life Insurance premiums and life insurance premiums paid for by allotment, such as National Service Life Insurance, are considered to be supplementary.

5. Section 581.301 is revised to read as follows:

§ 581.301 Suspension of payment.

Upon proper service of legal process, together with all supplementary documents and information as required by §§ 581.202 and 581.203, the head of the governmental entity, or his/her designee, shall identify the obligor to whom that governmental entity holds moneys due and payable as remuneration for employment and shall suspend, i.e., withhold, payment of such moneys for the amount necessary to permit compliance with the legal process in accordance with this part.

6. In 581.304, paragraph (a) is revised to read as follows:

§ 581.304 Nonliability for disclosure.

(a) No Federal employee whose duties include responding to interrogatories pursuant to § 581.303(b), shall be subject to any disciplinary action or civil or criminal liability or penalty for any disclosure of information made by him/her in connection with the carrying out of any duties pertaining directly or indirectly to answering such interrogatories.

7. In § 581.305, paragraph (a)(6) is revised and paragraph (f) is added:

§ 581.305 Honoring legal process

(a) * * *

(6) Where notice is received that the obligor has appealed either the legal process or the underlying alimony and/or child support order, payment of moneys subject to the legal process shall be suspended until the governmental entity is ordered by the court, or other authority, to resume payments. However, no suspension action shall be taken where the applicable law of the jurisdiction wherein the appeal is filed requires compliance with the legal process while an appeal is pending. Where the legal process has been issued by a court in the District of Columbia, a motion to quash shall be deemed equivalent to an appeal.

(f) If a governmental entity receives legal process which, on its face, appears to conform to the laws of the jurisdiction from which it was issued, the entity shall not be required to ascertain whether the authority which issued the legal process had obtained personal jurisdiction over the obligor.

8. In § 581.306, paragraph (a) is revised to read as follows:

§ 581.306 Lack of moneys due from, or payable by, a governmental entity served with legal process.

(a) When legal process is served on a governmental entity, and the individual identified in the legal process as the obligor is found not to be entitled to moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the governmental entity, the entity shall follow the procedures set forth in the legal process for that contingency or, if no procedures are set forth therein, shall return the legal process to the court, or other authority from which it was issued, and advise the court, or other authority, that no moneys, the entitlement to which is based upon remuneration for employment, are due from, or payable by, the governmental entity to the named individual.

9. In § 581.402, paragraphs (a) and (b) are revised to read as follows:

§ 581.402 Maximum garnishment limitations.

(a) Fifty (50) percent of the obligor's aggregate disposable earnings for any workweek, where the obligor asserts by affidavit, or by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than the former spouse and/or child for whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek. An obligor shall be considered to be supporting a spouse and/or dependent child only if the obligor provides over half of the spouse's and/or dependent child's support.

(b) Sixty (60) percent of the obligor's aggregate disposable earnings for any workweek, where the obligor fails to assert by affidavit or establishes by other acceptable evidence, that he/she is supporting a spouse and/or dependent child, other than a former spouse and/or child with respect to whose support such order is issued, except that an additional five (5) percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is twelve (12) weeks prior to that workweek.

(42 U.S.C. 659, 661-662; 15 U.S.C. § 1673; E.O. 12105)

[FR Doc. 83-460 Filed 1-6-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1001

[Docket No. AO-14-A59]

Milk in the New England Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider industry proposals to amend the New England milk order. One proposal would remove Dukes County, Massachusetts, from the definition of the New England marketing area. The handler proposing the amendment manages a dairy herd and operates a fluid milk processing and distribution business on the island of Martha's Vineyard. The handler confines its business to Dukes County and wishes to be exempt from regulation under the New England milk order.

Another proposal, by a handler located in Danbury, Connecticut, would change the pricing zone designation of the westernmost portion of Fairfield County, Connecticut, to make the minimum prices under the order more comparable to prices in the adjacent New York-New Jersey order area.

DATE: The hearing will convene January 26, 1983.

ADDRESS: The hearing will be held at the JFK Federal Building, Room 505, Government Center, Boston, Massachusetts 02203, beginning at 9:30 a.m., local time.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6273.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the JFK Federal Building, Room 505, Government Center, Boston, Massachusetts 02203, beginning at 9:30 a.m., local time, on January 26, 1983, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New England marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Actions under the Federal milk order program are subject to the "Regulatory

Flexibility Act" (Pub. L. 96-354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business.

Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of the proposals for the purpose of tailoring their applicability to small businesses.

List of Subjects in 7 CFR Part 1001

Milk marketing orders, Milk, Dairy products.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

Proposed by Seaside Dairy, Inc.:
Proposal No. 1. Revise § 1001.2, definition of the New England marketing area, to remove Dukes County, Massachusetts.

Proposed by Marcus Dairy, Inc.:
Proposal No. 2. Revise § 1001.52, Plant location adjustments, so that the portion of Fairfield County, Connecticut, consisting of those towns and cities located within 15 miles of the New York/Connecticut state border and located north of a line forming the northern boundary of the towns of Wilton, Weston, Easton, and Trumbull would be rezoned from existing Zone 5 to Zone 8.

Proposed by the Dairy Division, Agricultural Marketing Service:
Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 1478, Boston, Massachusetts 02205, or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing

the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing Service (Washington Office only).
Office of the Market Administrator, New England Marketing Area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on January 3, 1983.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-501 Filed 1-6-83; 9:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 3, 6, 7, and 32

[Docket No. 82-25]

National Bank Lending Limits

Correction

In FR Doc. 82-34445 beginning on page 56862 in the issue of Tuesday, December 21, 1982, the following change should be made on page 56866: In the first column, the fifteenth line, the figure "10" should read "100".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 239, 270 and 274

[Release Nos. 33-6447; IC-12927; File No. S7-957]

Registration Form Used By Open-End Management Investment Companies; Proposed Guidelines

AGENCY: Securities and Exchange Commission.

ACTION: Proposed form, guidelines and proposed rules.

SUMMARY: The Commission is publishing for comment a proposed revision of the registration form used by open-end management investment companies ("mutual funds") under the Investment Company Act of 1940 and the Securities Act of 1933. Specifically, the

Commission is proposing for comment: (1) Proposed form N-1A, a new registration statement form for open-end investment companies other than registered separate accounts of insurance companies; (2) certain related new rules; and (3) staff guidelines for the preparation of proposed Form N-1A. Proposed Form N-1A would establish a two-part format for disclosure to prospective investors consisting of: (1) A relatively short prospectus that could be used to satisfy the prospectus delivery requirements of the Securities Act of 1933, and (2) a statement of additional information that would be available to prospective investors upon request and without charge. The Commission is proposing Form N-1A and certain related rules for disclosure in order to shorten and simplify the prospectus provided to investors, while making available more extensive information to those who desire it.

DATE: Comments must be received on or before March 25, 1983.

ADDRESS: Persons wishing to submit written comments should file five copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Special Counsel (202-272-2115); Larry L. Greene, Attorney (202-272-7320); Aviva L. Grossman, Attorney (202-272-7321); or with respect to insurance company separate accounts, Mary K. Crook, Attorney (202-272-3010), Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today publishing for comment:

(1) Proposed Form N-1A, a registration form that would replace Form N-1 (17 CFR 274.11) under the Securities Act of 1933 (15 U.S.C. 77a et seq.), (the "1933 Act"), and the Investment Company Act of 1940 (15 U.S.C. 80a et seq.), (the "1940 Act"), for use by open-end management investment companies other than registered separate accounts of insurance companies. Proposed Registration Form N-1A is divided into three parts: (i) Part A, the simplified prospectus, would consist of information that meets the requirements of section 10(a) of the 1933 Act (15 U.S.C. 77j(a)); (ii) Part B, the "Statement of Additional Information," would provide additional and more detailed information and would be available to prospective investors upon request, and (iii) Part C would contain other information that is

required to be in the registration statement. The text of proposed Form N-1A is published herewith as Appendix A to this release;

(2) Proposed new rules 404A(a), (c) and (d) (17 CFR 230.404A(a), (c) and (d)), and 472A (17 CFR 230.472A) to be added to Regulation C under the 1933 Act (17 CFR 230.400-494);

(3) Proposed new rules 8b-11A (17 CFR 270.8b-11A) and 8b-12A (17 CFR 270.8b-12A) under the 1940 Act;

(4) Proposed staff guidelines for the preparation of Registration Form N-1A which is Appendix B to this release and may be obtained directly from the Commission through the above-mentioned contact persons. In addition, the proposed staff guidelines will be published in the SEC Docket. All comments and suggestions received concerning the staff guidelines will be considered in the development of this rulemaking proposal.

Background and Purpose

Under existing requirements prospectuses provide extensive disclosure about all aspects of an investment company's operations. The Commission believes, however, that in practice investment company prospectuses may not be effective disclosure documents for most investors. Although the inclusion of most disclosures that currently appear in these prospectuses can be defended as being of material interest to at least some investors, the size and complexity of the present investment company prospectuses may discourage many fund investors from reading and understanding the entire document. In addition, current prospectuses appear to contain more detail than is necessary for most investors to make an informed investment decision.¹ The commission believes, therefore, that investors would be better served if they were provided with a prospectus that is substantially shorter and simpler, so that the prospectus clearly discloses the fundamental characteristics of the particular investment company they are considering.

Investment companies register under the 1940 Act and register their shares under the 1933 Act. Management investment companies may use a single form to accomplish registration under both statutes. Open-end management investment companies, including mutual

funds, currently use Form N-1 to register under the 1933 Act and the 1940 Act, and closed-end investment companies, use Form N-2 [17 CFR 274.11a-1]. Unit investment trusts register on Form N-8B-2 [17 CFR 274.12] and register their securities on Form S-6 [17 CFR 239.18]. Since mutual funds constitute the largest segment of the investment company industry, the Commission has determined to initiate the process of simplifying investment company prospectuses with the registration form applicable to mutual funds, *i.e.*, Form N-1. The Commission plans to develop prospectus simplification proposals with respect to other types of investment companies at a future date. In doing so, the Commission will take into consideration comments received in response to the present proposal relating to mutual funds.

In order to shorten and simplify the prospectus for mutual funds, the Commission has concluded that it is necessary to eliminate certain types of information from the prospectus, so that only matters of fundamental importance to most mutual fund investors will be included in the prospectus. On the other hand, the Commission is aware that some investors might have use for the more extensive information that is now included in fund prospectuses. For example, institutional investors or financial analysts may want more information about an investment company than do most individual investors. In order to meet the needs of these investors, while at the same time providing more useful disclosure to the majority of individual investors, the Commission has developed proposed new Form N-1A, under which all investors would receive a greatly simplified prospectus, but more extensive information would be available upon request and free of charge to those investors who desired it.

Form N-1A—An Overview

The proposed new form for disclosure, Form N-1A, would establish a three part registration statement: Part A would be the simplified prospectus; Part B would be the Statement of Additional Information; and Part C would contain other information required by the registration statement.

Part A, the simplified prospectus, is intended to provide a concise presentation of certain information now in Part I of current Form N-1. This simplified prospectus would meet the requirements of section 10(a) under the 1933 Act, and could, therefore, be used to satisfy the prospectus delivery requirements of section 5(b)(2) of the

¹ See in this regard the speech by Commissioner Barbara S. Thomas, Town Hall of California, Los Angeles, California (July 7, 1981) advocating simplified disclosure in a two-part format for all issuers. See also the speech by Phillip A. Loomis, Jr., Mutual Funds and Investment Management Conference, San Diego, California (March 23, 1979).

1933 Act (15 U.S.C. 77e(b)(2)). The proposed form seeks to achieve the goal of prospectus simplification in several ways. First, many specific items of disclosure that must be in the prospectus under current Form N-1 would simply be transferred to the Statement of Additional Information. Second, with respect to general matters that would be discussed in the prospectus, but amplified in the Statement of Additional Information, the items of Parts A and B attempt to delineate with specificity what information should be in the prospectus and what information should be in the Statement of Additional Information, in order to provide guidance to registrants and their counsel who may be concerned about potential liability for material Commissions from the prospectus. The Commission's expectation is that this degree of specificity will encourage registrants to be more concise in describing the fundamental characteristics of the fund than they might be if the items in the form were couched in more general and open-ended terms. In addition, the instructions emphasize brevity, greater prominence to more significant information, and minimizing or eliminating technical and legal detail. At the same time, in order to preserve registrants' flexibility, registrants would, for the most part, not be required to present information in a particular order or format and would be free to include in the prospectus information in addition to that required by the specific items.

Part B of proposed Form N-1A, the Statement of Additional Information, would consist primarily of information that is currently required in Form N-1, but which does not appear to be of fundamental importance to most investors. In Part B, registrants would have the opportunity to provide more detailed discussions of matters described in the prospectus, as well as discussions of certain matters that are not required to be in the prospectus, but which may be of interest to at least some investors. Registrants would be required to disclose on the cover page of the simplified prospectus that the Statement of Additional Information is available free of charge to any investor.

Part C of proposed Form N-1A pertains to information that is not required to be in the prospectus, but is required by the registration statement. Such information is almost identical to that currently required in Part II of Form N-1.

Synopsis of the Proposals

Form N-1A

1. Part A: Prospectus. Part A of proposed Form N-1A contains instructions for preparation of the prospectus. (The General Instructions, particularly General Instruction G, contain additional guidance.)

Item 1—Cover Page

Certain technical requirements are applicable to prospectus cover pages for all issuers, whether or not they are investment companies, and such requirements have not been altered for proposed new Item 1.³ The cover page would have to contain specific identifying information including a brief statement of the registrant's investment objective and a notification of the availability, without charge, of the Statement of Additional Information. The registrant could include on the cover page information other than that listed in the instructions to proposed Form N-1A, but not information so detailed or complex as to prevent understanding of the basic required information.

Items 2—Synopsis

Proposed Form N-1A requires a synopsis of the salient features of the offering only if the prospectus in printed form is longer than twelve pages. It appears to the Commission that a synopsis would be unnecessary if the prospectus were sufficiently brief and that twelve pages is a reasonable cutoff point. In this regard, it appears that mutual fund prospectuses, which now average 25-30 pages in length, would under normal circumstances not need to exceed 12 pages in length under proposed Form N-1A. However, the Commission requests comment on this question and on the question of whether estimating the length of the prospectus would involve undue costs of other burdens.

The information that would be required in the synopsis is similar to that which is presently required in Form N-1, although less detail would be required. Specifically, the synopsis would have to include a brief description of the registrant, including: How the registrant proposes to achieve its investment objectives; the principal speculative or risk factors associated with investment in the registrant; registrant's total expenses for the past

³ All prospectuses must include: (1) The date of the prospectus; (2) a legend warning that the securities have not been approved by the Commission; and (3) other information that may be required by the Commission or by any other governmental agency.

year, if registrant has been in operation for a full year, or if not, the maximum investment advisory fee or other asset based fee that may be charged and a list of other significant expenses of the registrant; and the nature of the securities being offered.

The synopsis would also have to include the name of the investment adviser, provide a cross-reference as to where in the prospectus investors can find a description of how to purchase the securities being offered, and any additional information that will not "impede understanding of the information required to be presented."⁴

Item 3—Condensed Financial Information

Item 3 is identical to current Item 3 of Form N-1 and requires certain financial information to be presented in tabular form on a per share basis for a ten year period or the life of the fund.

Item 4—General Description of the Registrant's Business

Item 4 requires a concise discussion of the organization and operation of the registrant. Specifically, this item calls for: (i) Basic identifying information about the registrant; (ii) a concise description of the investment objectives and policies of the registrant, including: if these objectives may be changed without a majority shareholder vote, a statement to that effect; a brief discussion of how the registrant proposes to achieve these investment objectives, noting in particular the types of securities and special investment practices or techniques to be used by the registrant and whether the registrant will concentrate in a particular industry or group of industries; (iii) identification of any other policies of the registrant that may not be changed without a majority shareholder vote; and (iv) a concise description of those significant investment policies or techniques not described above that registrant intends to employ.

The instructions for Item 4 call for giving prominence in the prospectus to registrant's principal types of investments and placing less emphasis on less significant policies. To encourage brevity in discussing activities that will not be central to the registrant's operation, the form provides that disclosure of policies or practices

⁴ See rule 421(a) under the Securities Act of 1933 (17 CFR 230.421(a)) which states that the information required in a prospectus shall not "be set forth in such fashion as to obscure any of the information or any information necessary to keep the required information from being incomplete or misleading."

that the registrant will not follow in a way that will place more than 5 percent of the registrant's assets at risk should be limited to that which is necessary to identify the practice. Discussions of so-called negative policies, that is, policies that prohibit the registrant from engaging in certain activities and of policies the registrant has not followed in the past year and does not intend to follow in the future should not be included. In seeking concise disclosure generally, and limited or no disclosure of certain policies, proposed Form N-1A differs substantially from Form N-1.

Finally, the registrant should discuss briefly the principal risk factors associated with investment in the registrant.

Item 5—Management of the Fund

Item 5 collects and shortens a number of items that are included in current Form N-1 in an attempt to elicit a concise but coherent discussion of the management of the fund. The instructions to Item 5 concerning the role of the board of directors specifically state that information regarding the board may be limited to a general statement that the directors are responsible for the overall supervision of the affairs of the registrant. The identities of the board of directors and other information about them would be in the Statement of Additional Information. However, if any director or other affiliated person of the registrant is or has been subject, within the last ten (10) years, to the provisions of section 9(a) of the 1940 Act or an order pursuant to section 9(b) of the 1940 Act, identifying information about such person should be provided together with a brief description of the relevant circumstances.

Item 5 also requires identification of the investment adviser and a statement that the adviser is responsible for portfolio management. The instructions to Item 5 state that, if the investment adviser is also responsible for administration of the fund, a general statement to that effect, rather than a specific discussion of the various management services provided by the adviser, will be sufficient. Item 5 would also require disclosure as to the adviser's compensation. New funds and funds that pay their advisers on some basis other than a percentage of net assets would have to describe briefly the basis on which the adviser's fee would be calculated. However, with respect to existing funds that pay their advisers a percentage of net assets, if the adviser has served in that capacity for a full fiscal year and the basis for the adviser's compensation did not change

during the most recent fiscal year, the fund would have to disclose only the compensation actually paid during the most recent fiscal year as a dollar amount and as a percentage of net assets. Other detailed information about the investment adviser that is required by current Form N-1 would be in the Statement of Additional Information.

The prospectus would also have to provide information about any person who provides the types of services normally provided by an investment adviser, as well as identification of the transfer agent and dividend paying agent for the fund. This item also calls for identification of individuals and companies which are controlling persons of the registrant. Further, the prospectus would have to provide information concerning the fund's overall expense ratio. Finally, Item 5 of Part A requires that, if the registrant engages in certain brokerage allocation practices, a statement to that effect must be included in the prospectus. However, much of the detailed discussion of brokerage practices that is in the prospectus currently would be transferred to the Statement of Additional Information.

Item 6—Capital Stock and Other Securities

This item calls for a concise description of the nature and significant attributes of the security being offered, including: (i) A brief discussion of any restrictions on shareholder voting rights; and (ii) any obligations or liabilities shareholders might incur, excluding investment risks. Certain other factors would have to be discussed, if present, but in general Form N-1A would require significantly less detail in the prospectus about the security being offered than does current Form N-1. However, the prospectus would have to have one item of information that is not required now, a description of how shareholder inquiries should be made.

In addition, Item 6 calls for a brief description of the registrant's dividend and distribution policy, and a description of the tax consequences of an investment in the registrant. The item emphasizes that the statement on tax consequences should not include detailed discussion of the law. The item is intended to require disclosure only of the tax effect of the registrant's policies on the shareholders.

Item 7—Purchase of Securities Being Offered

Item 7 requires a brief description of the procedures to be followed by an investor in purchasing securities of the fund. By placing the emphasis on how to

purchase securities, the Commission intends to avoid the technical descriptions of the requirements applicable to pricing and selling securities that are generally in current prospectuses. However, because the manner in which the public offering price is determined is a particular attribute of a mutual fund, the prospectus would have to include a brief explanation of this aspect of the offering. The prospectus would also include the name and address of any principal underwriter for the registrant. Item 7 also requires that the prospectus state whether there are any special purchase plans, and, if so, from whom additional information may be obtained. Finally, the registrant would have to include information about any plan to pay distribution expenses pursuant to rule 12b-1 under the 1940 Act (17 CFR 270.12b-1).

Item 8—Redemption or Repurchase

Item 8 requires a brief description of the procedures for redeeming the registrant's shares or having shares repurchased by the registrant, including any charges or restrictions thereon. In order to illustrate such procedures, the registrant may provide examples in response to Item 10 of the Statement of Additional Information. In addition, Item 8 requires brief discussions of provisions for involuntary redemptions, delays in redemptions, and reinvestment privileges for persons who redeem.

Item 9—Pending Legal Proceedings

Item 9 is identical to current Item 8 of Form N-1. Accordingly, registrants would not have to discuss pending legal proceedings unless those proceedings were likely to have a materially adverse effect on the registrant or impair the ability of the investment adviser or principal underwriter to perform its contractual obligations.

2. *Part B: Statement of Additional Information.* General speaking Part B of Form N-1A is designed to elicit additional information about the matters discussed in the prospectus (as well as to provide guidance as to what is not required in the prospectus). The specific items are generally identical or closely related to items in Form N-1 and therefore most are not discussed herein. However, certain matters merit separate mention.

Disclosure as to Portfolio Manager

Some institutional investors have expressed an interest in more disclosure about individuals who have direct responsibility for portfolio management. In light of this interest, Item 5 of Part B

of proposed Form N-1A would require the registrant to identify any individual or committee that manages 25 percent or more of the fund's portfolio and to state the date on which such duties were assumed.

Yield Quotations for Money Market Funds

Form N-1 provides for prospectus disclosure with respect to seven-day yield quotations of money market funds. The primary purpose of this item is to provide a mechanism to permit money market funds to quote current yield figures in mass media advertisements pursuant to rule 482 under the 1933 Act. Since it does not appear essential to supply this information routinely to all investors, proposed Form N-1A would require that it be in Part B (Item 13). If the Commission adopts this proposal, corresponding amendments to rule 482 will be necessary. Such amendments are not proposed herein because the Commission is considering proposing other amendments to rule 482 in the future and believes that any such amendments to rule 482 should be proposed at the same time. The Commission does not expect proceeding in this manner to result in any delays in necessary technical amendment of the rule.

Financial Statements

Under proposed Form N-1A the condensed financial information required by Item 3 of Part A would be the only financial information in the prospectus, and the full financial statements of the fund would be in the Statement of Additional Information. Eliminating the full financial statements would significantly reduce the size of prospectuses, and the Commission believes that the condensed financial information that would continue to be in the prospectus would be sufficiently comprehensive to satisfy the needs of most investors. The full financial statements would, of course, be available free of charge to any prospective investor who desired them. However, the Commission invites specific comment on whether it is appropriate for the prospectus to omit full financial statements and, in particular, the schedule or portfolio securities. Commentators are requested to support their position by supplying dollar figures, if possible, where the reasons relate to costs.

3. *Part C.* Part C of proposed Form N-1A concerns information that is required in the registration statement, but is not required to be in either the prospectus or the Statement of Additional Information. Proposed Part C requires information

that is essentially the same as that now required in Part II of Form N-1.

Proposed Staff Guidelines

Over the years there have been numerous releases setting forth the views of the Commission and the staff on matters affecting investment company disclosure. In addition, the staff has developed certain policies that have not been formally enunciated. Generally speaking these releases and policies deal with discrete subjects, although the Commission in 1972 issued comprehensive guidelines for the completion of the registration forms then applicable to investment companies (Investment Company Act Release Nos. 7220 and 7221 (June 9, 1972) 37 FR 12790 (June 24, 1972)). In order to assist registrants in preparing Form N-1A, the Commission proposes to issue a set of staff guidelines. The Commission is publishing the proposed guidelines as Appendix B to this release so that the Commission and the staff may have the benefit of public comment. Generally speaking the proposed guidelines adapt existing policies to the proposed new disclosure format; however, in certain areas (e.g., commodities and options), it appears necessary to update past positions. Accordingly, comment is invited on these and other subjects not covered by the proposed guidelines in order to assist the Commission and the staff in developing appropriate guidelines in these areas.

Proposed New Rules

The disclosure format for the proposed Form N-1A substantially differs from other formats currently in use. Consequently, certain changes would have to be made in a number of rules under the various securities laws that are applicable to investment company prospectuses. The Commission is proposing to implement the necessary changes by adding certain new rules to Regulation C under the 1933 Act and under section 8(b) of the 1940 Act (15 U.S.C. 80a-8(b)) relating to new Form N-1A. The proposed new rules to be added to Regulation C involve technical changes from existing rules and are intended to provide clarification of how certain rules should be applied to the three-part registration format of Form N-1A, as well as to delete inappropriate references to Form N-1. The proposed new rules under section 8(b) also involve minor technical changes from existing rules and are intended to provide clarification of how certain existing rules should be applied to the proposed three-part format of Form N-1A.

Insurance Company Separate Accounts

Proposed Form N-1A would not be available for insurance company separate accounts registered under the 1940 Act as management investment companies ("management accounts"). These accounts currently use Form N-1 to register under the 1940 Act and use that form to register securities under the 1933 Act. The Commission believes that the characteristics of separate accounts and of the variable products they offer warrant disclosure different from that of the open-end management investment companies, and therefore that there should be separate registration forms designed for such accounts. Until such forms are adopted, Form N-1 will be retained for use by management accounts. However, Form N-1A, as proposed, would be available for use by open-end investment companies that serve as the underlying portfolio companies for separate accounts registered under the 1940 Act as unit investment trusts.

Transition Period

If the Commission adopts Form N-1A as proposed or modified, that Form will eventually supplant Form N-1. However, in order to permit both the Commission and the industry to adjust to the new form in an orderly way, the Commission would expect to provide for transition period of one year during which all registrants could use either form. Thereafter, until revised registration forms for insurance company separate accounts are adopted, Form N-1 will be retained for use only by such separate accounts.

Legal Considerations

The Commission proposes to adopt Form N-1A pursuant to section 10 of the 1933 Act, which sets forth the Commission's authority with respect to the content of prospectuses. Section 10(a)(1) generally requires that prospectuses include most of the information referred to in Schedule A under the 1933 Act. However, section 10(a)(4) authorizes the Commission to permit any of that information to be omitted, and section 10(c) authorizes the Commission to require other information in the prospectus, in both cases to the extent that the Commission determines that doing so is "necessary or appropriate in the public interest or for the protection of investors." In addition, sections 10(d) and (e) give the Commission certain authority with respect to prospectus format. Although section 10 does not specifically authorize requiring that a Statement of Additional Information be provided in

addition to the prospectus, the Commission believes that such authority is implicit. Since the Commission could, in light of its broad authority to determine the form and content of prospectuses, require that all of the information in the Statement of Additional Information be included in the prospectus, the Commission believes that it is consistent with its authority under section 10, as well as its general rulemaking authority set forth in section 19(a) of the 1933 Act (15 U.S.C. 77s(a)), to permit such information to be omitted from the prospectus, subject to the condition that it be provided to prospective investors upon request.

Section 19(a) of the 1933 Act provides that no provision of that Act "imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule of the Commission," and, as stated, Form N-1A is intended to provide guidance as to what information the Commission believes should be in the prospectus. Nevertheless, the Commission recognizes that some registrants using Form N-1A may be concerned that omitting information from the prospectus could expose them to liability for the use of a prospectus that fails to state a material fact. Section 11 (15 U.S.C. 77k) of the 1933 Act provides security holders with a civil remedy for false or misleading statements in a registration statement and for material omissions to state facts required to be stated therein. This provision concerns the registration statement as a whole, so presumably there would be no potential liability for the registrant and others in omitting information from Part A (the prospectus) when that information is in Part B. Section 12(2) (15 U.S.C. 77b(2)) of the 1933 Act, however, provides security holders with a civil remedy with respect to the use of a prospectus or oral communication that includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements, in light of the circumstances under which they were made, not misleading. This provision applies notwithstanding the Commission's authority under Section 10 to prescribe the form and content of prospectuses. Accordingly, while the Commission believes in light of Section

19(a) that, under ordinary circumstances, the registrant's discussion of the various disclosure items of Form N-1A (as designated in Parts A and B) "in good faith in conformity with" the form would not result in liability under Section 12(2), the Commission recognizes that there may be concern that a court could impose liability if it found that certain information in Part B constituted a material fact necessary to make the statements required in the prospectus not misleading.

The Commission requests comments as to whether this concern is valid and, if so, how it should be addressed. One possibility is to permit incorporation by reference of the Statement of Additional Information into the prospectus. The Commission has not heretofore permitted such incorporation in mutual fund prospectuses unless the information so incorporated is actually delivered with the prospectus. Taking this approach to incorporation of Part B would obviously vitiate the Commission's attempt to provide for shorter, simpler prospectuses. On the other hand, based on past experience, the Commission anticipates that some commentators may argue that permitting incorporation by reference of Part B without delivery could adversely affect the legal rights of fund investors, to the extent that they might be deemed to have received information which was not in fact supplied to them. Moreover, this practice might raise, rather than eliminate, questions of issuer liability. Commentators might assert that incorporation by reference of Part B into Part A could be construed as an admission by the issuer that without Part B the prospectus does not contain information sufficient to meet the requirements of section 12(2), and, if the prospectus is delivered without the incorporated material, questions might be raised as to whether an adequate prospectus has been delivered.

In light of the foregoing concerns, the Commission has not provided in Form N-1A for incorporation of Part B into the prospectus by reference. However, the Commission's tentative view is that it would not object if registrants did so.

Because the Commission's action on this matter will depend on its evaluation of the comments received, the instructions to the proposed form relating to incorporation by reference have not been changed from the corresponding instructions to Form N-1, except to update references to various Commission rules on the subject and to reflect the changes in prospectus requirements for financial information.

After the Commission's determination of the policy to be applied with respect to incorporation by reference, appropriate technical amendments will be made to the relevant rules and instructions to the proposed form.

Costs and Benefits

The proposed revision of the registration form used by mutual funds released today for public comment is intended to shorten and simplify the prospectus provided to investors, while making more extensive information available. Although implementation of this revised reporting system will initially result in additional costs to both the Commission and the investment company industry, the Commission believes that the potential benefits of such a system to the Commission, the industry and the investor will in time far exceed those additional initial costs. The Commission would, however, like to develop specific data concerning this matter. Therefore, the Commission is seeking specific comment concerning the cost savings or cost burdens to investment companies of all sizes affected by this proposal. In this regard, pursuant to the Regulatory Flexibility Act, the Commission requests specific comment on the effect which this proposal might have on the costs of smaller investment companies.

Text of Proposed New Rules

The proposed new rules, discussed above, relating to new Form N-1A are set forth below. The Commission proposes that rules relating to the use of Form N-1A be adopted in addition to existing rules, which also remain in effect as long as current Form N-1 is still in use by some types of management investment companies. In substance, the new rules would be amendments to existing rules and would have corresponding rule numbers; they would be distinguished from their counterpart existing rules by the addition of a capital A to the rule number.

List of Subjects

12 CFR Part 239

Reporting requirements, Securities.

12 CFR Part 270

Investment companies, Reporting requirements, Securities.

12 CFR Part 274

Investment companies, Reporting requirements, Securities.

*In addition to the specific private rights of action provided in sections 11 and 12 of the 1933 Act, section 17(a) (15 U.S.C. 77g(a)) of the 1933 Act and rule 10b-5 (15 U.S.C. 78j(b)) under the Securities Exchange Act of 1934 may also need to be considered if a person includes in a prospectus an untrue statement of a material fact or omits to state a material fact that is necessary in order to make the information required in the prospectus not misleading.

Text of Proposed Rules and Form

The Commission is proposing to amend Chapter II, Title 17 of the Code of Federal Regulations as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By adding § 230.404A to read as follows:

§ 230.404A Preparation of registration statement.

(a) A registration statement on Form N-1A shall consist of the facing sheet of the applicable form cross-reference sheet; a prospectus containing the information called for by such form: the information, list of exhibits, undertakings and signatures required to be set forth in such form; financial statements and schedules; exhibits; any other information or documents filed as part of the registration statement; and all documents or information incorporated by reference in the foregoing (whether or not required to be filed).

(b) All general instructions, instructions to items of the form, and instructions as to financial statements, exhibits, or prospectuses are to be omitted from the registration statement in all cases. (c) In the case of a registration statement filed on Form N-1A, Parts A and B shall contain the information called for by all of the items of the applicable form, except that unless otherwise specified, no reference need be made to inapplicable items, and negative answers to any item may be omitted. Copies of Parts A and B may be filed as a part of the registration statement in lieu of furnishing the information in item-and-answer form. Wherever such copies are filed in lieu of information in item-and-answer form, the text of the items of the form is to be omitted from the registration statement, as well as from Parts A and B, except to the extent provided in paragraph (d) of this rule. (d) In the case of a registration statement filed on Form N-1A, where any items of Form N-1A call for information not required to be included in Parts A and B, (generally Part C of such form) the text of such items, including the numbers and captions thereof, together with the answers thereto shall be filed with Parts A and B under cover of the facing sheet of the form as a part of the registration statement. However, the text of such items may be omitted provided the answers are so prepared as to indicate the coverage of the item without the necessity of reference to the text of the item. If any such item is inapplicable or

the answer thereto is in the negative, a statement to that effect shall be made. Any financial statements not required to be included in Parts A or B shall also be filed as a part of the registration proper, unless incorporated by reference to Rule 411 (§ 230.411).

2. By adding § 230.427A to read as follows:

§ 230.427A Contents of prospectus used after nine months.

In the case of a registration statement filed on Form N-1A, there may be omitted from any prospectus or Statement of Additional Information, used more than 9 months after the effective date of the registration statement any information previously required to be contained in the prospectus or Statement of Additional Information, insofar as later information covering the same subjects, including the latest certified financial statement, as of a date not more than 16 months prior to the use of the prospectus or Statement of Additional Information, is contained therein.

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

3. By adding § 270.8b-11A to read as follows:

§ 270.8b-11A Number of copies-signature-binding.

(a) In the case of a registration statement filed on Form N-1A, three complete copies of each part of the registration statement (including exhibits and all other papers and documents filed as part of Part C of the registration statement) shall be filed with the Commission.

(b) At least one copy of the registration statement or report shall be manually signed in the manner prescribed by the appropriate form. If the registration statement or report is typewritten, one of the signed copies filed with the Commission shall be the original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the registration statement or report.

(c) Each copy of a registration statement or report filed with the Commission shall be bound in one or more parts, without stiff covers. The binding shall be made on the left-hand side and in such manner as to leave the reading matter legible.

4. By adding 270.8b-12A to read as follows:

§ 270.8b-12A Requirements as to paper, printing and language.

(a) In the case of a registration statement file on Form N-1A, Part C of the registration statement shall be filed on good quality, unglazed, white paper, no larger than 8½x11 inches in size, insofar as practicable. The prospectus and Statement of Additional Information, however, may be filed on smaller sized paper provided that the size of paper used in each document is uniform.

(b) The registration statement or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the registration statement or report or any portion thereof may be prepared by any similar process which, in the opinion of the Commission, produces copies suitable for permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(c) The body of all printed registration statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data, including tabular data in notes, may be set in type at least as large and as legible as 8-point modern type. All type shall be leaded at least 2 points.

(d) Registration statements and reports shall be in the English language. If any exhibit or other paper or document filed with a registration statement or report is in a foreign language, it shall be accompanied by a translation into the English language.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

5. By adding § 239.15A to read as follows:

§ 239.15A Form N-1A, registration statement of open-end management investment companies.

Form N-1A shall be used for the registration under the Securities Act of 1933 of securities of open-end management investment companies other than registered separate accounts of insurance companies registered under the Investment Company Act of 1940 (on form N-1) (§ 274.11 of this chapter). This

form is also to be used for the registration statement of such companies pursuant to Section 8(b) of the Investment Company Act of 1940 (§ 274.11A of this chapter). This form is not applicable for small business investment companies which register pursuant to § 239.24 and § 274.5 of this chapter.

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

6. By adding § 274.11A to read as follows:

§274.11A Form N-1A, registration statement of open-end management investment companies.

Form N-1A shall be used as the registration statement to be filed pursuant to Section 8(b) of the Investment Company Act of 1940 by open-end management investment companies other than registered separate accounts of insurance companies or companies which issue periodic payment certificates or which are sponsors or depositors of companies issuing such certificates. This form shall also be used for registration under the Securities Act of 1933 of the securities of all open end management investment companies other than registered separate accounts of insurance companies. This form is not applicable for small business investment companies which register pursuant to § 293.24 and 274.5 of this chapter.

Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding Form N-1A proposed herein. The Analysis notes that the proposed three-part form will substantially simplify and shorten the present fund prospectus making it more comprehensible to prospective investors while at the same time enabling more sophisticated investors to receive more extensive information upon request.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Aviva L. Grossman, Office of Disclosure Legal Services, Securities and Exchange Commission, Room 5136, 450 Fifth Street, N.W., Washington, D.C. 20549.

Statutory Authority

The Commission hereby publishes for comments proposed Form N-1A and rules 404A and 427A of the Securities Act of 1933 and rules 8b-11A and 8b-12a of the Investment Company Act of 1940, pursuant to the provisions of

sections 7 and 10 of the Securities Act of 1933 (15 U.S.C. 77g and 77j) and sections 8 and 30 of the Investment Company Act of 1940 (15 U.S.C. 80a-8 and 80a-29). By the Commission.

Shirley E. Hollis,
Assistant Secretary,
December 27, 1982.

Appendix A

Form N-1A

SECURITIES AND EXCHANGE
COMMISSION, Washington, D.C. 20549

Form N-1A

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Pre-Effective Amendment No. —

Post-Effective Amendment No. —

and/or

REGISTRATION STATEMENT UNDER THE INVESTMENT COMPANY ACT OF 1940

CALCULATION OF REGISTRATION FEE UNDER THE SECURITIES ACT OF 1933

Title of Securities Being Registered	Amount Being Registered	Proposed Maximum Offering Price per Unit	Proposed Maximum Aggregate Offering Price	Amount of Registration Fee

If the Registration Statement or an amendment thereto is being filed under only one of the Acts, reference to the other Act should be omitted from the facing sheet. The "Approximate Date of Proposed Public Offering" and the table showing the calculation of the registration fee under the Securities Act of 1933 should be included only where shares are being registered under the Securities Act of 1933. Registrants that are registering an indefinite number of shares under the Securities Act of 1933 in accordance with the provisions of Rule 24f-2 under the Investment Company Act of 1940 [17 CFR 270.24f-2] should include the declaration required by Rule 24f-2(a)(1) on the facing sheet, in lieu of the table showing the calculation of the registration fee under the Securities Act of 1933 or in combination therewith, as appropriate.

Investment Company Act—Forms

Contents of Form N-1A

General Instructions

- Rule as to Use of Form N-1A
- Registration Fees
- Application of General Rules and Regulations
- Amendments
- Incorporation by Reference
- Documents Comprising the Registration Statement or Amendment
- Preparation of the Registration Statement or Amendment

Part A—Information Required in a Prospectus

- Cover Page
- Synopsis
- Condensed Financial Information
- General Description of Registrant
- Management of the Fund
- Capital Stock and Other Securities

Amendment No. —

(Check appropriate box or boxes.)

(Exact Name of Registrant as Specified in Charter)

(Address of Principal Executive Offices)
(Zip Code)
Registrant's Telephone Number, including Area Code—

(Name and Address of Agent for Service)
Approximate Date of Proposed Public Offering

It is proposed that this filing will become effective (check appropriate box)
—immediately upon filing pursuant to paragraph (b)
—on (date) pursuant to paragraph (b)
—60 days after filing pursuant to paragraph (a)
—on (date) pursuant to paragraph (a) of rule (485 or 486)

- Purchase of Securities Being Offered
 - Redemption or Repurchase
 - Legal Proceedings
- Part B—Information Required in a Statement of Additional Information
- Cover Page
 - Table of Contents
 - General Information and History
 - Investment Objectives and Policies
 - Management of the Registrant
 - Control Persons and Principal Holders of Securities
 - Investment Advisory and Other Services
 - Brokerage Allocation
 - Capital Stock and Other Securities
 - Purchase, Redemption and Pricing of Securities Being Offered
 - Tax Status
 - Underwriters
 - Calculation of Yield Quotations of Money Market Funds
 - Financial Statements
- Part C—Other Information
- Financial Statements and Exhibits
 - Persons Controlled by or Under Common Control
 - Number of Holders of Securities
 - Indemnification
 - Business and Other Connections of Investment Adviser
 - Principal Underwriters
 - Location of Accounts and Records
 - Management Services
 - Undertakings
- Signatures
Summary Prospectus

General Instructions

A. Rule as to Use of Form N-1A

Form N-1A shall be used by all open-end management investment companies except small business investment companies licensed as such by the United States Small Business Administration and insurance company separate accounts as defined in Section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(3)) for filing: (1) An initial registration statement required by Section 8(b) (15 U.S.C. 80a-8(b)) of the 1940 Act, (2) an annual amendment thereto, (3) a registration statement required under the Securities Act of 1933 ("1933") and any amendments thereto, or (4) any combination of the above 1940 Act and 1933 Act filings.

B. Registration Fees

Section 8(b) of the 1933 Act and Rule 457 (17 CFR 230.457) thereunder set forth the fee requirements under the 1933 Act. Rule 8b-6 (17 CFR 270.8b-6) under the 1940 Act sets forth the fee requirements for filing an initial registration statement under that Act. The 1940 Act fee is in addition to the fee required to be paid under the 1933 Act. Registrants that are registering an indefinite number of their shares are also directed to Rule 24f-2 under the 1940 Act (17 CFR 270.24(f)-2) for purposes of computing the filing fee.

C. Application of General Rules and Regulations

If the registration statement is being filed under both Acts or under only the 1933 Act, the General Rules and Regulations under the 1933 Act, particularly those comprising Regulation C (17 CFR 230.400-494), shall apply, and compliance therewith will be deemed compliance with the corresponding Rules pertaining to Registration Statements under the 1940 Act. However, if the registration statement is being filed under only the 1940 Act, the General Rules and Regulations under that Act, particularly those comprising Regulation 8(b) (17 CFR 270.8b-1 to 8b-32), shall apply, except as noted in General Instruction D below.

D. Amendments

1. Attention is specifically directed to Rule 8b-16 (17 CFR 270.8b-16) under the 1940 Act which requires annual amendments of Registration Statements filed pursuant to Section 8(b) of the 1940 Act. Where Form N-1A has been used to file a registration statement under both the 1933 and 1940 Acts, any amendment of that registration statement shall be deemed to be filed under both Acts unless otherwise

indicated on the facing sheet.

Irrespective of the purpose for which an amendment is filed, the number of copies of amendments specified in Rule 472 (17 CFR 230.472) under the 1933 Act shall be filed with the Commission.

E. Incorporation by Reference

Attention is directed to Rule 411, under the 1933 Act (17 CFR 230.411), and Rules 0-4, 8b-23 and 8b-32 under the 1940 Act (17 CFR 270.0-4, 270.8b-23 and 270.8b-32) for guidelines governing incorporation by reference of information into a registration statement filed on Form N-1A contained in other statements, applications or reports filed with the Commission. In general, a Registrant may incorporate by reference, in answer to any item in a registration statement on Form N-1A not required to be included in a prospectus, any information contained elsewhere in the registration statement or any information contained in other statements, applications or reports filed with the Commission.

Attention is also directed to Rule 24 of the Commission's Rules of Practice (17 CFR 201.24). The above incorporation by reference rules under both the 1933 Act and the 1940 Act are subject to the limitations of rule 24. Since the provisions of Rule 24 may be amended from time to time, Registrants are advised to review the Rule as in effect at the time the Registration Statement is filed prior to incorporating by reference any document as exhibit to such Registration Statement.

Subject to the above rules, a registrant may incorporate by reference, in response to Item 3(a) of Part A of this Form, "Condensed Financial Information", the information contained in any report to shareholders meeting the requirements of Section 30(d) of the 1940 Act (15 U.S.C. 80a-29(d)) and Rule 30d-1 (17 CFR 270.30d-1) thereunder, provided the following additional conditions are satisfied:

1. The material that is incorporated by reference is prepared in accordance with, and covers the periods specified by, this Form;

2. The registrant includes a statement at the place in the prospectus where the information required by Item 3(a) would otherwise appear that the information is incorporated by reference from a report to shareholders. The registrant, at its option, may also specifically describe, in either the prospectus or both the prospectus and Part C of the Registration Statement (in response to Item 1(a)), those portions of the report to shareholders that are not incorporated by reference and are not a part of the Registration Statement; and

3. The material incorporated by reference is provided along with the prospectus to each person to whom the prospectus is sent or given, unless the person to whom such prospectus is provided currently holds securities of the registrant and otherwise has received a copy of the material incorporated by reference, in which case the registrant shall state in the prospectus that it will furnish, without charge, a copy of such report on request, and the name, address and telephone number of the person to whom such a request should be directed.

F. Documents Comprising Registration Statement or Amendment

1. A registration statement or an amendment thereto filed under both the 1933 and 1940 Acts shall consist of the facing sheet of the Form, Part A, Part B, Part C, required signatures, and all other documents which are required or which the Registrant may file as a part of the registration statement.

2. Except for an amendment to a 1933 Act registration statement filed only pursuant to the provisions of Sections 24(e) or (f) of the 1940 Act, (15 U.S.C. 80a-24(e), 80a-24(f)) a registration statement or an amendment thereto which is filed under only the 1933 Act shall contain all the information and documents specified in paragraph 1 of this Instruction F.

3. An amendment to a 1933 Act registration statement filed only pursuant to the provisions of Section 24(e) or (f) of the 1940 Act to register additional securities need only consist of the facing sheet of the Form, required signatures, and, if filed pursuant to Section 24(e) of the 1940 Act, an opinion of counsel as to the legality of the securities being registered. Registrants are reminded that an opinion of counsel is required to accompany a Rule 24f-2 notice that must be filed by registrants that have registered an indefinite number of their shares.

4. A registration statement or an amendment thereto which is filed under only the 1940 Act shall consist of the facing sheet of the Form, responses to all Items of Parts A and B except Items 1, 2, and 3 of Part A thereof, responses to all items of Part C except Items 1(b)(6), 1(b)(10), 1(b)(11) and 1(b)(12), required signatures, and all other documents which are required or which the Registrant may file as part of the registration statement.

General Instruction

G. Preparation of the Registration Statement or Amendment

Instructions for the completion of Form N-1A are divided into three parts. Part A pertains to information that must be in the prospectus required by Section 10(a) of the Securities Act of 1933. Part B pertains to information that must be in the statement of additional information that must be provided upon request to recipients of the prospectus. Part C pertains to other information that is required to be in the registration statement.

Part A: The Prospectus

The purpose of the prospectus is to provide essential information about the Registrant in a way that will assist investors in making informed decisions about whether to purchase the securities being offered. Because investors who rely on the prospectus may not be sophisticated in legal or financial matters, care should be taken that the information in the prospectus is set forth in a clear, concise, and understandable manner. Extensive use of technical or legal terminology or complex language and the inclusion of excessive detail may make the prospectus difficult for many investors to understand and may, therefore, detract from its usefulness. Accordingly, Registrants should adhere to the following guidelines in responding to the items in Part A:

1. Responses to these items, particularly those that call for a brief description, should be as simple and direct as reasonably possible and should include only as much information as is necessary to an understanding of the fundamental characteristics of the Registrant. Brevity is particularly important in describing practices or aspects of the Registrant's operations that do not differ materially from those of other investment companies.

2. Descriptions of practices that are necessitated or otherwise affected by legal requirements should generally not include detailed discussions of such requirements.

3. Responses to those items that use terminology such as "list" or "identify" should include only a minimum or explanation or description of the matters being listed or identified.

Part B: Statement of Additional Information

The items in Part B are designed to elicit additional information about Registrants that the Commission has concluded it is not necessary or appropriate in the public interest or for the protection of investors to require in

the prospectus but which may be of material interest to at least some investors. In addition, Part B affords Registrants an opportunity to augment discussions of the matters described in the prospectus by including additional information about such matters that Registrants believe may be of material interest to at least some investors.

In most cases it should not be necessary for Registrants to duplicate in Part B, information that is required to be contained in the prospectus. However, it should be noted that the prospectus and the statement of additional information are independent documents. Therefore, Part B of this Form N-1A, the statement of additional information, should be prepared so as to be comprehensible standing alone.

General Instructions for Parts A and B

1. The information contained in the prospectus and the statement of additional information should be organized in such a way as to enhance understanding of the organization and operation of the Registrant. However, the information required by the items need not be set forth in the prospectus or statement of additional information in any particular order, with the following exceptions:

(a) Items 1, 2 and 3 of Part A must be set forth in the prospectus in the same order in which the Items appear in this form.

(b) Item 3 of Part A, "Condensed Financial Information," should not be further back in the prospectus than the fifth page thereof and should not be preceded by any other chart or table (except for the table of contents required by Rule 481(c) (17 CFR 230.481(c)) under the 1933 Act).

2. The prospectus or statement of additional information may include information in addition to that called for by the applicable items of this form, provided that such information is not incomplete, inaccurate, or misleading. However, care should be taken that inclusion of such information does not, by virtue of its nature, quantity, or manner of presentation, obscure or impede understanding of the information that is required to be included.

3. Appropriate cross-references should be used within the prospectus or statement of additional information or between the prospectus and statement of additional information whenever necessary or desirable to call attention to information that is included elsewhere that is useful to an understanding of a particular matter being discussed.

4. The statutory provisions relating to the dating of the prospectus apply equally to the dating of the statement of additional information for purposes of Rule 423 under the 1933 Act (17 CFR 230.423). Furthermore, the statement of additional information should be made available to investors as of the same time that the prospectus becomes available for purposes of Rules 430 and 460 under the 1933 Act (17 CFR 230.430, 230.460).

Part A Information Required in a Prospectus

Item 1. Cover Page

(a) The outside cover page is required to contain the following information:

(i) The registrant's name;

(ii) Identification of the type of fund (e.g., money market fund, bond fund, balanced fund, etc.) or a brief statement of the Registrant's investment objectives;

(iii) A statement or statements that (A) the prospectus sets forth concisely information about the Registrant that a prospective investor ought to know before investing; (B) the prospectus should be retained for future reference; (C) additional information about the Registrant has been filed with the Commission and is available upon request and without charge (This statement should include appropriate instructions about how to obtain such additional information.);

(iv) The date of the prospectus;

(v) The statement required by Rule 481(b)(1) (17 CFR 230.481(b)(1)) under the 1933 Act; and

(vi) Such other items of information as are required by rules of the Commission or of any other governmental authority having jurisdiction over the Registrant for the issuance of its securities.

(b) The cover page may include other information, but care should be taken that such additional information does not, either by its nature, quantity, or manner of presentation, impede understanding of the information required to be presented.

Item 2. Synopsis

(a) If the prospectus without a synopsis would be twelve pages or less when printed in the manner in which it was to be delivered to investors, the synopsis may be omitted.

(b) If included in the prospectus, the synopsis should be a clear and concise description of the salient features of the offering and the Registrant, with appropriate cross-references to relevant disclosures elsewhere in the prospectus or in the statement of additional

information required by Part B of the registration statement. The information required to appear in the synopsis need not be set forth in the same order or manner as described herein and it may be presented in question-and-answer format.

(c) The synopsis must include:

(i) A brief description of the Registrant including at least the following:

(A) A brief description of how the Registrant proposes to achieve its investment objectives, including identification of the types of securities in which the Registrant proposes to invest primarily and a statement as to whether the Registrant proposes to operate as a diversified or non-diversified investment company;

(B) A summary of the principal speculative or risk factors associated with investment in Registrant, including factors peculiar to the Registrant as well as those generally attendant to investment in an investment company with objectives and policies similar to Registrant's;

(C) If the Registrant has an operating history of at least one full fiscal year, a statement of the total expenses incurred by the Registrant in the previous fiscal year as a dollar amount and as a percentage of net assets and any statement of any direct charges made by the Registrant to shareholder accounts during such fiscal year. If the Registrant does not have an operating history of one full fiscal year, the maximum investment advisory or other asset based fee that may be charged and a list of the other significant types of expenses the Registrant expects to incur including any direct charges to shareholder accounts;

(D) The nature of the securities being offered;

(ii) The name of the investment adviser; and, if any other person provides services of the type customarily provided by an investment adviser, the identity of such person and the services so provided;

(iii) Provide a cross-reference to the description in the prospectus of how to purchase the securities being offered;

(iv) Provide a cross-reference to the description in the prospectus of how a shareholder may effect redemption and, if applicable, a repurchase transaction.

(d) The synopsis may include other information, but care should be taken that such additional information does not, either by its nature, quantity, or manner of presentation, impede understanding of the information required to be presented.

Item 3. Condensed Financial Information

(a) Furnish the following information for the Registrant, or for the Registrant and its subsidiaries consolidated as prescribed in Rule 6-02 (17 CFR 210.6-02) of Regulation S-X.

PER SHARE INCOME AND CAPITAL CHANGES

(for a share outstanding throughout the year)

1. Investment income;
2. Expenses;
3. Net investment income;
4. Dividends from net investment income;
5. Net realized and unrealized gains (losses) on securities;
6. Distributions from net realized gains on securities;
7. Net increase (decrease) in net asset value;
8. Net asset value at beginning of period;
9. Net asset value at end of period;

RATIOS

10. Expenses to average net assets;
11. Net investment income to average net assets;
12. Portfolio turnover rate;
13. Number of shares outstanding at end of period.

Instructions

1. The information shall be presented in comparative columnar form for each of the last ten fiscal years of the Registrant (or for the life of the Registrant and its immediate predecessors, if less) but only for periods subsequent to the effective date of Registrant's first 1933 Act Registration Statement. In addition, the information shall be presented for the period between the end of the latest fiscal year and the date of the latest balance sheet or statement of assets and liabilities furnished.

2. Per share amounts shall be given at least to the nearest cent. If the computation of the offering price is extended to tenths of a cent or more, then the amounts on the table shall be given in tenths of a cent.

3. Appropriate adjustments shall be made and indicated in a footnote to reflect any stock split-up or stock dividend during the period.

4. If the investment adviser has been changed during the period covered by this Item, the date(s) of such change(s) should be shown in a footnote.

5. The condensed financial information for not less than the latest five fiscal years shall be audited.

6. The amount to be shown at caption 3 is derived by adding (deducting) the increase (decrease) per share in undistributed net income for the year to dividends from net investment income per share for the year (caption 4). Such increase (decrease) may be derived from a comparison of the per-share figures obtained by dividing the undistributed net income at the beginning and end of the year by the number of shares outstanding on those respective dates. (Any other acceptable method should be explained in a footnote to this table.) The amounts to be shown at captions 1 and 2 are derived by applying to the net investment income on a per-share basis the ratio of such items, as shown in the financial statements prepared under Rule 6-04 (17 CFR 210.6-04) of Regulation S-X, to the net income as shown in such statements.

7. "Expenses," as used in caption 2 above, include the expenses described in captions 2 and 3 of Rule 6-04 of Regulation S-X. If there were income deductions such as those described in captions 4 and 6 of that Rule, compute the per-share amounts thereof and state them separately immediately after caption 2 above.

8. The amount to be shown at caption 5, while mathematically determinable by the summation of amounts computed for as many periods during the year as shares were sold or repurchased (which could be as often as twice daily) is also the balancing figure derived from the other figures in the statement and should be so computed. The amount shown at this caption for a share outstanding throughout the year may not accord with the change in the aggregate gains and losses in the portfolio securities for the year because of the timing of sales and repurchase of Registrant's shares in relation to fluctuating market values for the portfolio.

9. Distributions not exceeding the capital gains computed on the Federal tax basis may be treated as distributions from net realized profits on securities for purposes of the above table, even though they exceed such profits on a book basis.

10. If any distributions were made from capital sources other than net realized profits on securities, state the per share amounts thereof separately immediately below caption 6. In a footnote indicate the nature of such distributions.

11. The "average net assets," as used in captions 10 and 11, shall be computed upon the basis of the value of the net assets determined no less frequently than as of the end of each month.

12. The portfolio turnover rate to be shown at caption 12 shall be calculated in accordance with the following instructions:

a. The rate of portfolio turnover shall be calculated by dividing (A) the lesser of purchases or sales of portfolio securities for the particular fiscal year by (B) the monthly average of the value of the portfolio securities owned by the Registrant during the particular fiscal year. Such monthly average shall be calculated by totaling the values of the portfolio securities as of the beginning and end of the first month of the particular fiscal year and as of the end of each of the succeeding eleven months, and dividing the sum by 13.

b. For the purposes of this Item, there shall be excluded from both the numerator and the denominator all U.S. Government securities (short-term and long-term) and all other securities, including options, whose maturities or expiration dates at the time of acquisition were one year or less. Purchases shall include any cash paid upon the conversion of one portfolio security into another. Purchases shall also include the cost of rights or warrants purchased. Sales shall include the net proceeds of the sale of rights or warrants. Sales shall also include the net proceeds of portfolio securities which have been called, or for which payment has been made through redemption or maturity.

c. If during the fiscal year the Registrant acquired the assets of another investment company or of a personal holding company in exchange for its own shares, it shall exclude from purchases the value of securities so acquired, and from sales all sales of such securities made following a purchase-of-assets transaction to realign the Registrant's portfolio. In such event, the Registrant shall also make appropriate adjustment in the denominator of the portfolio turnover computation. The Registrant shall make appropriate disclosure of such exclusions and adjustments in its answer to this item.

d. Short sales, and put and call options expiring more than one year from date of acquisition, are included in purchases and sales for purposes of this Item. A short sale should be treated as an increase in sales and the covering of a short sale should be treated as an increase in purchases.

13. The number of shares outstanding at the end of each period may be shown to the nearest thousand (000 omitted), provided it is indicated that such has been done.

(b) Furnish the following information as of the end of each of the Registrant's

last ten fiscal years with respect to each class of senior securities (including bank loans) of the Registrant. If consolidated

statements were prepared as of any of the dates specified, the information shall be furnished on a consolidated basis:

Year	Amount of Debt outstanding at end of period	Average amount of debt outstanding during the period	Average number of registrant's shares outstanding during the period	Average amount of debt per share during the period
(1)	(2)	(3)	(4)	(5)

Instructions

1. Instructions 1, 2 and 5 to Item 3(a) shall also apply to this sub-item.

2. The method used to determine the averages shown above (e.g., weighted, monthly, daily, etc.) shall be appropriately set forth.

3. Column 5 is derived by dividing the amount shown in column 3 by the number shown in column 4.

Item 4. General Description of Registrant

(a) Concisely discuss the organization and operation or proposed operation of the Registrant. Include the following:

(i) Basic identifying information, including:

(A) The date and form of organization of the Registrant and the name of the state or other sovereign power under the laws of which it is organized; and

(B) The classification and subclassification of the Registrant pursuant to Sections 4 and 5 of the 1940 Act (15 U.S.C. 80a-4, 80a-5);

(ii) A concise description of the investment objectives and policies of the Registrant, including:

(A) If those objectives may be charged without a vote of the holders of the majority voting securities, a brief statement to that effect;

(B) A brief discussion of how the Registrant proposes to achieve such objectives including:

(1) A short description of the types of securities in which Registrant invests or will invest principally and, if applicable, any special investment practices or techniques that will be employed in connection with investing in such securities; and

(2) If the Registrant proposes to have a policy of concentrating in a particular industry or group of industries, identification of such industry or industries. (Concentration, for purposes of this item, is deemed to be 25% or more of the value of Registrant's total assets invested or proposed to be invested in a particular industry or group of industries. The policy on concentration should not be inconsistent with Registrant's name.);

(C) Subject to subparagraph (b) of this Item, identification of any other policies

of Registrant that may not be changed without the vote of the majority outstanding voting securities, including those policies which Registrant deems to be fundamental within the meaning of Section 8(b) of the 1940 Act;

(D) Subject to subparagraph (b) of this Item, a concise description of those significant investment policies or techniques (such as risk arbitrage, repurchase agreements, forward delivery contracts, investing in foreign securities or currency, or investing for control or management) that are not described pursuant to subparagraphs (B) or (C) above that Registrant employs or has the current intention of employing in the foreseeable future.

(b) Discussion of types of investments that will not constitute Registrant's principal portfolio emphasis, and of related policies or practices should generally receive less emphasis in the prospectus, and under the circumstances set forth below may be omitted or limited to information necessary to identify the type of investment, policy, or practice. Specifically, and notwithstanding paragraph (a) above:

(i) If the effect of a policy is to prohibit a particular practice, or, if the policy permits a particular practice but the Registrant has not employed that practice within the past year and has no current intention of doing so in the foreseeable future, do not include disclosure as to that policy; and

(ii) If such a policy has the effect of limiting a particular practice in such a way that no more than 5% of Registrant's net assets are at risk, if Registrant has not followed that practice within the last year in such a manner that more than 5% of Registrant's assets were at risk, and does not have a current intention of following such practice in the foreseeable future in such a manner that more than 5% of Registrant's net assets will be at risk, disclosure of information in the prospectus about such practice should be limited to that which is necessary to identify the practice.

(c) Discuss briefly the principal risk factors associated with investment in Registrant, including factors peculiar to the Registrant as well as those generally

attendant to investment in an investment company with investment policies and objectives similar to Registrant's.

Item 5. Management of the Fund

Describe concisely how the business of the Registrant is managed, including:

(a) A brief description of the responsibilities of the board of directors with respect to management of the Registrant. (In responding to this item, it is sufficient to state that the directors have overall responsibility, in the absence of special circumstances, for the management of the Registrant and to include cross-references to Part B of the registration statement for the identity of and other information about the directors.)

(b) For each investment adviser of the Registrant:

(i) The name and address of the investment adviser and a brief description of its experience as an investment adviser, and, if the investment adviser is controlled by another person, the name of that person and the general nature of its business (If the investment adviser is subject to more than one level of control, it is sufficient to give the name of the ultimate control person.);

(ii) A brief description of the services provided by the investment adviser. (If in addition to providing investment advice the investment adviser or persons employed by or associated with the investment adviser are, subject to the authority of the board of directors, responsible for overall management of Registrant's business affairs, it is sufficient to state that fact in lieu of listing all services provided.);

(iii) A brief description of the investment adviser's compensation. (If the registrant has been in operation for a full fiscal year, provide the compensation paid to the adviser for the most recent fiscal year as a dollar figure and as a percentage of average net assets. No further information is required in response to this item if the adviser is paid on the basis of a percentage of net assets and if the Registrant has neither changed investment advisers nor changed the basis on which the adviser is compensated during the most recent fiscal year. If the fee is paid in some manner other than on the basis of average net assets, briefly describe the basis of payment. If the registrant has not been in operation for a full fiscal year, state generally what the investment adviser's fee will be as a percentage of average net assets, including any breakpoints, but it is not

necessary to include precise details as to how the fee is computed or paid.)

(c) The identity of any other person who provides significant administrative or business affairs management services (e.g., an "Administrator"), and a brief description of the services provided and the compensation to be paid therefor.

(d) The name and principal business address of the transfer agent and the dividend paying agent.

(e) A statement as to the Registrant's expenses. (If the Registrant has been in existence for a full year, it is sufficient to set forth the Registrant's total expenses for the most recent full fiscal year as a dollar amount and as a percentage of average net assets unless the Registrant expects to incur a material amount of extraordinary expenses in the next year. If the Registrant has not been in operation for a full year, list the types of expenses for which Registrant will be responsible.)

(f) If Registrant engages in any of the following practices, a statement to that effect and a cross-reference to an augmented description in Part B:

(i) Paying brokerage commissions to any broker—

(A) Which is an affiliated person of the Registrant, or

(B) Which is an affiliated person of such person, or

(C) An affiliated person of which is an affiliated person of the Registrant, its investment adviser, or its principal underwriter; and

(ii) Allocating brokerage transactions in a manner that takes into account the sale of investment company securities.

(g) If any affiliated person of the Registrant is or has in the last 10 years been subject to the provisions of Section 9(a) of the 1940 Act (15 U.S.C. 80a-9) or to an order pursuant to Section 9(b) of the 1940 Act, identify such person and provide a brief description of the relevant circumstances.

Item 6. Capital Stock and Other Securities.

(a) Describe concisely the nature and most significant attributes of the security being offered, including: (i) A brief discussion of voting rights; (ii) restrictions, if any, on the right freely to retain or dispose of such security; (iii) and any material obligations or potential liability associated with ownership of such security (not including investment risks). If any information is required in response to subparagraphs (ii) and (iii), include a cross-reference to a fuller discussion in Part B.

(b) Identify each person who as of a specified date no more than 30 days prior to the date of filing of this

registration statement, controls the registrant. (For purposes of this Item, the term "control" is defined in the instruction to Item 6(a) of Part B of Form N-1A.)

(c) If the rights of holders of such security may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(d) If Registrant has any other classes of securities outstanding (other than bank borrowings or borrowings that are not senior securities under Section 18(g) of the 1940 Act), (15 U.S.C. 80a-18(g)), identify them; indicate whether they have any preference over the security being offered, and include a cross-reference to Part B.

(e) Describe how shareholder inquiries should be made.

(f) Describe briefly the Registrant's policy with respect to dividends and distributions, including any options shareholders may have as to the receipt of such dividends and distributions.

(g) Describe briefly the tax consequences to investors of an investment in the securities being offered. Such description should not include detailed discussions of applicable law. If the Registrant intends to qualify for treatment under Subchapter M, it is sufficient in the absence of special circumstances to state briefly that in that case the Registrant will not pay taxes; that shareholders will be proportionately liable for taxes on income and gains of the Registrant; and that Registrant will inform shareholders of the amount and nature of such income or gains.

Item 7. Purchase of Securities Being Offered

Describe briefly how the securities being offered may be purchased. The description should emphasize the procedures to be followed and should minimize discussion of applicable legal requirements. Include:

(a) The name and principal business address of any principal underwriter for Registrant (if any affiliated person of Registrant is an affiliated person of the principal underwriter, so state and identify such person);

(b) A concise explanation of the way in which the public offering price is determined, including: (i) An explanation that the price is based on net asset value and identification of the method used to value the assets (e.g., market value, good faith determination, amortized cost); (ii) a statement as to when calculations of net asset value are made and that the price at which a purchase is effected is based on the next

calculation of net asset value after the order is placed, (iii) the sales charge, if any, as a percentage of the public offering price and as a percentage of the net amount invested for each breakpoint; (iv) the sales load reallocated to dealers as a percentage of the public offering price (the percentages in (iii) and (iv) should be shown in a tabular presentation); and (v) if any person, such as a broker-dealer or bank, may with Registrant's knowledge impose any charges in connection with purchases, a statement to that effect;

(c) If there are any special purchase plans or methods (e.g., letters of intent, accumulation plans, withdrawal plans, exchange privileges services in connection with retirement plans), list them and state from whom additional information may be obtained;

(d) Any minimum initial or subsequent investment; and

(e) If Registrant pays distribution expenses pursuant to Rule 12b-1 under the 1940 Act (17 CFR 270.12b-1), list the principal types of activities for which payments are or will be made; and: (i) If the plan has been in effect for a full fiscal year, give the total amount spent in the most recent fiscal year as a dollar figure and as a percentage of net assets; or (ii) otherwise briefly describe the basis on which payments will be made (e.g., percentage of net assets, etc.).

Item 8. *Redemption or Repurchase*

(a) Describe briefly all procedures for redeeming the Registrant's shares, any restrictions thereon, and any charges that may be attendant upon redemption. State whether the investor will receive cash or portfolio securities upon redemption.

(b) Describe briefly any procedure whereby a shareholder can sell his shares to the Registrant or its underwriter through a broker-dealer and, if charges may be made for such service, so note.

(c) If the Registrant is permitted to redeem shares involuntarily in accounts below a certain number or value of shares, describe briefly.

(d) If the Registrant may refuse to honor a request for redemption for a certain time after a shareholder's investment, describe briefly.

(e) If, pursuant to Rule 22d-2 under the 1940 Act [17 CFR 270.22d-2], Registrant provides reinvestment privileges for persons who redeem, briefly describe the terms and procedures for exercising such privileges.

Item 9. *Pending Legal Proceedings*

Briefly describe any material pending

legal proceedings, other than ordinary routine litigation incidental to the business, to which the Registrant, any subsidiary of the Registrant, or the investment adviser or principal underwriter of the Registrant is a party. Include the name of the court in which the proceedings are pending, the date instituted, and the principal parties thereto. Include similar information as to any proceedings instituted by a governmental authority or known to be contemplated by governmental authorities.

Instruction

Legal proceedings, for purposes of litigation or governmental proceedings to which the investment adviser or principal underwriter of Registrant is a party, are material only to the extent that: (1) They are likely to have a material adverse effect upon the ability of the investment adviser or principal underwriter to perform its contract with the Registrant; or (2) they are likely to have a material adverse effect on the Registrant.

Part B—Information Required in a Statement of Additional Information

Item 1. *Cover Page*

(a) The outside cover page is required to contain the following information:

(i) The Registrant's name;

(ii) A statement or statements (A) that the statement of additional information is not a prospectus; (B) that the statement of additional information should be read in conjunction with the prospectus; and (C) from whom a copy of the prospectus may be obtained.

(iii) The date of the prospectus to which the statement of additional information relates and such other identifying information as the registrant deems appropriate.

(iv) The date of the statement of additional information.

(b) The cover page may include other information, but care should be taken that such additional information does not, either by its nature, quantity, or manner of presentation, impede understanding of the information required to be presented.

Item 2. *Table of Contents*

Set forth under appropriate captions (and sub-captions) a list of the contents of the statement of additional information and, where useful, provide cross-references to related disclosure in the prospectus.

Item 3. *General Information and History*

If the Registrant has engaged in a business other than that of an

investment company during the past five years, state the nature of the other business and give the approximate date on which the Registrant commenced business as an investment company. If the Registrant's name was changed during that period, state its former name and the approximate date on which it was changed. If the change in the Registrant's business or name occurred in connection with any bankruptcy, receivership or similar proceeding or any other material reorganization, readjustment or succession, briefly describe the nature and results of the same.

Item 4. Investment Objectives and Policies

(a) Describe clearly the investment policies of the Registrant. It is not necessary to repeat information contained in the prospectus, but, in augmenting the disclosure with respect to those types of investments, policies, or practices that are briefly discussed or identified in the prospectus, Registrant should make sufficient reference to the prospectus to clarify the context in which the additional information called for by this Item is being provided.

(b) To the extent that the prospectus does not do so, describe fully any fundamental policy of the Registrant with respect to each of the following activities:

- (1) The issuance of senior securities.
- (2) Short sales, purchases on margin and the writing of put and call options.
- (3) The borrowing of money. Describe the fundamental policy which limits or restricts the extent to which the Registrant may borrow money and state the purpose for which the proceeds will be used.
- (4) The underwriting of securities of other issuers. Include any fundamental policy with respect to the acquisition of restricted securities (i.e., securities that must be registered under the 1933 Act before they may be offered or sold to the public).
- (5) The concentration of investments in a particular industry or group of industries.

(6) The purchase or sale of real estate and real estate mortgage loans.

(7) Purchase or sale of commodities or commodity contracts including futures contracts.

(8) The making of loans. For purposes of this Item the term "loans" shall not include the purchase of a portion of an issue of publicly distributed bonds, debentures or other securities, whether or not the purchase was made upon the

original issuance of the securities. However, the term "loan" includes the fundamental policy which permits the loaning of cash or portfolios securities to any person.

(9) Any policy not recited above with respect to matters which the Registrant deems matters of fundamental policy.

Instructions

1. For purposes of this Item, the term "fundamental policy" is defined as any policy which the Registrant has deemed to be fundamental or any policy which may not be changed without the approval of a majority of the Registrant's outstanding voting securities.

2. The Registrant may reserve freedom of action with respect to any of the foregoing activities, but in such case, shall express definitely, in terms of a reasonable percentage of assets to be devoted to the particular activity or otherwise the maximum extent to which the Registrant intends to engage therein. For purposes of (7) above, attention is directed to the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(c) To the extent that the prospectus does not do so, describe fully any significant investment policies of the Registrant which are not deemed fundamental and which may be changed without shareholder approval (for example, investing for control of management, investing in foreign securities or arbitrage activities).

Instruction

In responding to this Item the Registrant should disclose the extent to which it may engage in the above policies and the risks inherent in such policies.

(d) *Portfolio Turnover*: Explain any significant variation in the Registrant's portfolio turnover rates over the last two fiscal years. If the Registrant for any reason anticipates a significant variation in the portfolio turnover rate from that reported for its most recent fiscal year in Item 3(a)(12) of Part A, so state. In the case of a new registration, the Registrant should state its policy with respect to portfolio turnover.

Item 5. Management of the Fund

(a) Furnish the information required by the following table as to each director and officer of the Registrant, and if Registrant has an advisory board, as to each member of such board. Also state the nature of any family relationship between persons listed.

Name and address	Position(s) held with registrant	Principal occupation(s) during past 5 years
(1)	(2)	(3)

Instructions

1. For purposes of this Item, the term "officer" means the president, vice-president, secretary, treasurer, controller and any other officers who perform policy-making functions for the Registrant. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

2. The principal business of any corporation or other organization listed under column (3) should be stated unless such principal business is implicit in its name.

(3) If the Registrant has an executive or investment committee, the members should be identified and there should be a concise statement of the duties and functions of such committee.

4. Indicate the directors who are interested persons within the definition set forth in Section 2(a)(19) of the 1940 Act (15 U.S.C. 80a-2(a)(19)) by an asterisk.

(b) In the table required by paragraph (a) of this Item or in separate text following the table, describe any

Name of person	Capacities in which remuneration received	Aggregate remuneration	Pension or retirement benefits accrued during registrant's last fiscal year	Estimates annual benefits upon retirement
(1)	(2)	(3)	(4)	(5)

Instructions

1. This item applies to any person who was a director, officer or member of the advisory board of the Registrant at any time during the last fiscal year. The information is to be given on an accrual basis if practicable.

2. If the Registrant has not completed its first full fiscal year since its organization, the information shall be given for the current fiscal year, estimating future payments that would be made pursuant to an existing agreement or understanding.

3. Columns (4) and (5) should be answered only for those persons named in response to paragraph (a) of this item and should include all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the Registrant

positions held with affiliated person or principal underwriters of the Registrant by each individual listed in column (1) of the table.

(c) In the table required by paragraph (a) of this item or in separate text following the table, identify each individual who supervises the management of 25% or more of the Registrant's portfolio and state the date on which such duty was assumed or, if the portfolio is managed by committee, identify the four most senior members of such committee and state the date on which each member identified assumed such duty.

(d) Furnish the information required by the following table as to each of the persons specified below who received from the Registrant and its subsidiaries during the Registrant's last fiscal year aggregate remuneration in excess of \$40,000 for services in all capacities:

(i) Each director, each of the highest paid officers, and each advisory board member of the Registrant;

(ii) Each affiliated person of the Registrant not included in subparagraph (i) except investment advisers;

(iii) Each affiliated person of an affiliate or principal underwriter of the Registrant; and

(iv) All directors, officers and members of the advisory board of the Registrant as a group without naming them.

or any of its subsidiaries to each such person.

4. Column (4) need not be answered with respect to payments computed on an actuarial basis pursuant to any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

5. The information called for by column (5) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

6. In the case of any plan (other than those specified in instruction 3) where the amount set aside each year depends upon the amount of earnings of the issuer or its subsidiaries for such year or a prior year, or where it is otherwise impracticable to state the estimated annual benefits upon retirement, there shall be set forth, in lieu of the

information called for by column (5), the aggregate amount set aside or accrued to date, unless it is impracticable to do so, in which case there shall be stated the method of computing such benefits.

Item 6. Control Person and Principal Holders of Securities

Furnish the following information as of a specified date no more than 30 days prior to the date of filing of the instant registration statement or amendment thereto.

(a) State the name and address of each person who controls the Registrant and explain the effect of such control on the voting rights of other security holders. As to each such control person, state the percentage of the Registrant's voting securities owned or any other basis of control. If such control person is a company, give the state or other sovereign power under the laws of which it is organized. List all parents of such control person.

Instruction

For purpose of this Item, "control" shall mean (i) the beneficial ownership, either directly or through one or more controlled companies, of more than 25 percent of the voting securities of a company; (ii) the acknowledgement or assertion by either the controlled or controlling party of the existence of control; or (iii) an adjudication under Section 2(a)(9) of the 1940 Act [15 U.S.C. 80a-2(a)(9)], which has become final, that control exists.

(b) State the name, address and percentage of ownership of each person who owns of record or is known by the Registrant to own of record or beneficially 5 percent or more of any class of the Registrant's outstanding equity securities.

Instructions

1. The percentages are to be calculated on the basis of the amount of securities outstanding.

2. If securities are being registered in connection with or pursuant to a plan of acquisition, reorganization, readjustment or succession, indicate, as far as practicable, the status to exist upon consummation of the plan on the basis of present holdings and commitments.

3. If to the knowledge of the Registrant or any principal underwriter of its securities, 5 percent or more of any class of voting securities of the Registrant are or will be held subject to any voting trust or other similar agreement, this fact should be disclosed.

4. Indicate whether the securities are owned both of record and beneficially, or of record only, or beneficially only, and

show the respective percentage owned in each manner.

(c) Show all equity securities of the Registrant owned by all officers, directors and members of the advisory board of the Registrant as a group, without naming them. In any case where the amount owned by directors and officers as a group is less than 1 percent of the class, a statement to that effect is sufficient.

Item 7. Investment Advisory and Other Services

(a) Furnish the following information with respect to each investment adviser:

(i) The names of all controlling persons of the investment adviser and the basis of such control; and if material, the business history of any organization that controls the adviser;

(ii) The name of any affiliated person of the Registrant who is also an affiliated person of the investment adviser and a list of all capacities in which such person named is affiliated with the Registrant and with the investment adviser; and

Instruction

If an affiliated person of the Registrant either alone or together with others is a controlling person of the investment adviser, Registrant must disclose such fact but need not supply the specific amount of percentage of the outstanding voting securities of the investment adviser which is owned by such a controlling person.

(iii) The method of computing the advisory fee payable by the Registrant including:

(A) The total dollar amounts paid to the adviser by the Registrant under the investment advisory contract for the last three fiscal years;

(B) If applicable, any credits which reduced the advisory fee for any of the last three fiscal years; and

(C) Any expense limitation provision.

Instructions

1. If the advisory fee payable by the Registrant varies depending on the Registrant's investment performance in relation to some standard, such standard must be set forth along with a fee schedule in tabular form. Registrant may include examples showing the fees the adviser would earn at various levels of performance, but such examples must include calculations showing the maximum and minimum fee percentages which could be earned under the contract.

2. Each type of credit or offset should be stated separately in response to this item.

3. Where a Registrant is subject to more than one expense limitation provision, only the most restrictive of such provisions must be described.

4. If Registrant has more than single class of capital stock or is otherwise organized as a "series" investment company the response to paragraph (a)(3) of this item should describe the methods of allocation and payment of advisory fees for each class or series.

(b) Furnish a description of all services performed for or on behalf of the Registrant, which services are supplied or paid for wholly or in substantial part by the investment adviser in connection with the investment advisory contract.

(c) Furnish a description of all fees, expenses and costs of the Registrant which are to be paid by persons other than the investment adviser or the Registrant, and identify such persons.

(d) Furnish a summary of the substantive provisions of any management-related service contract not otherwise disclosed in connection with an item of the form which may be material to a purchaser of securities of the Registrant, under which services are provided to the Registrant, indicating the parties to the contract, the total dollars paid and by whom, for the past three years.

Instructions

1. The term "management-related service contract" includes any agreement whereby another person contracts with the Registrant to keep, prepare, or file such accounts, books, records, or other documents as the Registrant may be required to keep under federal or state law, or to provide any similar services with respect to the daily administration of the Registrant, but does not include the following: (i) Any contract with the Registrant to provide investment advice; (ii) any agreement whereby another person contracts with the Registrant to perform as custodian, transfer agent or dividend-paying agent for the Registrant; and (iii) bona fide contracts with the Registrant for outside legal or auditing services, or bona fide contracts for personal employment entered into with the Registrant in the ordinary course of business.

2. No information need be given in response to this Item with respect to the service of mailing proxies or periodic reports to shareholders of the Registrant.

3. In summarizing the substantive provisions of a management-related service contract, include the following: the name of the person providing the

service; the direct or indirect relationships, if any, of such person with the Registrant, its investment adviser or its principal underwriter; the nature of the services provided, and the basis of the compensation paid for the services for the last three fiscal years.

(e) If any person (other than a bona fide director, officer, member of an advisory board or employee of the Registrant, as such, or a person named as an investment adviser in response to paragraph (a) above), pursuant to any understanding, whether formal or informal, regularly furnishes advice to the Registrant or to the investment adviser of the Registrant with respect to the desirability of the Registrant's investing in, purchasing, or selling securities or other property, or is empowered to determine what securities or other property should be purchased or sold by the Registrant, and receives direct or indirect remuneration, furnish the following information:

- (i) The name of such person.
- (ii) A description of the nature of the arrangement, and the advice or information furnished.
- (iii) Any remuneration (including, for example, participation, directly or indirectly, in commissions or other compensation paid in connection with transactions in portfolio securities of the Registrant) paid for such advice or information, and a statement as to how such remuneration was paid and by whom it was paid for the last three fiscal years.

Instruction

Information need not be included in response to this item with respect to any of the following: (i) Persons whose advice was furnished to the investment adviser or the Registrant solely through uniform publications distributed to subscribers thereto; (ii) persons who furnished the investment adviser or the Registrant with only statistical and other factual information, advice regarding economic factors and trends, or advice as to occasional transactions in specific securities, but without generally furnishing advice to them or making recommendations to them regarding the purchase or sale of securities by the Registrant; (iii) a company which is excluded from the definition of "investment adviser" of an investment company by reason of Section 2(a)(20)(iii) of the 1940 Act [15 U.S.C. 80a-2(a)(20)(iii)]; any person the character and amount of whose compensation for such service must be approved by a court; or (v) such other persons as the Commission has by rules and regulations or order determined not

to be an "investment adviser" of an investment company.

(f) Furnish a summary of the material aspects of any plan pursuant to which the Registrant incurs expenses related to the distribution of its shares, and of any agreements related to the implementation of such a plan. The summary should include, among other material information, the following:

- (i) The amounts paid by the Registrant under the plan during the last fiscal year, as a total dollar amount and a percentage of Registrant's average net assets during that period;
- (ii) The manner in which such amount was spent on:
 - (A) Advertising,
 - (B) Printing and mailing of prospectuses to other than current shareholders,
 - (C) Compensation to underwriters,
 - (D) Compensation to dealers,
 - (E) Compensation to sales personnel, and
 - (F) Other (specify);
- (iii) Whether any of the following persons had a direct or indirect financial interest in the operation of the plan or related agreements:
 - (A) Any interested person of the Registrant; or
 - (B) Any director of the Registrant who is not an interested person of the Registrant; and
- (iv) The benefits, if any, to the Registrant resulting from the plan.

Instruction

In responding to this item the Registrant should take note of the requirements of Rule 12b-1 under the 1940 Act.

(g) If the portfolio securities of the Registrant are held by a person other than a commercial bank, trust company or depository registered with the Commission as custodian, state the nature of the business of each such person.

(h) Furnish the name and principal business address of the Registrant's Custodian and independent public accountant and provide a general description of the services performed by each.

(i) If an affiliated person of the Registrant or an affiliated person of such an affiliated person acts as custodian, transfer agent or dividend-paying agent for the Registrant, furnish a description of the services performed by such person and the basis for remuneration.

Item 8. Brokerage Allocation

(a) Describe how transactions in portfolio securities are effected including a general statement about brokerage commissions and mark-ups

on principal transactions and the aggregate amount of any brokerage commissions paid by the Registrant during the three most recent fiscal years. If during either of the two years preceding the Registrant's most recent fiscal year, the aggregate dollar amount of brokerage commissions paid by the Registrant differed materially from the amount paid during the most recent fiscal year, state the reason(s) for the difference(s).

(b) (i) State the aggregate dollar amount, if any, of brokerage commissions paid by the Registrant during the three most recent fiscal years to any broker: (A) Which is an affiliated person of the Registrant; (B) which is an affiliated person of such person; or (C) an affiliated person of which is an affiliated person of the Registrant, its investment adviser, or principal underwriter, and the identity of each such broker and the relationships that cause the broker to be identified in this Item.

(ii) State for each broker identified in response to paragraph (b)(i) of this item:

- (A) The percentage of Registrant's aggregate brokerage commissions paid to each broker during the most recent fiscal year; and
- (B) The percentage of Registrant's aggregate dollar amount of transactions involving the payment of commissions effected through each broker during the most recent fiscal year.

(iii) Where there is a material difference in the percentage of brokerage commission paid to, and the percentage of transactions effected through, any broker identified in response to paragraph (b)(i) of this Item, state the reasons for such difference.

(c) Describe how brokers will be selected to effect securities transactions for Registrant and how evaluations will be made of the overall reasonableness of brokerage commissions paid, including the factors considered in connection with these determinations.

Instructions

1. If the receipt of products or services other than brokerage or research services is a factor considered in the selection of brokers, this description should specify such products and services.

2. If the receipt of research services is such a factor in selecting brokers, this description should identify the nature of such research services.

3. State whether persons acting on behalf of Registrant are authorized to pay a broker a brokerage commission in excess of that which another broker might have charged for effecting the

same transaction, in recognition of the value of (a) brokerage or (b) research services provided by the broker.

4. If applicable, this description should explain that research services furnished by brokers through whom Registrant effects securities transactions may be used by Registrant's investment adviser in servicing all of its accounts and that not all such services may be used by the investment adviser in connection with the Registrant; or, if other policies or practices are applicable to Registrant with respect to the allocation of research services provided by brokers such policies and practices should be explained.

(d) If, during the last fiscal year, Registrant or its investment adviser, pursuant to an agreement or understanding with a broker or otherwise through an internal allocation procedure, directed Registrant's brokerage transaction to a broker because of research services provided, state the amount of such transactions and related commissions.

Item 9. Capital Stock and Other Securities

To the extent that the prospectus does not do so, provide the following information:

- (a) With respect to each class of capital stock of the Registrant,
- (i) The title of each such class; and
 - (ii) A full discussion of the following provisions or characteristics of each class of capital stock, if applicable: (A) dividend rights; (B) voting rights; (C) liquidation rights; (D) pre-emptive rights; (E) conversion rights; (F) redemption provisions; (G) sinking fund provisions; and (H) liability to further calls or to assessment by the Registrant.

Instruction

1. If any class of securities described in response to this Item possesses cumulative voting rights, disclose the existence of such rights and explain the operation of cumulative voting.

2. If the rights evidenced by any class of securities described in response to paragraph (a) or (b) of this Item are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by the securities being described.

(b) If the Registrant has any authorized securities other than capital stock, describe the rights evidenced thereby. If the securities are subscription warrants or rights, state the

title and amount of securities called for, the period during which and the prices at which the warrants or rights are exercisable.

Item 10. Purchase, Redemption and Pricing of Securities Being Offered

(a) Provide a full description of the manner in which registrants are securities offered to the public. The description should include any special purchase plans or methods not described in the prospectus such as letters of intent, accumulation plans, withdrawal plans, exchange privileges and services in connection with retirement plans.

(b) Describe the method followed or to be followed by the Registrant in determining the total offering price at which its securities may be offered to the public and the method or methods used to value the Registrant's assets.

Instructions

1. The valuation procedure used by the Registrant in determining net asset value and public offering price must be described.

2. The response should state how the excess of offering price over the net amount invested is distributed among the Registrant's principal underwriters or others and the basis for determining the total offering price.

3. To the extent this information is not included in the prospectus, state the time (or times) each day when the net asset value is calculated for the purpose of pricing shares.

4. Explain fully any difference in the price at which securities are offered to the public, as individuals and as groups, and to officers, directors or employees of the Registrant, its adviser or underwriter.

5. Furnish a specimen price-make-up sheet showing the computation of the total offering price per unit and using as a basis the value of the Registrant's portfolio securities and other assets and its outstanding securities as of the date of the balance sheet filed by the Registrant.

6. If the Registrant uses either the penny-rounding pricing or the amortized cost valuation methods to calculate its price per share, pursuant to either an order of exemption from the Commission or Rule 2a-7 under the 1940

Act, the response to paragraph (a)(1) of this item should describe fully, the nature, extent and effect of the exemption.

(c) If the Registrant has received an order of exemption from Section 18(f) of the 1940 Act (15 U.S.C. 80a-18(f)), from the Commission or has filed a notice of election pursuant to Rule 18f-1 (17 CFR 270.18f-1), under the Act which has not been withdrawn, the nature, extent and effect of the exemptive relief should be fully described.

Item 11. Tax Status

Set forth any information about Registrant's tax status that is not required to be in the prospectus but that Registrant deems material including, but not limited to, an explanation of the legal basis for the Registrant's tax status and any special or unusual tax aspects of the Registrant such as taxation resulting from foreign investment or from status as a personal holding company, or any tax loss carry-forward to which Registrant may be entitled.

Instruction:

If Registrant has more than a single class of capital stock or is otherwise organized as a "series" investment company, any special tax consequences resulting therefrom should be described in response to this Item.

Item 12. Underwriters

(a) With respect to the public distribution of securities of the Registrant state:

(i) For each principal underwriter distributing securities of the Registrant, the nature of the obligation to distribute the Registrant's securities;

(ii) Whether the offering is continuous; and

(iii) The aggregate dollar amount of underwriting commissions and the amount retained by the principal underwriter for each of the last three fiscal years.

(b) Furnish the information required by the following table with respect to all commissions and other compensation received by each principal underwriter, who is an affiliated person of the Registrant or an affiliated person of such an affiliated person, directly or indirectly from the Registrant during the Registrant's last fiscal year:

Name of principal underwriter	Net underwriting discounts and commissions	Compensation on redemption and repurchases	Brokerage commissions	Other compensation
(1)	(2)	(3)	(4)	(5)

Instruction

Indicate in a note, or otherwise, the nature of the services rendered in consideration of the compensation set forth under column (5). Include under this column any compensation received by an underwriter for keeping the Registrant's securities outstanding in the hands of the public.

(c) If during the Registrant's last fiscal year any payments were made by the Registrant to an underwriter or dealer in the Registrant's shares other than: (i) Payments made through deduction from the offering price at the time of sale of securities issued by the Registrant, (ii) payments representing the purchase price of portfolio securities acquired by the Registrant, (iii) commissions on any purchase or sale of portfolio securities by the Registrant, or (iv) payments for investment advisory services pursuant to an investment advisory contract, furnish the following information:

- (A) The name and address of the underwriter or dealer;
- (B) A description of the circumstances surrounding payments;
- (C) The amount paid;
- (D) The basis on which the amount of the payment was determined and the consideration received for it.

Instructions

1. Do not include in answer to this item any information furnished in answers to Items 7(d) or 12(b) above. Do not include any payment for a service excluded by Instructions 1 and 2 to Item 7(c) above or by Instruction 2 to Item 8 of Part C of this Form.

2. If the payments were made pursuant to an arrangement or policy applicable to dealers generally, it will be sufficient to describe such arrangement or policy.

Item 13. Calculation of Yield Quotations of Money Market Funds

(a) Furnish the following information with respect to any yield quotation included in the prospectus to which this statement of additional information relates:

- (i) A description of the method by which the yield is computed including:
 - (A) That the yield quotation is based on the seven days ended on the date of the most recent financial statements included in the prospectus (e.g. the per share table) and state the dates on which the yield quotation is based; and
 - (B) That the yield is computed by dividing the Registrant's average daily net investment income per share earned during the seven calendar day period described by its average daily price per share for the same period and

multiplying the result by 365 with the resulting yield figure carried to at least the nearest hundredth of one percent; and

(b) For purposes of the calculation described in subsection (a), above, Registrant's average daily net investment income per share shall include its accrued interest income plus or minus amortized purchase discount or premium less accrued expenses, but shall not include realized gains and losses or unrealized appreciation and depreciation. For purposes of this computation fees charged to all shareholder accounts must be included in the accrued expenses of the fund, and the Registrant's average price per share must include any charges in net asset value during the seven day period.

Instructions

In connection with the presentation of the yield figure, the prospectus must disclose:

- (1) If applicable, that the Registrant follows the practice of reflecting changes in portfolio values in its daily dividend; and
- (2) If material, the net amount of any change in the yield figure which would result from:
 - (a) The inclusion in the determination of net investment income of realized gains or losses and unrealized appreciation or depreciation recognized by the Registrant but excluded from the computation pursuant to Item 17(b).
 - (b) Any change in net asset value during the period used for computing yield.

Item 14. Financial Statements**Instructions**

1. Part B of this Form shall contain, in a separate section following the responses to the foregoing items, the financial statements and schedules required by Regulation S-X [17 CFR 210]. The specimen price-make-up sheet required by Item 10(b) of part B of this Form may be furnished as a continuation of the balance sheet or statement of assets and liabilities specified by Regulation S-X (17 CFR 210.6-01).

2. Notwithstanding the requirements of instruction 1. above, the following statements and schedules required by Regulation S-X may be omitted from Part B of the registration statement and included in Part C of such registration statement:

- (i) The statements of any subsidiary which is not a majority-owned subsidiary; and
- (ii) all schedules in support of the most recent balance sheet or statement

of assets and liabilities, except the following: (a) Schedule I [17 CFR 210.12-12]; (b) columns A, E, and G of Schedule II [17 CFR 210.12-13]; and (c) columns A, B, and D of Schedule III [17 CFR 210.12-14], omitting the information called for by paragraph (c) of footnote 1 to column A.

3. Notwithstanding the requirements of Instruction A above, the following information may be omitted from any Registration Statements:

- (i) Column C of Schedule I [17 CFR 210.12-12].
- (ii) Column F of Schedule II [17 CFR 210.12-13]; and
- (iii) Column C of Schedule III [17 CFR 210.12-14].

4. In addition to the requirements of Rule 3-18 of Regulation S-X (17 CFR 210.3-18), any company registered under the 1940 Act which has not previously had an effective Registration Statement under the 1933 Act shall include in its initial Registration Statement under the 1933 Act such additional financial statements and condensed financial information (which need not be audited) as is necessary to make the financial statements and condensed financial information included in the registration statement as of a date within 90 days prior to the date of filing.

5. Every annual report to shareholders required pursuant to Section 30(d) of the 1940 Act and Rule 30d-1 thereunder (17 CFR 270.30d-1) shall contain the following information:

- (i) The audited financial statements required by Regulation S-X, as modified by Instructions 2 and 3 above, for the periods specified by Regulation S-X;
- (ii) The condensed financial information required by item 3(a) of this Form, for the five most recent fiscal years, with at least the most recent fiscal year audited; and
- (iii) Unless shown elsewhere in the report as part of the financial statements required by (i) above, the aggregate remuneration paid by the company during the period covered by the report (A) to all directors and to all members of any advisory board for regular compensation; (B) to each director and to each member of an advisory board for special compensation; (C) to all offices; and (D) to each person of whom any officer or director of the company is an affiliated person.

6. Every report to shareholders required by Section 30(d) of the 1940 Act and Rule 30d-1 thereunder (17 CFR 270.30d-1), except the annual report, shall contain the following information (which need not be audited).

- (i) The financial statements required by Regulation S-X, as modified by

Instructions B and C above, for the period commencing either with (A) the beginning of the company's fiscal year (or date or organization, if newly organized) or (B) a date not later than the date after the close of period included in the last report conforming with the requirements of Rule 30d-1 and the most recent preceding fiscal year;

(ii) The condensed financial information required by Item 3(a) of this Form, for the period of the report as specified by (1) above, and the most recent preceding fiscal year; and

(iii) Unless shown elsewhere in the report as part of the financial statements required by (i) above, the aggregate remuneration paid by the company during the period covered by the report (A) to all directors and to all members of any advisory board for regular compensation; (B) to each director and to each member of an advisory board for special compensation; (C) to all officers; and (D) to each person of whom any officer or director of the company is an affiliated person.

7. Reference is made to General Instruction E regarding incorporation by reference.

Part C. Other Information

Item 1. Financial Statements and Exhibits

List all financial statements and exhibits filed as part of the Registration Statement.

(a) Financial statements:

Instruction

Designate those financial statements included in Parts A and B of the Registration Statement.

(b) Exhibits:

(1) Copies of the charter as now in effect;

(2) Copies of the existing bylaws or instruments corresponding thereto;

(3) Copies of any voting trust agreement with respect to more than 5 percent of any class of equity securities of the Registrant;

(4) Specimens or copies of each security issued by the Registrant, including copies of all constituent instruments, defining the rights of the holders of such securities, and copies of each security being registered;

(5) Copies of all investment advisory contracts relating to the management of the assets of the Registrant;

(6) Copies of each underwriting or distribution contract between the Registrant and a principal underwriter, and specimens or copies of all agreements between principal underwriters and dealers;

(7) Copies of all bonus, profit sharing, pension or other similar contracts or

arrangements wholly or partly for the benefit of directors or offices of the Registrant in their capacity as such; any such plan is not set forth in a formal document, furnish a reasonably detailed description thereof;

(8) Copies of all custodian agreements and depository contracts under Section 17(f) of the 1940 Act (15 U.S.C. 80a-17(f)), with respect to securities and similar investments of the Registrant, including the schedule of remuneration;

(9) Copies of all other material contracts not made in the ordinary course of business which are to be performed in whole or in part at or after the date of filing the Registration Statement;

(10) An opinion and consent of counsel as to the legality of the securities being registered, indicating whether they will when sold be legally issued, fully paid and nonassessable;

(11) Copies of any other opinions, appraisals or rulings, and consents to the use thereof relied on in the preparation of this Registration Statement and required by Section 7 of the 1933 Act;

(12) All financial statements omitted from Item 17 of Part I;

(13) Copies of any agreements or understandings made in consideration for providing the initial capital between or among the Registrant, the underwriter, adviser, promoter or initial stockholders and written assurances from promoters or initial stockholders that their purchases were made for investment purposes without any present intention of redeeming or reselling;

(14) Copies of the model plan used in the establishment of any retirement plan in conjunction with which Registrant offers its securities, any instructions thereto and any other documents making up the model plan. Such form(s) should disclose the costs and fees charged in connection therewith.

(15) Copies of any plan entered into by Registrant pursuant to Rule 12b-1 under the 1940 Act, which describes all material aspects of the financing of distribution of Registrant's shares, and any agreements with any person relating to implementation of such plan.

Instruction

Subject to the Rules regarding incorporation by reference, the foregoing exhibits shall be filed as a part of the Registration Statement. Exhibits numbered 10-12 above are required to be filed only as part of a 1933 Act Registration Statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the

designation given in a previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits required above.

Item 2. Persons Controlled by or Under Common Control With Registrant

Furnish a list or diagram of all persons directly or indirectly controlled by or under common control with the Registrant and as to each such person indicate: (1) If a company, the state or other sovereign power under the laws of which it is organized, and (2) the percentage of voting securities owned or other basis of control by the person, if any, immediately controlling it.

Instructions

1. The list or diagram shall include the Registrant and shall be so prepared as to show clearly the relationship of each company named to the Registrant and to the other companies named. If the company is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross-reference.

2. Designate by appropriate symbols: (i) Subsidiaries for which separate financial statements are filed; (ii) subsidiaries included in the respective consolidated financial statements; (iii) subsidiaries included in the respective group financial statements filed for unconsolidated subsidiaries; (iv) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

Item 3. Number of Holders of Securities

State in substantially the tabular form indicated, as of a specified date within 90 days prior to the date of filing, the number of record holders of each class of securities of the Registrant.

Title of class	Number of record holders
(1)	(2)

Item 4. Indemnification

State the general effect of any contract, arrangements or statute under which any director, officer, underwriter or affiliated person of the Registrant is insured or indemnified in any manner against any liability which may be incurred in such capacity, other than insurance provided by any director, officer, affiliated person or underwriter for their own protection.

Instruction

In responding to this Item the Registrant should take note of the requirements of Rule 460 (17 CFR

230.460) under the 1933 Act and Section 17 of the 1940 Act (15 U.S.C. 80a-17).

Item 5. Business and Other Connections of Investment Adviser

Describe any other business, profession, vocation or employment of a substantial nature in which each investment adviser of the Registrant, and each director, officer or partner of any such investment adviser, is or has been, at any time during the past two fiscal years, engaged for his own account or in the capacity of director, officer, employee, partner or trustee.

Instructions

1. State the name and principal business address of any company with which any person specified above is connected in the capacity of director, officer, employee, partner or trustee, and the nature of such connection.

2. The names of investment advisory clients need not be given in answering this item.

Item 6. Principal Underwriters

(a) Furnish the name of each

Name of principal underwriter	Net underwriting discounts and commissions	Compensation on redemption and repurchase	Brokerage commissions	Other compensation
(1)	(2)	(3)	(4)	(5)

Instructions

1. Indicate in a note, or otherwise, the nature of the services rendered in consideration of the compensation set forth under column (5). Include under this column any compensation received by an underwriter for keeping the Registrant's securities in the hands of the public.

2. Instruction 1 to Item 12(c) of Part B shall also apply here.

Item 7. Location of Accounts and Records

With respect to each account, book or other document required to be maintained by Section 31(a) of the 1940 Act (15 U.S.C. 80a-30(b)) and the Rules (17 CFR 270.31a-1 to 31a-3) promulgated thereunder, furnish the name and address of each person maintaining physical possession of each such account, book or other document.

Item 8. Management Services

Furnish a summary of the substantive provisions of any management-related service contract not discussed in Part A or Part B of this Form (because the contract was not believed to be material to a purchaser of securities of the

investment company (other than the Registrant) for which each principal underwriter currently distributing securities of the Registrant also acts as a principal underwriter, depositor or investment adviser.

(b) Furnish the information required by the following table with respect to each director, officer or partner of each principal underwriter named in the answer to Item 12(a) of Part B:

Name and principal business address	Positions and offices with underwriter	Positions and offices with registrant
(1)	(2)	(3)

(c) Furnish the information required by the following table with respect to all commissions and other compensation received by each principal underwriter who is not an affiliated person of the Registrant or an affiliated person of such an affiliated person, directly or indirectly, from the Registrant during the Registrant's last fiscal year:

Registrant) under which services are provided to the Registrant, indicating the parties to the contract, the total dollars paid and by whom, for the last three fiscal years.

Instructions

1. The instructions to Item 7(d) of Part B of this Form shall also apply to this item.

2. No information need be given in response to this item with respect to any service for which aggregate payments of less than \$5,000 were made during each of the last three fiscal years.

Item 9. Undertakings

Furnish the following undertakings in substantially the following form in all initial registration statements filed under the 1933 Act:

(a) An undertaking to file an amendment to the registration statement with certified financial statements showing the initial capital received before accepting subscriptions from any persons in excess of 25 if Registrant proposes to raise its initial capital pursuant to Section 14(a)(3) of the 1940 Act (15 U.S.C. 80a-14(a)(3));

(b) An undertaking to file a post-effective amendment, using financial statements which need not be certified, within four to six months from the effective date of Registrant's 1933 Act registration statement.

Instructions

1. Such amendment may be filed earlier only if at least one-half the dollar amount of securities registered has been raised from a public offering and has been substantially invested pursuant to Registrant's investment objectives.

2. The financial statements included in such post-effective amendment should be as of and for the time period reasonably close or as soon as practicable to the date of the amendment.

Signatures

Pursuant to the requirements of the Securities Act of 1933 (and) (or) the Investment Company Act of 1940 the Registrant (certifies that it meets all of the requirements for effectiveness of this Registration Statement pursuant to Rule (485(b) or 486(b)) under the Securities Act of 1933 and) has duly caused this Registration Statement to be signed on its behalf by the undersigned, thereto duly authorized, in the City of _____, and State of _____

on the _____ day of _____, 19____.

Registrant _____

By (Signature and Title) _____

Pursuant to the requirements of the Securities Act of 1933, this Registration Statement has been signed below by the following persons in the capacities and on the date indicated.

(Signature) _____
(Title) _____
(Date) _____

Instructions as to Summary Prospectuses

The summary prospectus to be used pursuant to Rule 431 (§ 230.431 of this chapter) for companies whose securities are registered on Form N-1A shall be available only if (1) a registration statement relating to these securities has been filed, (2) the response to Items 3(a) and 3(b) of Part B is "Not Applicable," and (3) if at such time Registrant intends to meet the requirements of Subchapter M, Sections 851-855 of the Internal Revenue Code during the current taxable year. No sales literature may be used unless preceded or accompanied by the full statutory prospectus. The summary prospectus shall at the time of its use contain such of the information specified below as is then included in the Registration Statement. All other information and documents contained in

the Registration Statement may be omitted.

(a) The information contained in Item 2 of Part A must be included in the summary prospectus.

(b) The information called for by Item 3 of Part A shall be set forth not further back in the summary prospectus than the third page thereof and shall not be preceded by any other chart or table.

(c) The information in Item 4(a)(ii) and 4(b) of Part A must be contained herein.

(d) The summary prospectus must contain the legends required by Rules 481(b)(1) and 431(e) under Securities Act of 1933, and the following legend should be placed on the cover page:

All Interested Persons Should Send for and Examine the Full Prospectus Before Purchasing Shares of the Fund

Instructions

1. If Registrant chooses to present the information required by Item 13 of Part B, it must be set forth in complete and uncondensed form, except insofar as Item 3 of Part A constitutes such a condensation.

2. The Commission may, upon the request of the Registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the inclusion of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for the protection of investors.

[FR Doc. 83-411 Filed 1-6-83; 8:45 am]

BILLING CODE 9010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 80N-0218]

Citric Acid and Certain Citrates; Affirmation of GRAS Status

AGENCY: Food and Drug Administration.
ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate are generally recognized as safe (GRAS) as direct human food ingredients. The safety of these

ingredients has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Comments by March 8, 1983.

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: Vivian Prunier, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204. 202-426-5487.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the *Federal Register* of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of citric acid, dibasic ammonium citrate, calcium citrate, potassium citrate, sodium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of these ingredients. Among the uses that the agency is affirming for calcium citrate is as a nutrient supplement in conventional food¹ and infant formula.

The GRAS status of the use of calcium citrate in dietary supplements (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.) is not affected by this proposal. The agency did not request consumer exposure data on dietary supplement uses when it initiated this review. Without exposure data, the agency cannot evaluate the safety of using the ingredient in dietary supplements. The use of this ingredient in dietary supplements will continue to be permissible under Subpart F of Part 182 (21 CFR Part 182).

Citric acid (2-hydroxy-1,2,3-propanetricarboxylic acid) and its salts and natural constituents and common metabolites in plants and animals. Citric acid is an intermediate compound in the Krebs cycle in which the metabolites of carbohydrates, proteins, and fats are oxidized in human metabolism of food. The concentration of naturally occurring citrate in fruits, particularly citrus fruits and juices, is higher than that in vegetables or animal tissues. Typical concentrations of citrates are about 1 percent in orange juice and up to 8 percent in unripe lemon juice. Peas,

¹ FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

corn, and cabbage contain less than 1 percent citrate, and human milk contains about 0.1 percent citrate.

Citric acid and its ammonium (dibasic)², calcium, potassium, and sodium salts occur as water-soluble, white or colorless powders or crystals which are odorless and have a tart taste.

The citric acid esters share some of the properties of the citric acid salts and yield citrate upon hydrolysis. Isopropyl citrate and stearyl citrate occur as mixtures of the mono-, di-, and triesters of the acid. Mono-isopropyl citrate is a form of isopropyl citrate. Commercially available isopropyl citrate is composed of 85 to 80 percent monoisopropyl, 15 to 30 percent diisopropyl, and 5 to 10 percent triisopropyl citrate. Stearyl citrate is composed of 10 to 15 percent monostearyl, 70 to 80-percent distearyl, and 10 to 15 percent tristearyl citrate. Triethyl citrate is the triethyl ester of citric acid. It occurs naturally in extremely low concentrations in sour cherries and red currants and is an odorless, nearly colorless, oily liquid.

A regulation (formerly § 121.101(d) (21 CFR 121.101(d)) published in the *Federal Register* of November 20, 1959 (24 FR 9368), listed citric acid, citrates, and citrate esters as GRAS for direct use in food as follows: calcium citrate, citric acid, potassium citrate, and sodium citrate as buffers and neutralizing agents; citric acid for miscellaneous use; calcium citrate, citric acid, monoisopropyl citrate, potassium citrate, and sodium citrate as sequestrants; triethyl citrate for use in egg whites at 0.25 percent; and isopropyl citrate and stearyl citrate as sequestrants at 0.02 percent and 0.15 percent, respectively.

In a final rule published in the *Federal Register* of January 31, 1961 (26 FR 938), and subsequently recodified in the *Federal Register* of March 15, 1977 (42 FR 14302), FDA listed certain of these substances as GRAS for direct use in food as miscellaneous or general purpose ingredients and sequestrants, respectively, as follows: citric acid in §§ 182.1033 and 182.6033 (21 CFR 182.1033 and 182.6033), calcium citrate in §§ 182.1195 and 182.6195 (21 CFR 182.1195 and 182.6195), potassium citrate in §§ 182.1625 and 182.6625 (21 CFR 182.1625 and 182.6625), and sodium citrate in §§ 182.1751 and 182.6751 (21 CFR 182.1751 and 182.6751). This final rule also listed triethyl citrate as a miscellaneous or general purpose

² This proposal only addresses the GRAS status of dibasic ammonium citrate. The food additive status of other ammonium citrates is not affected by this proposal.

ingredient in egg whites at 0.25 percent in § 182.1911 (21 CFR 182.1911) and listed isopropyl citrate in § 182.6386 (21 CFR 182.6386) at 0.02 percent, and stearyl citrate, in § 182.6851 (21 CFR 182.6851), as sequestrants. Additionally, calcium citrate was listed under GRAS nutrients/dietary supplements. However, in a final rule published in the Federal Register of September 5, 1980 (45 FR 58837), FDA divided the nutrient/dietary supplement category into separate listings for GRAS dietary supplements (21 CFR Part 182, Subpart F) and for GRAS nutrients (21 CFR Part 182, Subpart I). As a consequence, calcium citrate is currently listed in §§ 182.5195 and 182.8195 (21 CFR 182.5195 and 182.8195) for use as a dietary supplement and as a nutrient supplement, respectively.

Prior-sanctioned uses of monoisopropyl citrate, triethyl citrate, and mono-, di-, and tristearyl citrate as plasticizers in food packaging are listed in § 181.27 (21 CFR 181.27). Also, prior-sanctioned uses of ammonium citrate, mono-, di-, and tripotassium citrate, and mono-, di-, and trisodium citrate as stabilizers in food packaging are listed in § 181.29 (21 CFR 181.29).

Citric acid is listed as a component in the production of caramel (21 CFR 73.85) and stearyl monoglyceridyl citrate (21 CFR 172.755) and may also be used as an acidifying agent in wine (27 CFR 240.1051). The U.S. Department of Agriculture permits (9 CFR 318.7) the use of citric acid and stearyl, monoisopropyl, and sodium citrates as follows: citric acid in retort and cooling water, as a flavoring agent in chili con carne, and as a synergist in combination with antioxidants in lard, shortening, dry and fresh sausage, and dried meats; citric acid and stearyl citrate as flavor protectors in oleomargarine; monoisopropyl citrate as a synergist in combination with antioxidants in lard, shortening, oleomargarine, fresh pork sausage, and dried meats; citric acid and sodium citrate as anticoagulants in fresh blood and as curing accelerators in cured pork and beef cuts and comminuted meat products. Citric acid, isopropyl citrate, and stearyl citrate are included in the U.S. Department of Agriculture's standard of identity for oleomargarine (9 CFR 319.700).

FDA's standards of identity permit the use of citric acid or certain citrates as optional ingredients in several foods.

Specific indirect uses of the citrate salts and esters are regulated as follows: ammonium citrate in § 175.105 *Adhesives* (21 CFR 175.105); ammonium citrate, monoisopropyl citrate, mono-, di-, and tristearyl citrate, potassium citrate, sodium citrate, and triethyl

citrate in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300); triethyl citrate in § 175.320 *Resinous and polymeric coatings for polyolefin films* (21 CFR 175.320); mono-, di-, and tristearyl citrate in § 178.3910 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 178.3910); and sodium citrate in § 179.45 *Packaging materials for use during the irradiation of prepackaged foods* (21 CFR 179.45).

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which citric acid and citrates were used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these ingredients. The NAS/NRC survey revealed that citric acid and its salts are most frequently used in foods as pH control agents and as flavoring agents of flavor enhancers. The metal complexing properties of citrates make them useful as sequestrants, antioxidants, and preservatives. FDA estimates from the NAS/NRC survey that in 1970 the approximate poundage of citric acid and citrates used in foods in the United States was: citric acid, 80 million pounds; sodium citrate, 26 million pounds; potassium citrate, 970 thousand pounds; isopropyl citrate, 66 thousand pounds; calcium citrate, 31 thousand pounds; and triethyl citrate, 18 thousand pounds. The NAS/NRC survey did not report any poundage data for stearyl citrate. Dibasic ammonium citrate was not included in the list of GRAS substances surveyed in the 1971 survey.

The NAS/NRC survey reported that calcium citrate and potassium citrate are used in infant formula as nutrients for sources of calcium and potassium, respectively. Section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) lists calcium and potassium as required nutrients in infant formula, subject to level restrictions. FDA is reviewing all nutrient levels in infant formula under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient levels of calcium and potassium in infant formula will be proposed in a separate rulemaking under section 412(a)(2) of the act. Calcium and potassium also may be used to fortify foods as described in Part 104 (21 CFR Part 104).

Citric acid and citrates have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered:

(1) Chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 2,685 abstracts on citric acid was reviewed, and 85 particularly pertinent reports from the literature survey have been summarized in a scientific literature review. A total of 625 abstracts on citrates also was reviewed, and 77 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature reviews and other studies has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all available safety information on citric acid and citrates.³ In the Select Committee's opinion:

The citrate ion is widely distributed in plants and animals and is a naturally occurring component of the diet. It is a common metabolite in oxidative metabolism and an important component of bone. Exogenous citrate administered to infants and adults as a component of commonly consumed diets is considered completely metabolizable. The addition of citric acid to foods is considered equivalent to adding citrate salts except in foods of very high acidity. The amount of citrate added to foods by food processors is about 500 mg per person per day. This amount occurs naturally in 2 ounces of orange juice and does not constitute a significant addition to the total body load. Although data on acute and chronic effects of orally administered sodium citrate, calcium citrate and potassium citrate are limited, no biological effects of the citrate-containing substances evaluated in this report cause concern about the safety of

³"Evaluation of the Health Aspects of Citric Acid, Sodium Citrate, Potassium Citrate, Calcium Citrate, Ammonium Citrate, Triethyl Citrate, Isopropyl Citrate, and Stearyl Citrate as Food Ingredients." Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1977, pp. 7-15. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with the current good manufacturing practice.

these GRAS substances used in reasonable amounts and in accordance with prescribed tolerances and limitations.⁴

The Select Committee concludes that no evidence in the available information on citric acid, sodium citrate, potassium citrate, calcium citrate, dibasic ammonium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when these substances are used at levels that are now current or that might reasonably be expected in the future.⁵

FDA has undertaken its own evaluation of all available information on these ingredients and concurs with the conclusion of the Select Committee. The agency concludes that no change in the current GRAS status of citric acid, calcium citrate, isopropyl citrate, potassium citrate, sodium citrate, stearyl citrate, and triethyl citrate is justified. Therefore, the agency proposes that these ingredients be affirmed as GRAS. FDA is also of the opinion, based on its review of the data, that the use of calcium citrate and potassium citrate as nutrient supplements in infant formula is safe, and the agency is also proposing to affirm these uses. Although most nutrients are also used as dietary supplements, FDA is unaware of any such use of potassium citrate. In addition, because the NAS/NRC survey did not specifically request data on dietary supplement use, FDA does not have adequate data upon which to judge exposure from the use of calcium citrate as a dietary supplement. Without such exposure data, the agency cannot evaluate the safety of the use of this substance in dietary supplements. Therefore, FDA is taking no action on the GRAS status of this use of calcium citrate.

Although dibasic ammonium citrate is not listed as GRAS in Part 182, industry reported that it is used in the manufacture of cheese. This use results in a maximum residual level of 0.005 percent. The Select Committee evaluated information on this ingredient and found that its use in food presents no hazard to human health. Therefore, on the basis of the Select Committee's report and its own review of the data, the agency has tentatively concluded that the reported use of dibasic ammonium citrate should also be affirmed as GRAS.

The agency has also considered the need to establish a separate GRAS affirmation regulation for monoisopropyl citrate. FDA finds no evidence that

monoisopropyl citrate is commercially available in pure form and concludes that any monoisopropyl citrate present in food occurs as part of a mixture of mono-, di-, and triisopropyl citrate. Because proposed § 184.1386 defines isopropyl citrate as the mono-, di-, and triisopropyl esters of citric acid or any mixture of these esters, the use of monoisopropyl citrate in food would be covered by this regulation. Therefore, the agency is not proposing a separate GRAS affirmation regulation for monoisopropyl citrate and is proposing to remove the listing for this ingredient in § 182.6511 (21 CFR 182.6511).

In the Federal Register of September 23, 1974 (39 FR 34188) and October 21, 1975 (40 FR 49080), FDA issued food additive regulations (21 CFR 173.165 and 173.280) that describe a microorganism and an extraction method for the manufacture of citric acid. The agency deferred judgment about the GRAS status of citric acid produced in accordance with these regulations until it could evaluate the safety of citric acid under the general GRAS review program. In these Federal Register documents, FDA did not state that citric acid produced by these methods and meeting the specifications in the Food Chemicals Codex is the same as any other food grade citric acid. FDA has found that citric acid that meets the Food Chemicals Codex specifications does not present a public health hazard. Therefore, citric acid produced according to the above regulations, or according to 21 CFR 173.160 [see the Federal Register of October 15, 1976 (41 FR 45546)], that meets the specifications in the Food Chemicals Codex and its supplements in GRAS.

Because no food-grade specifications exist for ammonium (dibasic), isopropyl, and stearyl citrates at the present time, the agency will work with the Committee on Codex Specifications of the National Academy of Sciences (the NAS Committee) to develop acceptable specifications for these ingredients. In so doing, FDA and the NAS Committee will consider the specifications for isopropyl and stearyl citrates that were developed and issued recently by the Joint FAO/WHO Expert Committee on Food Additives (copies are available from UNIPUB, Inc., Box 433, Murray Hill Station, New York, NY 10016). If acceptable specifications are developed, the agency will incorporate them into these regulations at a later date. Until any such specifications are developed, FDA has determined that the public health will be adequately protected if commercial ammonium (dibasic), isopropyl, and stearyl citrates comply

with the description in the proposed regulation and are of food-grade purity (21 CFR 170.30(h)(1) and 182.1(b)(3)).

FDA is proposing to affirm the GRAS status of these ingredients when they are used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). The agency is proposing not to include in the GRAS affirmation regulations for these substances the levels of use reported in the 1971 NAS/NRC survey. Both FASEB and the agency have concluded that a large margin of safety exists for the use of these substances, and that a reasonably foreseeable increase in the level of consumption of these substances will not adversely affect human health.

In addition, for isopropyl citrate, stearyl citrate, and triethyl citrate, the agency is proposing not to include in the GRAS affirmation regulations the tolerance levels specified in §§ 182.6386, 182.6851, and 182.1911, respectively. The 1971 NAS/NRC survey indicated that there are several uses of triethyl citrate in addition to its use in egg whites at 0.25 percent that is listed in § 182.1911. Both FASEB and the agency have evaluated the safety of these additional uses of triethyl citrate and concluded that there is no reason to specify that triethyl citrate be used in egg whites only or to establish a use level for this ingredient. The tolerances for stearyl citrate and isopropyl citrate merely are repetitive of the maximum levels listed in § 186.110 (21 CFR 186.110) for optional ingredients in margarine. The maximum levels in the standard of identity were imposed to assure current good manufacturing practice and are not upper limits for safe use of the ingredients. As the proposed regulations state, FASEB and the agency only evaluated this use of these ingredients. The agency is of the opinion that the limits in the standard of identity for margarine prescribed by § 186.110 are adequately enforceable and need not be repeated in the proposed GRAS regulations.

Because the affirmation of the GRAS status of dibasic ammonium citrate, calcium citrate, isopropyl citrate, stearyl citrate, and triethyl citrate is based on the evaluation of limited uses, however, the proposed regulations for these ingredients set forth the technical effects and food categories that FDA evaluated. On the other hand, because citric acid, potassium citrate, and sodium citrate are used in numerous food categories and have a large number of technical effects, FDA has concluded that, in addition to not including levels of use, it is not necessary to include a description

⁴ *Ibid.*, p. 10.

⁵ *Ibid.*

of technical effects of food categories in the proposed GRAS affirmation regulations for these ingredients.

In the Federal Register of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no

limitations other than current good manufacturing practices only when the agency determines that it is appropriate to do so.

Copies of the scientific literature reviews on citric acid and citrates, teratologic evaluation of citric acid, mutagenic evaluations of citric acid, potassium citrate, sodium citrate, and triethyl citrate, and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price ¹
Citrates (scientific literature review)	PB223-850/AS	A06	\$9.00
Citric acid (scientific literature)	PB241-967/AS	A07	10.00
Citric acid and citrates (Select Committee report)	PB290-954/AS	A03	6.00
Citric acid (teratologic evaluation)	PB223-814/AS	A04	7.00
Citric acid (mutagenic evaluation)	PB245-463/AS	A07	10.00
Potassium citrate (mutagenic evaluation)	PB254-518/AS	A03	6.00
Sodium citrate (mutagenic evaluation)	PB254-510/AS	A03	6.00
Triethyl citrate (mutagenic evaluation)	PB257-866/AS	A03	6.00

¹Price subject to change.

This proposed action does not affect the current use of citric acid and citrates in pet food or animal feed.

The format of the proposed regulation is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of §§ 184.1033, 184.1140, 184.1195, 184.1386, 184.1625, 184.1751, 184.1851, and 184.1911 to make clear the agency's determination the GRAS affirmation is based upon current good manufacturing practice conditions of use, including, when appropriate, both the technical affects and food categories listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742), that this proposed 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.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial

number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.1033, 182.1195, 182.1625, 182.1751, 182.1911, 182.6033, 182.6195, 182.6386, 182.6511, 182.6625, 182.6751, 182.6851, 182.8195 [Removed]

1. Part 182 is amended by removing § 182.1033 *Citric acid*, § 182.1195 *Calcium citrate*, § 182.1625 *Potassium citrate*, § 182.1751 *Sodium citrate*, § 182.1911 *Triethyl citrate*, § 182.6033 *Citric acid*, § 182.6195 *Calcium citrate*, § 182.6386 *Isopropyl citrate*, § 182.6511

Monoisopropyl citrate, § 182.6625 *Potassium citrate*, § 182.6751 *Sodium citrate*, § 182.6851 *Stearyl citrate*, and § 182.8195 *Calcium citrate*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended:

a. By adding new § 184.1033, to read as follows:

§ 184.1033 Citric acid.

(a) Citric acid (C₆H₈O₇, CAS Reg. No. 77-92-9) is the compound 2-hydroxy-1,2,3-propanetricarboxylic acid. It is a naturally occurring metabolite in plant and animal tissues. It occurs as colorless crystals or a white powder and may be anhydrous or contain one molecule of water of hydration. Citric acid may be produced by mycological fermentation using *Candida* spp., described in §§ 173.160 and 173.165 of this chapter, or *Aspergillus niger*. In addition, the solvent extraction process described in § 173.280 of this chapter may be employed for the recovery of citric acid from *Aspergillus niger* fermentation liquor. Citric acid may also be recovered from lemon or pineapple juice.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 86, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L. St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice.

b. By adding new § 184.1140, to read as follows:

§ 184.1140 Ammonium citrate, dibasic.

(a) Ammonium citrate, dibasic (CAS Reg. No. 3012-65-5) is the diammonium salt of citric acid. It is prepared by neutralizing citric acid with ammonia and occurs as granules or crystals.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for isopropyl citrate. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the

following current good manufacturing practice conditions of use:

(1) The ingredient is used as a pH control agent as defined in § 170.3(o)(23) of this chapter.

(2) The ingredient is used in cheeses as defined in § 170.3(n)(5) of this chapter at levels not to exceed current good manufacturing practice.

c. By adding new § 184.1195, to read as follows:

§ 184.1195 Calcium citrate.

(a) Calcium citrate ($\text{Ca}_3(\text{C}_6\text{H}_5\text{O}_7)_2 \cdot 4\text{H}_2\text{O}$, CAS Reg. No. 813-94-5) is the calcium salt of citric acid. It is prepared by neutralizing citric acid with calcium hydroxide. It occurs as a fine, white, odorless powder and usually contains four molecules of water.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 49, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an emulsifier as defined in § 170.3(o)(8) of this chapter; firming agent as defined in § 170.3(o)(10) of this chapter; and nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: cheeses as defined in § 170.3(n)(5) of this chapter; fats and oils as defined in § 170.3(n)(12) of this chapter; gelatins and puddings as defined in § 170.3(n)(22) of this chapter; jams and jellies as defined in § 170.3(n)(28) of this chapter; and processed vegetables and vegetable juices as defined in § 170.3(n)(36) of this chapter. Calcium citrate may also be used in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

d. By adding new § 184.1386, to read as follows:

§ 184.1386 Isopropyl citrate.

(a) Isopropyl citrate is the mono-, di-,

and triisopropyl esters of citric acid or any mixture of these esters. It is prepared by esterifying citric acid with isopropanol.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing food-grade specifications for isopropyl citrate. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a sequestrant as defined in § 170.3(o)(26) of this chapter.

(2) The ingredient is used in margarine at levels not to exceed current good manufacturing practice.

e. By adding new § 184.1625, to read as follows:

§ 184.1625 Potassium citrate.

(a) Potassium citrate ($\text{C}_6\text{H}_5\text{K}_2\text{O}_7 \cdot \text{H}_2\text{O}$, CAS Reg. No. 866-84-2) is the potassium salt of citric acid. It is prepared by neutralizing citric acid with potassium hydroxide. It occurs as transparent crystals or a white granular powder, is odorless and deliquescent, and contains a molecule of water.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 242, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. Potassium citrate may also be used in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

f. By adding new § 184.1751, to read as follows:

§ 184.1751 Sodium citrate.

(a) Sodium citrate ($\text{C}_6\text{H}_5\text{Na}_3\text{O}_7 \cdot 2\text{H}_2\text{O}$, CAS Reg. No. 68-04-2) is the sodium salt of citric acid. It is prepared by neutralizing citric acid with sodium

hydroxide. The product occurs as colorless crystals or a white crystalline powder. It is anhydrous or contains two molecules of water.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 283, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice.

g. By adding new § 184.1851, to read as follows:

§ 184.1851 Stearyl citrate.

(a) Stearyl citrate is the mono-, di-, and tristearyl esters of citric acid or any mixture of these esters. It is prepared by esterifying citric acid with stearyl alcohol.

(b) The Food and Drug Administration, in cooperation with the National Academy of Sciences, is developing foodgrade specifications for stearyl citrate. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter.

(2) The ingredient is used in margarine at levels not to exceed current good manufacturing practice.

h. By adding new § 184.1911 to read as follows:

§ 184.1911 Triethyl citrate.

(a) Triethyl citrate ($\text{C}_{12}\text{H}_{20}\text{O}_7$, CAS Reg. No. 77-93-0) is the triethyl ester of citric acid. It is prepared by esterifying citric acid with ethyl alcohol and occurs as an odorless, practically colorless, oily liquid.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 339, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for

inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a flavoring agent as defined in § 170.3(o)(12) of this chapter; solvent and vehicle as defined in § 170.3(o)(27) of this chapter; and surface-active agent as defined in § 170.3(o)(29) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: baked goods as defined in § 170.3(n)(1) of this chapter; alcoholic beverages as defined in § 170.3(n)(2) of this chapter; nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; chewing gum as defined in § 170.3(n)(6) of this chapter; frozen dairy desserts as defined in § 170.3(n)(20) of this chapter; gelatins and puddings as defined in § 170.3(n)(22) of this chapter; hard candy as defined in § 170.3(n)(25) of this chapter; and soft candy as defined in § 170.3(n)(38) of this chapter.

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before March 8, 1983 submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy.

Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 15, 1982.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

(FR Doc. 83-202 Filed 1-6-83; 8:45 am)
BILLING CODE 4160-01-M

21 CFR Part 886

[Docket No. 82N-0180]

Proposed Reclassification of Daily Wear Spherical Contact Lenses Consisting of Rigid Gas Permeable Plastic Materials

Correction

In FR Doc. 82-32332 beginning on page 53402 in the issue of Friday, November 26, 1982, make the following correction:

On page 53409, third column, in the first complete paragraph, in the third line from the bottom, "increase of 0.2" should have read "increase of -0.2".

BILLING CODE 1505-01-M

21 CFR Part 886

[Docket No. 82N-0179]

Proposed Reclassification of Daily Wear Optically Spherical Hydrogel (Soft) Contact Lenses

Correction

In FR Doc. 82-32333 beginning on page 53411 in the issue of Friday, November 26, 1982, make the following corrections:

(1) On page 53412, middle column in the ninth line of the first full paragraph, "amendments because" should have read "amendments became"

(2) On page 53417, middle column, eleven lines from the bottom of the page, "107 patients (39 females)" should have read "107 patients (39 males, 68 females)".

(3) On page 53418, first column, in the eighth line from the bottom of the page, "90 percent 100 preselected patients" should have read "90 percent of 100 preselected patients".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[A-3-FRL 2280-3]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Proposed Delayed Compliance Order for the Department of the Navy, Naval Ordnance Station, Indian Head, Goddard Power Plant

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency proposes to modify the administrative Order issued to the Department of the Navy's Naval Ordnance Station, Goddard Power Plant on October 28, 1981. This Order will require Boilers Nos. 1, 2, and 3, in Indian Head, Maryland to achieve compliance with air pollution requirements under the Maryland State Implementation Plan by March 1, 1985.

DATE: Written comments and request for a public hearing (and reasons therefore) must be received no later than February 7, 1983.

ADDRESS: All comments and request for a public hearing should be submitted to: U.S. Environmental Protection Agency, Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Director, Air & Waste Management Division (3AW00).

FOR FURTHER INFORMATION CONTACT: Copies of the Order and additional information can be obtained from Denis M. Zielinski, Environmental Scientist, Environmental Protection Agency, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone number (215) 597-0804.

SUPPLEMENTARY INFORMATION: The original proposed Order was published in the Federal Register on July 30, 1981 (42 FR 39039). During the 30-day public comment period that ended August 30, 1981 no comments were received by EPA and an Order, Numbered R-III-CC-007 was promulgated on October 28, 1981.

In December, 1981, as required by the Order the Naval Ordnance Station, Indian Head ("NOSIH") conducted particulate emission tests at its boilers. The results of these tests indicated emissions far in excess of what was allowed by the ORDER and indicated that the NOSIH would have to perform major unforeseen maintenance on the boilers and multiclone collection system

to achieve compliance with the Order. Because of these unforeseen maintenance problems, the NOSIH, in a July 13, 1982, letter to EPA, requested certain modifications to the Order. These modifications follow:

(1) Final compliance with the applicable provisions of the Maryland SIP will be achieved by June 1, 1984, for one boiler and March 1, 1985 for the remaining two boilers. The original dates were January 1, 1984 for two boilers and October 1, 1984, for the remaining boiler.

(2) The boilers shall burn coal with an ash content less than ten percent (10%) instead of twelve percent (12%).

(3) A maximum of one boiler may operate on coal instead of two.

(4) Any boiler operating on coal shall not at any time emit in excess of four hundred eighty (480) pounds of particulate matter per hour. The original emission limitation was two hundred fifty (250) pounds of particulate matter per hour per boiler with two instead of one boiler operating on coal at any one time.

(5) All reporting and monitoring must be submitted to EPA on or before the effective date of this Order.

List of Subjects in 40 CFR Part 55

Air pollution control, Energy.

Therefore, if the subject Order is issued by EPA, 40 CFR Part 55 would be amended based upon the actual terms of this amended Order Number R-III-CC-007.

Stanly Laskowski,

Acting Regional Administrator.

[FR Doc. 83-451 Filed 1-6-83; 8:45 am]

BILLING CODE 6560-50

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6475]

Proposed Base Flood Elevation and Designation Determinations for Butler County, Kansas; Under National Flood Insurance Program

AGENCY: Federal Emergency
Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already

in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the County Engineers, Butler County Courthouse, El Dorado, Kansas.

Send comments to: Mr. J. W. Simmons, Chairman, Board of County Commissioners, Butler County Courthouse, El Dorado, Kansas 67042.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Office of Natural and Technological Hazards, Federal Emergency Management Agency, Washington, DC 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and

zone designations for Butler County, Kansas, in accordance with Section 110 of the Flood Disaster protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding	Location	Elevation in feet (NGVD)	Zone designation
Walnut River	At the confluence of Constant Creek	1,270	A8
	Just upstream of the Missouri Pacific Railroad	1,282	A8
	At a point located approximately 1,000 feet downstream of Route 177	1,288	A8
West Branch Walnut River	At the upstream limit of detailed study	1,291	A8
	Just downstream of the Atchison Topeka and Santa Fe Railway	1,293	A8
	At a point located approximately 1,200 feet downstream of the confluence of Tributary "B"	1,299	A8
Constant Creek	At a point located approximately 3,300 feet upstream of the confluence of Tributary "B"	1,304	A8
	At the confluence of the Walnut River	1,270	A8
	Just upstream of the Atchison Topeka and Santa Fe Railway	1,274	A6
Tributary "A"	At a point located approximately 400 feet upstream of Douglas Road	1,275	A3
	At the upstream limit of detailed study	1,335	A2
	At the westernmost corporate boundary of the City of El Dorado	1,300	A3
Tributary "B"	At the upstream limit of detailed study	1,313	A3
	Just upstream of U.S. Route 77	1,302	A4
	Just downstream of the confluence of Tributary "B1"	1,320	A2
Tributary "B1"	At the upstream limit of detailed study	1,343	A2
	At a point located approximately 500 feet upstream of the confluence of Tributary "B"	1,323	A2
	At the upstream limit of detailed study	1,337	A2

The corporate boundaries for the City of El Dorado have been revised to reflect recent annexations.

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 and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: December 10, 1982.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-351 Filed 1-6-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-333; RM-3997]

FM Broadcast Station in Del Rio, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 242 to Del Rio, Texas instead of Channel 249A, as previously proposed in this docket in response to a request from Grande Broadcasting, Inc. The proposed channel could produce a second FM service to Del Rio.

DATES: Comments must be filed on or before February 10, 1983, and reply comments on or before February 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations, (Del Rio, Texas); BC Docket 82-333, Rm-3997.

Further Notice of Proposed Rule Making

Adopted: December 15, 1982.

Released: December 27, 1982.

By the Chief, Policy and Rules Division:

1. In response to a petition filed by Grande Broadcasting, Inc. ("petitioner"), the Commission adopted a notice of proposed rule making 47 FR 29291, published July 6, 1982, which proposed assigning Channel 249A to Del Rio, Texas, as its second FM assignment.

2. In the notice we stated that the proposed assignment required concurrence with the Mexican Government. Mexico objected to the

proposed assignment as being short-spaced to adjacent Channel 248B at Jimenez, New Mexico. In accordance with the provisions of the U.S.-Mexico FM Broadcasting Agreement, 46 F.C.C. 2d 293 (1973) and 46 F.C.C. 2d 153 (1974), FM channel assignments and related matters for the use of FM facilities in the border area are subject to the provisions of the respective agreements which provide for consultation and the right to object to any particular proposal.

3. According to a staff study, no other Class A channel is available for assignment to Del Rio. However, we have determined that Class C Channel 242 can be assigned with a site restriction of approximately 16 miles northwest of the city. This restriction is necessary to avoid short-spacing to Station KSLR (FM), San Antonio, Texas, and unused Channel 244C at Piedras Negras, Colima, Mexico. Thus, we seek comments on the desirability of a Class C assignment to Del Rio. The proposal would create an intermixture of channels in the community. However, in view of the action taken in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982) this issue is no longer relevant to this type of proceeding.

4. Since Del Rio is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment will be negotiated with the Mexican Government.

5. In view of the foregoing the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Del Rio, Texas as follows:

City	Channel No.	
	Present	Proposed
Del Rio, Tex.....	232A	232A, 242

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before February 10, 1983, and reply comments on or before February 25, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix follows. Proponent(s) will be expected to answer

whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

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

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

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

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

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

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

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested

parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-306 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-825; RM-4226]

FM Broadcast Stations in Hamlin and Anson, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C FM Channel 279 to Hamlin, Texas, in response to a petition filed by Grande Broadcasting Company. Additionally, the substitution of Channel 252A for unused Channel 276A at Anson, Texas, will be necessary.

DATES: Comments must be filed on or before February 10, 1983, and reply comments on or before February 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Hamlin and Anson, Texas); MM Docket No. 82-825, RM-4226.

Adopted: December 15, 1982.

Released: December 27, 1982.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed on October 19, 1982, by Grande Broadcasting Company (petitioner), proposing the assignment of Channel 279¹ to Hamlin, Texas, as its first FM

¹ The petition as filed sought the assignment of Channel 253 to Hamlin, Texas, which required a site restriction of 15.3 miles southeast of the city, due to the assignment of Channel 252A at Ralls, Texas. The Hamlin proposal is mutually exclusive with a request to assign Channel 254 to San Angelo, Texas (the distance between the cities is 90 miles, 150 miles is required). As an alternative, we are proposing the substitution of FM Channel 252A for unused Channel 276A at Anson, Texas, in order to assign Channel 279 to Hamlin, Texas.

assignment. Petitioner expressed its desire to apply for an FM channel at Hamlin, if assigned.

2. The proposed assignment of Channel 279 to Hamlin can be made in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 6.8 miles southwest of the city. This restriction is necessary to avoid short-spacing to Channel 279 at Anadarko, Oklahoma.

3. In view of the foregoing and the fact that the proposed assignment would provide a first FM service to Hamlin, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following cities:

City	Channel No.	
	Present	Proposed
Anson, Tex	276A	252A
Hamlin, Tex		279

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before February 10, 1983 and reply comments on or before February 25, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning

the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s), who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix follows.

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

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

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

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later

than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

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

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

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

[FR Doc. 83-297 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-826; RM-4221]

TV Broadcast Stations in Paris, Texas, and Hugo, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF TV Channel 36 to Paris, Texas, as its second television assignment, in response to a petition filed by Holt Robinson of Texas, Inc.

DATES: Comments must be filed on or before February 10, 1983, and reply comments must be filed on or before February 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Paris, Texas and Hugo, Oklahoma); MM Docket No. 82-826, RM-4221.

Adopted: December 14, 1982.

Released: December 27, 1982.

By the Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making filed October 18, 1982, by Holt Robinson of Texas, Inc. ("petitioner") which seeks the assignment of UHF Television Channel 36 to Paris, Texas. Petitioner expressed an interest in applying for the channel, if assigned.

2. Paris (population 25,298),¹ the seat of Lamar County (population 42,156), is located approximately 94 miles northeast of Dallas, Texas. It has local television broadcast service (Station KLPH) on Channel 42 (permit issued to KLMB-TV, Inc.).

3. Petitioner states that Paris has a mayor/city council form of government, adequate police and fire departments, and numerous churches, and schools. The economy of this community is based mainly on diverse manufacturing. We are also told that Paris is conveniently located to air, rail and motor freight transportation.

4. The current Paris channel assignment (Channel 42) is actually assigned to Paris (Texas)-Hugo (Oklahoma). The hyphenated assignment was made in 1970 primarily for economic reasons. However, a permit was recently issued to specify Paris as the city of license. Thus, we believe that it would be appropriate to reflect the usage of the channel at Paris by amending the Table of Assignments.

5. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments of the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules, with respect to the city of Paris, Texas, as follows:

¹ Population figure was obtained from 1980 U.S. Census.

City	Channel No.	
	Present	Proposed
Hugo, Oklahoma-Paris, Tex.	42+	
Paris, Texas-Hugo, Okla.	42+	
Paris, Tex.		36+, 42+

6. The Secretary of the Commission shall send a copy of this notice of proposed rule making to KLMB-TV, Inc., P.O. Box 38620, Houston, Texas 77088.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before February 10, 1983, and reply comments on or before February 25, 1983, and are advised to read the Appendix for the proper procedures.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 634-6530. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix follows.

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

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

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

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

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be

made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

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

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

[FR Doc. 83-385 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MM Docket No. 82-813; FCC 82-550]

Obligations of Cable Television Systems To Maintain Public Inspection Files and Retain Subscriber Records

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission issues a Notice of Proposed Rule Making which proposes to modify the cable television public inspection file requirements in order to simplify the burdens imposed on cable operators.

DATES: Comments are due by February 2, 1983 and replies by February 17, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Stephen A. Bailey, Cable Television Bureau (202) 632-6468.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 76

Cable television.

In the matter of amendment of Part 76 of the Commission's Rules and Regulations Relative to the Obligations of Cable Television Systems to Maintain Public Inspection Files and Retain

Subscriber Records, MM Docket No. 82-813.

Adopted: December 8, 1982.

Released: December 27, 1982.

1. Notice of proposed rule making is hereby given in the above-entitled matter concerning the public inspection file and subscriber records retention requirements that pertain to cable television systems under §§ 76.305 and 76.306 of the Commission's Rules and Regulations.

2. In 1974, the Commission adopted *Report and Order in Docket 19948*, FCC 74-831, 48 FCC 2d 72 (1974), amending § 76.305 of the Rules and Regulations to require that cable systems maintain for public inspection a file of records and other information relating to their cable television operations and proposals. In addition, the Commission, in amending § 76.305, specified the location where the records had to be maintained, the period of record retention and required that cable operators make provision for the copying of these records by the public. These provisions were patterned after the public inspection rule for broadcast licensees and, therefore, followed the general thrust and specific language of the public inspection requirement for broadcast licensees. In proposing and subsequently adopting public inspection requirements for cable systems, the Commission observed that "if the public is to play an informed role in the regulation of cable television, it must have at least basic information about a local system's operations and proposals." *Id.*

3. Throughout our regulatory involvement, we have undertaken periodic reviews of our rules and regulations to determine whether they continue to be justified from a public interest standpoint in terms of the benefits they confer upon the public versus the burdens they place upon the regulatees and upon the agency's resources in administering and enforcing them. This proceeding is a continuation of that process of review. The above mentioned provisions have been in force for almost eight years and, although they have undergone some minor change in connection with other rule making proceedings,¹ they have not been reviewed since their adoption and, for this reason, they are, in our estimation, ripe for re-examination.

4. Our preliminary view is that these requirements can be substantially simplified and indeed that the

requirements can be entirely eliminated except for those requirements relating to the equal employment opportunity rules, the cablecast "equal time" and sponsorship identification rules. We are of the preliminary view that most of the information that the rule requires be kept in the public inspection file is either readily available from other sources or is so rarely put to any practical use that its continued retention is no longer justified. In particular, it appears that the most significant information in the file relates to matters primarily of local regulatory concern which should be made available for public use in accordance with the generally applicable local procedures. Although these rules have been in effect for some time, it is our impression that the files in question have been consulted by the public on only the rarest of occasions.

5. When the Commission adopted the *Cable Television Report and Order*, FCC 72-108, 36 FCC 2d 143 (1972), it embarked on the administration and implementation of a major and comprehensive regulatory program for cable television which was new to cable operators, franchising authorities, and the public. As part of that program, we instituted a certification process "to assure that effective public notice of new proposals is given; assure that applications contain full information on the details of system operations; and assure that new cable proposals are, without exception, reviewed for consistency with our rules." *Id.* at 185. This particular process required a wide array of documentation and information on the part of cable operators including material from cable systems about signal carriage, franchise standards, and access channels and services. In addition, cable operators were required to make a copy of this information available to appropriate franchising authorities. In order to enhance the local public's opportunities to participate in the certification process and other cable television proceedings, the Commission adopted the requirements in *Docket 19948* in an effort to complement the information available through the certification process and make the information locally available to the public.²

6. There have been a number of changes which have occurred since the

from these as well as other requirements cable systems with less than 1,000 subscribers and also *Report and Order in Dockets 20988 and 21284*, FCC 80-443, 79 FCC 2d 652 (1980), deleting Section 76.305(a)(5) relating to information about cable systems' signal carriage.

adoption of both the *Cable Television Report and Order* and our action in *Docket 19948* which suggest to us less of a need for imposition of these requirements at the federal level. To begin with, we have abandoned the certification process and have replaced it with a simpler, more efficient registration process which minimizes the burdens on the Commission and cable operators, and reduces the delays of service to the public that attended the certification process. *Report and Order in CT 78-206*, FCC 78-690, 69 FCC 2d 697 (1978). We have eliminated, either partially or completely, regulations in such areas as signal carriage, franchise standards, and access channels and services. For example, in 1977, we decided to eliminate, with the exception of our franchise fee limitation,³ the mandatory aspect of our federal franchise standards and, as result, we no longer require that cable operators file copies of their franchises or other appropriate authorizations from state or local authorities with us. *Report and Order in Docket 21002*, FCC 77-530, 66 FCC 2d 380 (1977). We also no longer have mandatory program origination rules, see *Report and Order in Docket 19988*, FCC 74-1279 49 FCC 2d 1090 (1974); mandatory access rules, see *Midwest Video Corp. v. FCC*, 571 F. 2d 1025 (8th Cir. 1978), *aff'd*, 440 U.S. 689 (1979); or major restrictions on carriage of distant signals or of syndicated programming on these signals, see *Report and Order in Docket 20988 and 21284*, *supra aff'd*, *Malrite TV of New York, Inc. v. FCC*, 625 F. 2d 1140 (2d Cir. 1981), *cert. denied* 50 U.S.L.W. 3535 (January 12, 1982). In sum, as a result of

² Records and other information required to be included in a cable operator's public inspection file are those relating to: state or local franchises or other similar authorizations (Section 76.305(a)(1)); applications for certificates of compliance or alternative signal carriage notifications (Section 76.305(a)(2)); petitions for special relief, declaratory rulings or issuances of cease and desist orders of orders to show cause and copies of Commission decisions in connection with such filings (Section 76.305(a)(3) and (8)); copies of FCC Form 325 "Annual Report of Cable Television System" (Section 76.305(a)(4)); copies of any transfer of control of a Cable Television Relay Station application (Section 76.305(a)(6)); records relating to network nonduplication agreements, political cablecasts, sponsorship identification, and equal employment opportunities (Section 76.305(a)(7)) and registration statements (Section 76.350(a)(9)).

³ Even the franchise fee limitation, however, is the subject of possible Commission repeal as a result of the issuance of *Memorandum Opinion and Order and Further Notice of Proposed Rule Making in Docket 21002*, FCC 79-228, 71 FCC 2d 569 (1979).

¹ See, e.g., *First Report and Order in Docket 20561*, FCC 77-205, 63 FCC 2d 956 (1977), exempting

review either by this agency or by the courts, many of the major elements of our 1972 cable television regulatory program are no longer the subject of specific rules and regulations at the federal level. As a consequence of these actions, the importance of much of the information in the above-mentioned areas has diminished and the opportunities for participation by the public in proceedings involving local cable systems' proposals and operations is in general restricted at the federal level to special relief or enforcement proceedings. Federal requirements, therefore, directing the retention and availability of this information at the local level would not longer appear to be warranted.⁴

7. Our proposal to simplify the public inspection file requirements in § 76.305 also takes cognizance of the fact that state and local governments have acquired more responsibility in cable regulatory matters and of the fact that an increasing number of local governments now seek and view the advice from organizations and individuals with special expertise in these matters as an important adjunct to informed local decisions. In our opinion, the increased participation of state and local authorities in cable television matters indicates that local governments and local law are capable of insuring that citizens are informed of cable operations and proposals and that they have the information necessary to participate meaningfully in proceedings involving the local cable system.⁵ In any event, even if this information is not made available for local inspection by state or local franchising authorities, much of this information will nevertheless continue to remain available for public inspection in the Commission's files pursuant to the provisions of §§ 0.451-0.461 of the Rules and Regulations. Those provisions of the rules that we are not proposing to

⁴ Indeed, in some cases, § 76.305 required certain information to be retained for fifteen years, which, prior to our action in Docket 21002, was the maximum permissible length of time for cable franchises awarded subsequent to the 1972 *Cable Report and Order*. This lengthy retention period was justified on the basis that this information would enable the public to have adequate information in franchise renewal proceedings and Commission recertification proceedings. Because we no longer have a certification process, we do not believe that the filing of information primarily for use in franchise proceedings should be the subject of a federal requirement any longer. Such a requirement is more appropriately the subject of state and/or local requirements.

⁵ As we noted in *Docket 18948*, many local governments already require that the documents specified in § 76.305 be made available for public inspection or allow a cable system to locate its public inspection file in a "public registry". 45 FCC 2d at 671.

delete, relating to equal employment opportunity, political cablecasts, and sponsorship are more intimately related to the substantive rules that they support and, at this point, appear more properly reviewed in connection with those specific substantive rules.

8. We are also proposing to delete in this proceeding the requirement contained in § 76.306 that cable television systems maintain certain specified subscriber records. These rules were adopted, without benefit of any rule making proceeding (See *Memorandum Opinion and Order*, FCC 74-206 (released March 5, 1974)), in order to assure that information would be available to assist the Commission in verifying that the annual fees of cable television to the Commission were properly calculated. Such fees had been calculated on a per subscriber basis. Fees of this type are no longer collected and it therefore appears that this record retention requirement should be eliminated.

9. In view of the foregoing, we are interested in comments from all interested persons on the overall utility to the general public of the public inspection file requirements under § 76.305 and in any reasons why such requirements should not be discontinued at the federal level. We would hope that those favoring retention of the requirement in the present form would provide us with data concerning the actual use of the files and the benefits that have resulted therefrom. We also welcome comments from any state or local governments on the practices or procedures which they have adopted or anticipate adopting to facilitate public participation in cable television matters either at the federal or state/local levels. We also invite comments on any other proposals or recommendations interested persons may have with respect to the retention, modification, or elimination of the present requirements.⁶

10. As we stated at the outset, we are under an obligation to assess periodically our rules and regulations from a public interest standpoint and eliminate those which no longer serve their intended purpose and therefore are not longer necessary. In addition, we, and all government agencies, are under a mandate to review the paperwork burdens imposed by our regulations with an eye toward the elimination of

⁶ One possible alternative might be to adopt a requirement that requires the cable operator to provide the state or local franchising authority with a copy of any filing or communications to or from the Commission. In this way, the community would be advised of any communications relating to the system's operations and therefore be in a position to notify or inform its citizens of such information.

unnecessary or duplicative requirements.⁷

11. Authority for the proposed rule making instituted herein is contained in Section 1, 2, 3, 4 (i) and (j), 301, 303(r), 307, 308, 309 and 403 of the Communications Act of 1934, as amended.

12. All interested parties are invited to file written comments on or before February 2, 1983, and reply comments on or before February 17, 1983. All relevant and timely filed comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

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

⁷ See, e.g., section 3504 of the *Federal Paperwork Reduction Act of 1980* (Pub. L. 96-511).

of the Commission's Rules, 47 CFR 1.1231.

14. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an initial Regulatory Flexibility Analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. The IRFA is set forth herein as Attachment A. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Secretary shall cause a copy of this Notice, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 6039(A) of the Regulatory Flexibility Act.

15. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 5 copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished to the Commission. Participants filing the required copies who also wish each Commissioner to have a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in the rule making proceeding may do so by submitting one copy of the comments, without regard to form, provided only that the Docket number is specified in the heading. Responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room at its Headquarters, 1919 "M" Street, N.W., Washington, D.C. 20554. Further information on the procedures to be followed or the status of this proceeding may be obtained by contacting Stephen A. Bailey Cable Television Bureau, Federal Communications Commission, (202) 632-6468.

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

Federal Communications Commission,
William J. Tricarico,
Secretary.

Attachment A—Regulatory Flexibility Act
Initial Analysis

I. Reason for Action

The proposed action would simplify Section 76.305 which requires cable system operators to maintain public inspection files and make such files available for copying by the public. The importance of this information at the federal level has diminished as a result of a number of deregulatory actions and court decisions and the function served by the

present requirements can be readily and easily achieved by state and/or local governments. Moreover, much of this information is already available to the public through the provisions of Sections 0.451-0.461 of the Rules and Regulations. In addition, elimination of these requirements would minimize the paperwork burdens on cable operators without adverse consequences on the public. The proposed action would also eliminate the requirement in Section 76.306 of the Rules that cable systems retain certain subscriber records. This requirement was originally imposed in furtherance of an annual cable television fee process which is no longer utilized and is therefore now obsolete.

II. Objective

The Commission proposes to eliminate many of the public inspection file requirements and the subscriber records retention requirements for cable television operators.

III. Legal Basis

Action as proposed for this rule making is authorized by Sections 1, 2, 3, 4 (i) and (j), 303(r), 307, 308, 309 and 403 of the Communications Act of 1934, as amended.

IV. Description, Potential Impact and Number of Small Entities Affected

The proposed elimination of public file requirements would affect all cable systems which have 1,000 or more subscribers. Those systems serving fewer than 1,000 subscribers are already generally exempt from these requirements. The proposed deletion of the subscriber records retention requirement would affect all cable systems, regardless of size. The proposed action if adopted should result in less paperwork obligations on the part of cable operators and should also reduce to some extent the administrative or operating costs of cable systems. The elimination of this requirement at the federal level may result, however, in the assumption by state and/or local governments of the public file obligations now imposed on cable operators.

V. Recording, Record Keeping and Other Compliance Requirements

The proposed action would reduce the recording and record keeping requirements of cable systems.

VI. Federal Rules Which Overlap, Duplicate or Conflict With This Rule

Sections 0.453 and 0.455 of the Rules specify the documents, records, and information relating to cable television that are available for public inspection at the Commission. These rules overlap the provisions of Section 76.305 to the extent that they make available to the public, albeit not on a local level, many of the same documents.

VII. Any Significant Alternatives Minimizing Impact on Small Entities and Consistent With Stated Objectives

None.

VIII. Conclusions

The Commission seeks to eliminate any unnecessary burdens on those it regulates. Its preliminary review of the public inspection requirements indicates that the original objectives for their adoption at the federal level may no longer be justified but that responsibility for such requirements might more appropriately rest within the discretion of state and/or local governments. Accordingly, the Commission seeks comments from all interested persons regarding the elimination of many of these requirements. With respect to retention of subscriber records, since this requirement was adopted in support of a fee obligation which no longer applies to cable operators, it is clearly unnecessary and should be deleted.

[FR Doc. 83-462 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 81

[PR Docket No. 82-828; FCC 82-575]

Licensing and Availability of Narrow-Band Direct-Printing Radioteletypewriter Frequencies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is adopting a Notice of Proposed Rule Making and Order to review the present assignments of narrow-band direct-printing (NB-DP) frequencies in the maritime mobile services. This action was prompted by a petition for reconsideration in Docket 20813 and by the Commission's recent receipt of several applications for these frequencies, and is intended to obtain comments on assignment of these frequencies.

DATES: Comments must be filed on or before February 7, 1983, reply comments must be filed on or before February 22, 1983.

ADDRESS: Submit comments or reply comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert P. DeYoung, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 81

Coast stations, Radio, Telegraph.

In the matter of licensing and availability of narrow-band direct-printing radioteletypewriter frequencies, PR Docket No. 82-828.

Adopted: December 22, 1982.

Released: December 30, 1982.

Introduction

1. In December, 1979, the Commission submitted to the Congress of the United

States a Report entitled *A Study of Maritime Public Coast Station Operations, Services and Industry* (Report). In that Report, among other things, we stated our intention to initiate a proceeding dealing with the use of narrow-band direct-printing (NB-DP) communications.¹ Our purpose in issuing this Notice is to seek public comments on proposed rule amendments which would improve NB-DP service to maritime radio users.

2. This document also addresses three other, related matters: a petition for reconsideration filed by Mobile Marine Radio (MMR) in Docket 20813²; a petition by Brown & Root Inc. that it be authorized to conduct limited coast station NB-DP operations; and applications from public coast stations seeking to expand NB-DP frequency assignments.

Background

3. Licensing and operation of land radiocommunication stations in the maritime mobile service is governed by Part 81 of the Commission's rules. There, the Commission separates these stations into two categories: public coast stations and limited coast stations.

4. Public coast stations are licensed to entities which provide common carrier, ship-to-shore, communication services to third parties on a profit-making basis. Public coast stations are allowed to interconnect with the public switched networks (PSN) and can be authorized to provide voice and telegraphy communication services. Public coast stations must file tariffs and the Commission must approve the rates charged for the communication services provided. In § 81.204(c) of our rules, NB-DP frequencies are assigned exclusively to public coast telegraphy stations by call sign.

5. Limited coast stations are licensed to entities which provide radio service for the operational and business needs of ships. Limited coast stations are licensed for voice communications only. They are permitted radiotelephone communications concerning a specific scope of service. Many of these stations use the PSN for message forwarding. Their communications must be

associated with the operational and business needs of the ships they serve. They are not authorized to provide communication services to third parties. Therefore, limited coast stations do not file tariffs.

6. In the international Radio Regulations, frequencies in the 4, 6, 8, 12, 16 and 22 MHz bands are grouped in series and allocated on a global basis for NB-DP communications. Propagation characteristics enable frequencies in these bands to be used for long range communications, from a few tens of miles to world-wide. The same frequencies are available to all countries (some 155 of them), which countries are urged by the ITU Radio Regulations to coordinate their use of NB-DP frequencies. Stations using the same frequencies must be separated by distances varying with the band in order to prevent co-channel interference.

7. In the U.S., the Commission has assigned the available NB-DP frequencies, other than those used by Government stations, for use by public coast radiotelegraph (PCRT) stations providing high-seas telegraphy service. Series of frequencies have been assigned to each PCRT station in § 81.204(c) of our Rules. The same frequencies are also assigned to coast stations of other countries. Reuse of a frequency series by U.S. coast stations is permitted only by public coast stations whose geographic separation is believed to cause minimal co-channel interference to other U.S. stations. Each public coast radiotelegraph station, however, is required to submit a license application to the Commission before it can be granted authority to operate on its assigned series of NB-DP frequencies.

8. NB-DP is a relatively new³ maritime service, and in the U.S. it has been slow in developing.⁴ In § 81.204(c) of our Rules, 15 public coast stations are assigned NB-DP frequencies for their exclusive use. Of these, only five stations have applied to the Commission and received authorization to provide NB-DP service. Accordingly, we believe that the manner in which NB-DP frequencies are made available to public coast stations should be revised to encourage full development of this service.

9. In our report to Congress, we mentioned that we would consider whether or not limited coast stations should be authorized use of these

frequencies. At this time, we believe that limited coast station use of these frequencies should not be authorized unless all public coast station requirements can be met. Consequently, we will not grant the pending request of Brown & Root that these frequencies be made available to limited coast stations. However, we specifically solicit comment on this approach and will reserve judgement pending further review of the matter.

Possible Methods of Assignment

Existing Method

10. The current method of assigning these frequencies is embodied in § 81.204(c) of our rules. In essence, this method assigns discrete frequencies in designated series to public coast radiotelegraph stations by specific station call sign and geographic location. This method was developed through informal coordination with existing licensees of public coast radiotelegraph (PCRT) stations. At the time of development of this method only one station (WLO at Mobile, AL) was actually providing NB-DP service. The objective was to distribute the available frequencies as equitably as practicable among existing PCRT station licensees, in the absence of knowledge as to when and where service to the public would be initiated, and to encourage the carriers to provide NB-DP service as early as economically feasible. There are problems with the current plan because certain stations listed have closed and others have elected not to provide the service. Still others desire to expand their service beyond their allotment of series. In contrast to the present assignment scheme, there are alternative methods discussed below.

Alternative No. 1

11. Under this scheme, series of NB-DP frequencies would be allotted by geographic area. That is, they would be designated for use in specified geographic areas by rule. There are two variations to this scheme: (1) Designation by geographic (coastal) area in which the coast station is located; or (2) designation by area to which service is to be provided, that is, area in which ship stations are located. This scheme would be comparable to that currently set forth in Part 81, § 81.306. It would be necessary to develop a basis for determining the quantity of frequencies which would be allotted to the respective geographic areas. The problem with this method is making such a determination in the absence of a showing of a need for frequencies in a

¹ Narrow-band direct-printing (NB-DP) is an electro-mechanical system utilized by the maritime mobile service which operates on radio frequencies below 25 MHz and permits communication between distant terminals fitted with teletypewriters, which may or may not include error detection and correction capability.

² We are simultaneously with the initiation of this proceeding, separately terminating the proceeding in Docket 20813. Among other items this proceeding responds to MMR's petition in that it reviews our assignment policy and rules governing NB-DP frequencies.

³ Service was initiated in the U.S. by Mobile Marine Radio in 1974.

⁴ On a world-wide basis, there are now approximately 3000 to 3500 vessels fitted with NB-DP and error detection/correction equipment.

given area. Furthermore, this method, like the existing method, would "lock" the frequency assignments in the rules without regard to shifting traffic patterns or pending applications for their use elsewhere.

Alternative No. 2

12. Under this scheme, the Commission's Rules would list all available NB-DP series as a pool and assign them to applying PCRT stations solely on a first-come, first-served basis.⁵ The problem with this method is that it would allow an early applicant to request frequencies without any showing of need and would allow an existing provider of NB-DP service to "oust" a public coast station which may now wish to provide the service but has not done so in the past. In the interest of competition in providing this service, we would like as many stations as possible to offer it. Yet under this method, the first applicant would theoretically be able to obtain all of the available frequencies.

Alternative No. 3

13. Under this scheme, available (currently unlicensed) NB-DP series would be made available on a first-come, first-served basis, to new or existing public coast stations not currently providing NB-DP service. New public coast stations providing only NB-DP service could be authorized. Existing providers of NB-DP service would be eligible for additional series of frequencies based on a showing of need.

14. The advantages of this method are that it would maximize the number of stations offering the service and assign remaining available frequencies where traffic indicates they are needed. It would also maximize our ability to license frequencies (at least in the lower megacycle orders) to more than one station while avoiding or minimizing potential interference.

15. Because this is the method of assignment we are proposing, we have developed a set of criteria which must be met by an existing provider of the service in order to qualify for additional series. We specifically invite comment with regard to these criteria. In order to ensure that all series licensed are actually placed in operation, we are proposing a "cut-off" rule which will require all licensees of NB-DP frequencies to place them in service within eight months of the effective date of the Report and Order terminating this proceeding or within eight months of the

receipt of a license, whichever date is later. On or before the end of this period, licensees will certify by letter that the licensed NB-DP series have been placed in service. This certification will be placed in the public file. Licensees who fail to do so would automatically forfeit those frequencies not placed in operation, which would then be made available to other applicants.

16. For the reasons set forth above, it is Ordered, That this Notice of Proposed Rule Making and Order is adopted.

17. Because of the pending applications of existing coast stations and the expressed desire of some applicants to expand service as soon as possible, we are disinclined to hold these applications in a pending status during this proceeding. Consequently, we hereby authorize the Chief of the Private Radio Bureau to grant such applications, in whole or in part, on an interim basis, to applicants who expressly agree to modify their authorizations as may be necessary to conform them to whatever allocation scheme is eventually adopted in this proceeding.

18. Authority for this Notice of Proposed Rule Making is contained in Sections 1, 4(l) and 303 (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before February 7, 1983, and reply comments on or before February 22, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in its Report and Order.

19. In accordance with the provisions of § 1.419 of the Commission's rules, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless

of the number of copies submitted. All findings will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

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

21. The licensees in this service are few in number and are typically large business entities. Consequently, the Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

22. For questions on matters covered in this document contact Robert P. DeYoung at 202/632-7197.

(Secs. 4, 303, 48 stat., as amended, 1066; 1082; 47 U.S.C. 154, 303)

⁵ This method was proposed by one of the petitioners in Docket 20613.

Federal Communications Commission
William J. Tricarico,
Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICE

In § 81.204, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 81.204 Assignable frequencies—Narrow-band direct-printing radiotelegraph and data transmission systems.

(c) Subject to the provision of subsections (a) and (b) of this section, public coast stations will be licensed NB-DP series on the following basis:

(1) NB-DP series will be assigned to new entrants (public coast applicants who do not or have not offered NB-DP service in the past) based on the date of the Commission's receipt of such applications.

(2) Series will be assigned to applicants for additional NB-DP frequencies who make a substantial showing based on the following factors:

- (i) the schedule of service of each currently licensed series of frequencies;
- (ii) the number of minutes each series is in use or is unavailable for use due to

interference by other stations or other use. This showing shall be made for the 3 busiest hours of each of any four days within a consecutive 10 day period in each of the 3 months immediately preceding the filing of the application; and

(iii) how many of the minutes shown in (ii) above were used for message set-up time and how many of the minutes were used for message handling.

(d) Licensed NB-DP series which are not placed in operation within eight months of authorization will be forfeited and the station license will be modified accordingly.

[FR Doc. 83-463 Filed 1-6-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 48, No. 5

Friday, January 7, 1983

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 COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement Regarding Management of Lithic-Dominated Archeological Sites Affected by Timber Management Activities on Seven National Forests in Oregon

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to Section 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Forest Service, U.S. Department of Agriculture, and the Oregon State Historic Preservation Officer, providing for the management of archeological properties affected by the Forest Service's timber management activities on the Winema, Fremont, Deschutes, Ochoco, Malheur, Wallowa-Whitman, and Umatilla National Forests in Oregon. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which archeological properties will be identified, evaluated, and protected in order to meet the requirements of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Comments Due: February 7, 1983.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, CO 80401.

For further information contact: Louis S. Wall, Chief, Western Division of Project Review, 730 Simms Street, Room 450, Golden, CO 80401.

Dated: January 4, 1983.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 83-475 Filed 1-6-83; 8:45 am]

BILLING CODE 4310-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

National Advisory Committee for Tobacco Inspection Services; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name: National Advisory Committee for Tobacco Inspection Services.

Dates: January 25-26, 1983.

Place: The Churchill Room of The Hilton Inn, 1938 Stanton Way, Lexington, Kentucky 40575.

Time: 9 a.m.

Purpose: To review various regulations issued pursuant to the Tobacco Inspection Act (49 Stat. 7 U.S.C. 511 *et seq.*), to observe grading and sales of burley tobacco on the auction floor, to hear from individuals who have requested to address the Committee and who have been prescheduled to do so, and to discuss the level of tobacco inspection and related services and the fees and charges associated with providing these services. The meeting is open to the public though space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless otherwise requested by the Committee Chairperson. Persons, other than members, who wish to address the Committee at the meeting should contact J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, S.W., U.S. Department of Agriculture, Washington, D.C., 20250, (202) 447-7235.

Dated: January 5, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-803 Filed 1-6-83; 8:43 am]

BILLING CODE 3410-02-M

Forest Service

Humboldt National Forest Grazing Advisory Board; Meeting

The Humboldt National Forest Grazing Advisory Board will meet on February 23, 1983 at 10:00 PST, at the Supervisor's Office, 976 Mountain City Highway, Elko, Nevada.

The meeting is open to the public.

The purpose of the meeting is to discuss:

1. Allotment Management Planning.
2. Utilization of Range Betterment Fund.

Dated: December 22, 1982.

B. J. Graves,

Forest Supervisor.

[FR Doc. 83-521 Filed 1-6-83; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Swan Creek Watershed, Nebraska; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: A. E. Sullivan, responsible Federal Official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Nebraska, is hereby providing notification that a record of decision to proceed with the installation of the Swan Creek Watershed Project is available. Single copies of this record of decision may be obtained from A. E. Sullivan at the address shown below.

FOR FURTHER INFORMATION CONTACT:

A. E. Sullivan, State Conservationist, Soil Conservation Service, 100 Centennial Mall North, P. O. Box 82502, Lincoln, Nebraska, telephone 402-471-5302.

Dated: December 28, 1982.

B. Clayton Graham,

Deputy State Conservationist.

[FR Doc. 83-365 Filed 1-6-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations; Week Ended December 30, 1982

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Dec. 30, 1982	41188	United Air Lines, Inc., P.O. Box 66100, Chicago, Illinois 60666. Application of United Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its Certificate of Public Convenience and Necessity for Route 57 so as to authorize it to perform scheduled foreign air transportation (of mail, passengers and property) between (1) Los Angeles, California, in the United States, and the coterminal points of Toronto, Ontario and Montreal, Quebec in Canada via the intermediate point of Denver, Colorado; and (2) San Francisco, California, in the United States, and the coterminal points of Toronto, Ontario and Montreal, Quebec in Canada via the intermediate point of Denver, Colorado. Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 27, 1983.
Do	41190	Trans Carib Air, Inc., c/o Robert M. Hausman, Hausman and Rosenthal, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Application of Trans Carib Air, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment of its certificate (1) so as to engage in scheduled foreign air transportation of passengers, property and mail between a point or points in the United States, on the one hand, and additional points, as follows: Shannon, Ireland, and points in the Netherlands, Belgium, France, Switzerland, Austria, Egypt, Greece, Israel, and Jordan, on the other hand; and (2) integration on a geographic basis of all of its already-authorized foreign points on Route 163-F and any new points into a single integrated route. Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 27, 1983.
Do	41191	Michigan Peninsula Airways, Ltd. d/b/s MPA International Airways, c/o Robert M. Hausman, Hausman and Rosenthal, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Application of Michigan Peninsula Airways, Ltd. d/b/s MPA International Airways pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to engage in the charter air transportation of property and mail between: (a) any point in the United States, its territories and its possessions, on the one hand, and any other point in the United States, its territories and its possessions, on the other; and (b) the interstate and overseas air transportation of property and military mail pursuant to contracts with the Department of Defense. Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 27, 1983.
Do	41192	Michigan Peninsula Airways, Ltd. d/b/s MPA International Airways, c/o Robert M. Hausman, Hausman and Rosenthal, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Application of Michigan Peninsula Airways, Ltd. d/b/s MPA International Airways pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to engage in the charter air transportation of property and mail between: (a) any point in the United States, on the one hand, and any point or points outside the United States on the other; and (b) the foreign air transportation of property and military mail pursuant to contracts with the Department of Defense. Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 27, 1983.
Dec. 27, 1982	41071	Akron/Canton Airlines, Inc., c/o Edmond L. Sikorovsky, Caltee, Halter & Griswold, 1800 Central National Bank Bldg., Cleveland, Ohio 44114. Information Response of Akron/Canton Airlines, Inc. with respect to Board Order 62-11-94. Conforming Applications, Motions to Modify Scope, and Answers may be filed by January 24, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-486 Filed 1-6-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

California Institute of Technology;
Decision on Application for Duty-Free
Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00328. Applicant: California Institute of Technology, 1201

E. California Street, Pasadena, CA 91125. Instrument: Accessories for Ion Microanalyzer System (IMS 3F) consisting of Primary Beam Mass Filter and Cesium Gun and other Sole Source Accessories. Manufacturer: Cameca, France. Intended use of instrument: See Notice on page 41410 in the Federal Register of September 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The instruments are being furnished by the manufacturer which produced the

instrument with which the instruments are intended to be used. We are advised by the National Bureau of Standards in its memorandum dated December 14, 1982 that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic instruments.

The Department of Commerce knows of no similar accessories being manufactured in the United States which are interchangeable with or can be readily adapted to the instrument with which the foreign instruments are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-810 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

Cornell University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00263. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, New York 14853. Instrument: Excimer-Multi-Gas Laser, Model EMG 101. Manufacturer: Lambda Physik GmbH, Company, West Germany. Intended use of instrument: See notice on page 33528 in the *Federal Register* of August 3, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides an average power of 6 watts, a peak power of 10 megawatts and thyatron switching. The National Bureau of Standards advises in its memorandum dated November 22, 1982 that (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

FR Doc. 83-1513 Filed 1-6-83; 8:45 am

BILLING CODE 3510-25-M

Eastman Dental Center; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00292. Applicant: Eastman Dental Center, 825 Elmwood Avenue, Rochester, New York 14620. Instrument: Automated Animal Feeder. Manufacturer: Andreas Hofer, Switzerland. Intended use of instrument: See Notice on page 36686 in the *Federal Register* of August 23, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can feed seventy-two experimental animals simultaneously at as many as seventeen programmed times per day. The Department of Health and Human Services advises in its memorandum dated November 10, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

FR Doc. 83-517 Filed 1-6-83; 8:45 am

BILLING CODE 3510-25-M

Harvard University et. al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles published pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Decision: Applications Denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used are not being manufactured in the United States.

Reasons: The requirements for the resubmission of applications that have been denied without prejudice to resubmission are contained in Section 301.5(e) of the regulations. Each of the applicants has failed to resubmit its application within the specified time period. Pursuant to Subsection 301.5(e)(4), this failure shall result in a denial of the application.

In accordance with § 301.5(f), notice of these decisions is forwarded to the *Federal Register* for publication.

Docket No. 81-00147. Applicant: Harvard University, 12 Oxford Street, Cambridge, MA 02138. Instrument: Excimer Pumped-Dye Laser System. Date of denial without prejudice to resubmission: October 9, 1981.

Docket No. 81-00176. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Instrument: WM-300 High Resolution NMR Spectrometer with Multinuclear Observation and Accessories. Date of denial without prejudice to resubmission: April 16, 1982.

Docket No. 81-00221. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Instrument: Miniature Toroidal Grating Monochromator with Slit Mechanism. Date of denial without prejudice to resubmission: June 3, 1982.

Docket No. 81-00257. Applicant: Ellis Hospital, 1101 Nott Street, Schenectady, NY 12308. Instrument: Linear Accelerator, Model Therac 6/Neptune and Accessories. Date of denial without

prejudice to resubmission: April 14, 1982.

Docket No. 81-00277. Applicant: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, OH 44106. Instrument: Automated Ultrasonic Body Imager. Date of denial without prejudice to resubmission: March 11, 1982.

Docket No. 81-00293. Applicant: NASA, Lewis Research Center, Energy Section, MS 500-305, 21000 Brookpark Road, Cleveland, OH 44135. Instrument: Organometallic Vapor-Phase Epitaxial Reactor System and Epitaxial Growth Process. Date of denial without prejudice to resubmission: May 28, 1982.

Docket No. 81-00302. Applicant: Texas Tech University, Texas Tech Campus, Lubbock, TX 79409. Instrument: Architectural Lux Meter. Date of denial without prejudice to resubmission: April 23, 1982.

Docket No. 81-00329. Applicant: University of Illinois at Chicago Circle, Department of Physics, P.O. Box 4348, Chicago, IL 60680. Instrument: Excimer Laser Pumped Laser System with Accessories. Date of denial without prejudice to resubmission: April 16, 1982.

Docket No. 81-00336. Applicant: University of New Orleans, Biological Sciences, Lakefront Drive, New Orleans, LA 70122. Instrument: Diamond Knife #263. Date of denial without prejudice to resubmission: June 1, 1982.

Docket No. 81-00371. Applicant: Baptist Regional Health Services, 1000 W. Moreno Street, Pensacola, FL 32501. Instrument: Therac 20/Saturne Linear Accelerator with Accessories. Date of denial without prejudice to resubmission: April 1, 1982.

Docket No. 81-00392. Applicant: University of Colorado, Department of Chemistry, Campus Box 215, Boulder, CO 80309. Instrument: Excimer Laser, EMG 101. Date of denial without prejudice to resubmission: April 20, 1982.

Docket No. 81-000397. Applicant: National Aeronautics and Space Administration, Mail Stop 160, Langley Research Center, Hampton, VA 23685. Instrument: NaCl Laser Window. Date of denial without prejudice to resubmission: April 20, 1982.

Docket No. 81-00398. Applicant: University of Southern California, University Park, Los Angeles, CA 90007. Instrument: Quartz Rear Reflector, 503 RX. Date of denial without prejudice to resubmission: April 20, 1982.

Docket No. 81-00014. Applicant: SUNY at Stony Brook, Stony Brook, New York 11794. Instrument: Diffraction Grating on Fused Silica. Date of denial without prejudice to resubmission: June 3, 1982.

Docket No. 82-00017. Applicant: University of Rochester, Cancer Center, 601 Elmwood Avenue, Box 704, Rochester, NY 14642. Instrument: Therac 20/Saturne Linear Accelerator with Accessories. Date of denial without prejudice to resubmission: April 18, 1982.

Docket No. 82-00021. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439. Instrument: Excimer Laser, Model TE-861T with Optics Sets. Date of denial without prejudice to resubmission: April 16, 1982.

Docket No. 82-00031. Applicant: Massachusetts Institute of Technology, RM: E18-360, Cambridge, MA 02139. Instrument: Projection Aligner, FPA-141, with a Wafer Disc, Rubber Wafer Chuck, and two Seal Glasses. Date of denial without prejudice to resubmission: April 30, 1982.

Docket No. 82-00036. Applicant: Regents of the University of California, Riverside, Materiel Management Department, Riverside, CA 92521. Instrument: Organ Perfusion Apparatus, Model KM-1A. Date of denial without prejudice to resubmission: May 26, 1982.

Docket No. 82-00048. Applicant: The Regents of the University of California, Riverside, Materiel Management Department, Riverside, CA 92521. Instrument: Saddle Field Neutral Source. Date of denial without prejudice to resubmission: June 11, 1982.

Docket No. 82-00051. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, TX 75248. Instrument: TP-11 Radiotherapy Planning System. Date of denial without prejudice to resubmission: June 30, 1982.

Docket No. 82-00057. Applicant: Medical College of Ohio Hospital, C. S. 10008, Toledo, OH 43699. Instrument: Radiation Therapy Special Simulator. Date of denial without prejudice to resubmission: June 30, 1982.

Docket No. 82-00059. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, NY 11973. Instrument: Hydrogen Thyratrons (53 each). Date of denial without prejudice to resubmission: July 14, 1982.

Docket No. 82-00061. Applicant: University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. Instrument: Excimer Laser, EMG 101. Date of denial without prejudice to resubmission: June 17, 1982.

Docket No. 82-00089. Applicant: SUNY College of Environmental Science and Forestry, Syracuse, NY 13210. Instrument: Modelscope w/Mount and Brace. Date of denial without prejudice to resubmission: June 17, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-804 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

Lucile Reid Cancer Institute; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1968 (Public Law 89-851, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00293. Applicant: Lucile Reid Cancer Institute, 2920 "H" Street, Suite R, P.O. Box 24711, Bakersfield, CA 93303. Instrument: Automated Ultrasonic Body Imager, Manufacturer: Ausonics Pty., Australia. Intended use of instrument: See Notice on page 39547 in the Federal Register of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 30, 1981).

Reasons: This application is a resubmission of Docket Number 81-00339 which was denied without prejudice to resubmission on March 11, 1982 for informational deficiencies. The foreign instrument provides radial breast scanning, lesion volume measurement, and abdominal scans. The most closely comparable domestic instrument available at the time the foreign article was ordered was either the Model L1135 or the Model SM-120 manufactured by Life Instruments Corporation and Technicare respectively. These domestic instruments did not provide equivalent radial scan capability, abdominal scans and lesion volume measurement at the time the foreign instrument was ordered. The Department of Health and Human Services advises in its memorandum

date November 10, 1982 that (1) The capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-514 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00299. Applicant: National Bureau of Standards, Washington, D.C. 20234. Instrument: Field Emission Ion Source System. Manufacturer: Dubilier Scientific Limited, United Kingdom. Intended use of instrument: See Notice on page 39547 in the Federal Register of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 81-00369 which was denied without prejudice to resubmission on March 31,

1982 for informational deficiencies. The foreign instrument provides an ion current density of 20 microamperes per square centimeter and an ion beam diameter (at 100 millimeters from the lens exit for ions of gallium and argon) of 150 microns. The Department of Health and Human Services advises in its memorandum dated November 10, 1982 that (1) The capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-506 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

Ohio State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00304. Applicant: The Ohio State University, College of Pharmacy, 500 West 12th Avenue, Columbus, Ohio 43210. Instrument: Circular Dichroism Spectropolarimeter, Model J-500A and Accessories. Manufacturer: Japan Spectroscopic Company Limited, Japan. Intended use of instrument: See Notice on page 39547 in the Federal Register of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this

instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides high frequency switching (50,000 times per second) between right and left polarized light and circular dichroism spectral data. The Department of Health and Human Services advises in its memorandum dated November 10, 1982 that: (1) The capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-508 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

Texas A&M University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00251. Applicant: Texas A&M University, Mechanical Engineering Department, College Station, Texas 77843. Instrument: Closed Loop Crystal Driver. Manufacturer: Solid State Equipment, New Zealand. Intended use of instrument: See Notice of page 33527 in the Federal Register of August 3, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign

instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign article measures elastic modulus and internal friction simultaneously. The National Bureau of Standards advises in its memorandum dated December 3, 1982 that (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-512 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

Texas Tech University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00318. Applicant: Texas Tech University, Textile Research Center, P.O. Box 5217, Lubbock, TX 79417/5217. Instrument: Fiberblender. Manufacturer: Shirley Development Limited, United Kingdom. Intended use of instrument: See Notice on page 41798 in the *Federal Register* of September 22, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is

being manufactured in the United States.

Reasons: The foreign instrument can open, clean, blend and randomize samples. The National Bureau of Standards advises in its memorandum dated December 8, 1982 that (1) The capability of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-518 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

Texas Tech University; Decision on Application, for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00303. Applicant: Texas Tech University, Textile Research Center, P.O. Box 5217, 7th & Boston Street, Lubbock, TX 79417. Instrument: IIC-Shirley Fineness Maturity Tester, Mark 2. Manufacturer: Shirley Developments Limited, United Kingdom. Intended use of Instrument: See Notice on page 39547 in the *Federal Register* of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument measures the fineness and maturity of cotton fiber. The National Bureau of Standards advises in its memorandum dated November 16, 1982 that: (1) The capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-507 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

University of California et al.; Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a)(3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *Federal Register*.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 2097, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00125R. Applicant: University of California, Los Angeles, School of Engineering and Applied Science, 405 Hilgard Avenue, Los

Angeles, CA 90024. Instrument: Carcinotron Power Supply. Application is a resubmission, notice of which was published in the *Federal Register* of April 13, 1982.

Docket No. 82-00174R. Applicant: U.S. Department of Energy, Laramie Energy Technology Center, P.O. Box 3395, Laramie, WY 82071. Instrument: Model MMZAB1F Ultra High Resolution Mass Spectrometer with Accessories. Application is a resubmission, notice of which was published in the *Federal Register* of May 20 1982.

Docket No. 82-00295R. Applicant: York Hospital, 1001 S. George Street, York, PA 17405. Instrument: Linear Accelerator Therac-6 with Accessories. Application is a resubmission of 82-00007, notice of which was published in the *Federal Register* of November 18, 1981.

Docket No. 83-90. Applicant: The University of Texas Health Science Center, P.O. Box 20038, Houston, TX 77025. Instrument: McArthur Medical Microscope with Accessories. Manufacturer: The McArthur Microscope, United Kingdom. Intended use of instrument: The instrument is intended to be used in the screening of blood samples for *Trypanosoma cruzi*, the etiologic agent of Chagas' Disease. The following parasitologic and immunological tests will be performed on the sera, direct Giemsa-stained blood smear, smear following Strout's method of parasite concentration, dark-field microscopy, oil immersion, immunofluorescence technique. Dissection and examination of triatomidae will be accomplished when specimens are submitted. Blood specimens will be obtained from patients in various clinics and facilities throughout Houston. Application Received by Commissioner of Customs: December 14, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-506 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

University of Chicago; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant

thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00271, Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: Vacuum System. Manufacturer: ISA Riber, France. Intended use of instrument: See Notice on page 36685 in the *Federal Register* of August 23, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign article can prepare various combinations of semiconductor-semiconductor, metal-metal, and metal-semiconductor layered ultra-thin coherent structures and can be used to conduct x-ray, neutron and light scattering; electrical resistivity; hall effect; magneto resistance, sound propagation; and superconductivity experiments on them. The National Bureau of Standards advises in its memorandum dated December 8, 1982, that it knows of no comparable domestic system scientifically equivalent to the foreign instrument for its intended purposes. We find that (1) The capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) we know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-515 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

University of Massachusetts; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00240. Applicant: University of Massachusetts, Department of Civil Engineering, Marston Hall, Room 30, Amherst, MA 01003. Instrument: Electronic Hydraulic Controller, Triaxial Cell. Manufacturer: Geotechnical Digital, United Kingdom. Intended use of instrument: See Notice on page 30538 in the *Federal Register* of July 14, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The application is a resubmission of Docket Number 81-00376 which was denied without prejudice to resubmission on April 30, 1982 for informational deficiencies. The foreign instrument provides independent control of (1) axial load, (2) confining pressure and (3) pore water pressure with its associated volume change. The National Bureau of Standards advises in its memorandum dated November 2, 1982 that (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff

[FR Doc. 83-519 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

University of Wisconsin-Osh; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00284. Applicant: University of Wisconsin-Osh, 800 Algoma Boulevard, Oshkosh, Wisconsin 54901. Instrument: VLF Resistivity Meter, EM-16, EM-16R, and EM-31. Manufacturer: Geonics Limited, Canada. Intended use of Instrument: See Notice on page 39546 in the Federal Register of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument measures very low frequency wavefront orientation and electromagnetic ground resistivity (from 10 to 30,000 ohm-meters). The National Bureau of Standards advises in its memorandum dated November 10, 1982 that (1) The capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-519 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

University of Tennessee; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00307. Applicant: University of Tennessee, Knoxville, Tennessee 37996. Instrument: Excimer-Pumped Dye Laser System. Manufacturer: Lambda Physik GmbH, & Company, West Germany. Intended use of instrument: See Notice on page 39548 in the Federal Register of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (June 15, 1981).

Reasons: This application is a resubmission of Docket Number 81-00391 which was denied without prejudice to resubmission on April 23, 1982 for informational deficiencies. The foreign instrument provides a peak power of one megawatt when pumped at 308 nanometers. The National Bureau of Standards advises in its memorandum dated December 1, 1982 that (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-509 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Program Manager, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

- SN 6-279,443 LTR-Vectors, Department of Health & Human Services
- SN 6-360,424 Human Use for the Compound 4-Carboxypthalato (1,2-Diaminocyclohexane)-Platinum (II) and Alkali Metal Salts Thereof, Department of Health & Human Services
- SN 6-417,625 Method of Inhibition of Neural Decline with Aging by Retardation or Counter-Action, Department of Health & Human Services
- SN 6-330,959 Monoclonal Antibodies Reactive with Human Breast Cancer, Department of Health & Human Services
- SN 6-335,155 1,4-Bis (2'-Chloroethyl)-1,4-Diazabicyclo (2.2.1)-Heptane Salts and Method of Preparation Thereof, Department of Health & Human Services

- SN 6-367,470 Antileukemic 1,4-Bis(2'-Chloroethyl)-1,4-Diazabicyclo (2.2.1)-Heptane Salts and Method of Preparation Thereof, Department of Health & Human Services
- SN 6-423,241 Inosine-5'-Monophosphate (IMP) Dehydrogenase Inhibitors, Department of Health & Human Services
- SN 6-443,882 Monoclonal Antibodies to Herpes Simplex Virus Type I Polypeptides, Department of Health & Human Services
- SN 6-389,118 Polymer Bound Dyes Prepared by Diazo Coupling Reactions with Poly (Organophosphazenes), Department of Health & Human Services
- SN 6-352,599 Antiviral Activities of Dansylcadaverine and Closely Related Compounds, Department of Health & Human Services
- SN 6-426,440 Detection of Agricultural Contraband in Baggage, Department of Agriculture
- SN 6-408,589 Synthetic Pheromone 8-Methyl-2-deconol Propanoate and Its Use in Controlling Corn Rootworms, Department of Agriculture
- SN 6-423,404 Treatment of Rice Flour to Obtain Improved Quality Baked Products, Department of Agriculture
- SN 6-340,919 Heat Absorbing Jacket For High Intensity Lamps, Department of Agriculture

[FR Doc. 83-408 Filed 1-6-83; 8:45 am]

BILLING CODE 3510-04-M

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(Docket No. CRT 81-1)

1980 Cable Royalty Distribution Proceeding**Correction**

In FR Doc. 82-35130 beginning on page 57748, in the issue of Tuesday, December 28, 1982, make the following corrections:

On page 57749, first column, third line, "4.25%" should read "4.50%". In the same column, fifth line, "4.50%" should read "4.25%".

BILLING CODE 1505-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED**Procurement List 1983; Proposed Additions**

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 commodities and military resale commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

DATE: Comments must be received on or before: February 9, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities, military resale commodities, and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities, military resale commodities, and service to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 4820

Valve, Ball
4820-00-052-4651
4820-00-052-4653

Class 8465

Cover, Field Pack
8465-00-001-6478

Military Resale Item Nos. and Names

No. 068 Pencil, Mechanical, .5mm lead
No. 520 Fabric Softener, Reusable
No. 564 Scrubber, Stainless Steel
No. 568 Board, Ironing, Table Top

SIC 0782

Grounds Maintenance, USAR Facility, Mann Hall, N. 4415 Market Street, Spokane, Washington
Grounds Maintenance, USAR Facility, N. 3800 Sullivan Road, Trentwood, Washington

C. W. Fletcher,
Executive Director.

[FR Doc. 83-472 Filed 1-6-83; 8:45 am]

BILLING CODE 5820-33-M

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 7, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On September 30, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (47 FR 43107) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the services listed.

c. The actions will result in authorizing small entities to provide services procured by the Government.

Accordingly, the following services are hereby added to Procurement List 1983:

SIC 0782

Grounds Maintenance, Vancouver Army Barracks, Vancouver, Washington

SIC 7349

Janitorial Service, Marine Corps Development and Education Command, Buildings: 3098, 2079, 3035, 2034, 3400, Quantico, Virginia
Janitorial Service, Survival School Buildings 1212, 1228, 1324, 1334, 1342, 1207, Fairchild Air Force Base, Washington

C. W. Fletcher,
Executive Director.

[FR Doc. 83-473 Filed 1-6-83; 8:45 am]

BILLING CODE 5820-33-M

Procurement List 1983; Correction of Proposed Additions

In FR Doc. 82-34828, published December 23, 1982 (47 FR 57324), the NSN for the item under Mask, Extreme

Cold Weather is corrected to read 8415-01-006-3468.

C. W. Fletcher,

Executive Director.

[FR Doc. 83-474 Filed 1-6-83; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Public Meeting Concerning Kerosene Heaters

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meeting.

SUMMARY: The Commission has scheduled a public meeting to obtain additional information about the safety of kerosene heaters. Participation by members of the public is invited.

DATES: (1) The meeting will begin at 9:30 a.m., January 27, 1983. (2) Requests from members of the public who desire to make presentations should be received by the Office of the Secretary not later than January 20, 1983.

ADDRESS: The meeting will be in the third floor conference room at 1111 18th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

(1) For information about the interests of the Commission in the safety of kerosene heaters, Sandra Eberle, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6957.

(2) To request opportunity to make a presentation at the meeting, Sheldon Butts, Deputy Secretary, Office of the Secretary, Consumer Products Safety Commission, Washington, D.C. 20207; (301) 492-6800.

SUPPLEMENTARY INFORMATION: During Fiscal Year 1983, the Commission has selected two projects involving kerosene heaters for priority attention. One concerns the possible fire hazard which kerosene heaters may present. The other concerns the potential hazard of indoor air pollutants which may be emitted by these heaters.

To obtain current information about these two areas of potential risk which may be associated with kerosene heaters, the Commission has scheduled a public meeting on January 27, 1983. One portion of the meeting will be devoted to a briefing by the Commission staff on the status of the two priority projects involving kerosene heaters. The other part of the meeting will consist of presentations by members of the public, followed by questions from the Commissioners. The Commission is

primarily interested in presentations from the public that will provide new test data about the performance of kerosene heaters, and recently developed technical data and other information about the potential risks of fire and indoor pollution that these heaters may present.

Members of the public who desire to make presentations at this meeting should call or write Sheldon Butts, Deputy Secretary, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 (301) 492-6800 not later than January 20, 1983.

Presentations from members of the public should be limited to approximately ten minutes. Persons desiring to make presentations are encouraged to submit a written text or summary of their presentations to the Office of the Secretary not later than January 20, 1983.

The Commission reserves the right to impose further time restrictions on all presentations from members of the public, and to limit duplicative presentations.

The public meeting will begin at 9:30 a.m. on January 27, 1983, in the third floor conference room, 1111 18th Street NW., Washington, D.C. and will conclude on the same day.

Dated: January 4, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-503 Filed 1-6-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement for Norfolk Harbor, Virginia (1973)

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Supplement.

SUMMARY: 1. The Port of Hampton Roads consists of the main navigation channels: Elizabeth River and its branches, Newport News, Norfolk Harbor and several lesser navigation channels, anchorage and turning basins. Maintenance dredging of these channels has produced material which has been continuously deposited in the Craney Island Disposal Area since 1957. The channels and disposal site have been

studied extensively from engineering, economic and environmental viewpoints since the final Norfolk Harbor Environmental Impact Statement was filed in 1973. This has produced a vast amount of significant data pertinent to these projects. The continued maintenance dredging of these channels is heavily dependent on the long-term storage capacity of the existing site. A management plan has been developed to address both present and future requirements.

2. Because the Craney Island Disposal Area has been in continuous operation since 1957, the "no action" alternative has been eliminated from serious consideration. However, options to ongoing and future management will be discussed. During this process, alternative measures or modifications to the proposed management plan may be considered which will more effectively accomplish project goals.

3. a. The Supplement will be coordinated with and reviewed by appropriate Federal, State, and local agencies as well as other interested groups and individuals. Anyone wishing to comment at any time during development of the Draft Supplement should write the District Engineer, Norfolk District.

b. Significant Issues which will be addressed include, but are not limited to: the impacts of dredging and disposal methods, impact of effluent from the disposal site, navigation, economics, and the effects to the environment of alternatives.

4. *Public Meetings:* No public meetings are planned.

5. It is anticipated that the Draft Supplement will be available for public comment by 1 April 1983.

ADDRESS: Questions about the proposed action and Draft Supplement can be answered by: Mr. Terrence Getchell, Engineering Division, Norfolk District, 803 Front Street, Norfolk, Virginia 23510. Phone: (804) 441-3616 or FTS 827-3616.

Leonard G. Hassell,

Major, Corps of Engineers, Assistant District Engineer.

[FR Doc. 83-400 Filed 1-6-83; 8:45 am]

BILLING CODE 3710-EN-M

Office of the Secretary

Defense Science Board Task Force on Close Air Support; Change in Advisory Committee; Meeting

The date of the meeting of the Defense Science Board Task Force on Close Air Support scheduled for 4-5 January 1983

as published in the Federal Register (Vol. 47, Wednesday, December 1, 1982, FR Doc. 82-32781) has been postponed until 20-21 January 1983. In all other respects the original notice cited above remains the same.

Dated: January 4, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

[FR Doc. 83-489 Filed 1-6-83; 8:45 am]

BILLING CODE 3810-01-M

President's Commission on Strategic Forces; Advisory Committee Meeting

The President's Commission on Strategic Forces will meet in closed session on January 7, 1983 at the Pentagon, Washington, D.C.

The mission of the Commission is to review the strategic modernization program for United States forces, with particular reference to the intercontinental ballistic missile system and basing alternatives for that system, and provide appropriate advice to the President, the National Security Council, and the Department of Defense.

Because of the significance of the project to national security and the urgent need for the Commission's recommendation, the President has directed that the Commission submit its report to him by February 18, 1983. To meet the stringent deadline imposed by the President, the first meeting of the Commission is being held on January 7, 1983. Subsequent meetings will be called by the Commission Chairman on very short notice. However, every effort will be made to give timely notice of future meetings.

Discussions during the meeting will involve classified matters of national security concern throughout. Such discussion cannot reasonably be segregated into separate classified and unclassified categories without defeating the effectiveness and purpose of the overall meetings.

Accordingly, consistent with Section 10(d) of Pub. L. 92-463, the "Federal Advisory Committee Act," and Section 552b(c)(1) of Title 5, United States Code, this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

January 6, 1983.

[FR Doc. 83-633 Filed 1-6-83; 10:19 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Brownlie, Wallace, Armstrong & Bander, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Brownlie, Wallace, Armstrong & Bander, Inc. (BWAB) of Denver, Colorado. This Proposed Remedial Order charges BWAB with pricing violations in the amount of \$370,234.34 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR 212, Subpart D during the time period January 1, 1979 through December 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Deputy Director, Crude and NGL & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7401. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Tex., on the 22d day of December 1982.

Ben L. Lemos,

*Director, Dallas Field Office, Economic
Regulatory Administration.*

[FR Doc. 83-477 Filed 1-6-83; 8:45 am]

BILLING CODE 6450-01-M

Transco Trading Co. and Refiners & Producers Marketing, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Transco Trading Company and Refiners and Producers Marketing, Inc. of Midland, Texas. This Proposed Remedial Order charges Transco and Refiners and Producers Marketing with violations in the amount of \$21,187,493 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart L, during the time period July 1978 through May 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Deputy Director, Crude

Reseller Audit & Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas Texas 75235, or by calling 214/767-7432. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 206.193.

Issued in Dallas, Tex., on the 21st day of December 1982.

Ben L. Lemos,

*Director, Dallas Office, Economic Regulatory
Administration.*

[FR Doc. 83-478 Filed 1-6-83; 8:45 am]

BILLING CODE 6450-01-M

United Petroleum Distributors, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to United Petroleum Distributors, Inc. of Houston, Texas. This Proposed Remedial Order charges United with pricing violations in the amount of \$1,735,366.27 plus interest, connected with the sale of No. 2 heating oil for the period from December, 1973 through April, 1974 and No. 6 residual fuel oil during November and December, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA (215) 597-2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pa., on the 22d day of December 1982.

Robert J. McKee, Jr.

*Director, Philadelphia Field Office, Economic
Regulatory Administration.*

[FR Doc. 83-478 Filed 1-6-83; 8:45 am]

BILLING CODE 6450-01-M

Zephyr Oil & Trading Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Zephyr Oil and Trading Company of Houston, Texas. This Proposed

Remedial Order charges Zephyr with pricing violations in the amount of \$618,827 plus interest, connected with the sale of motor gasoline from July 1, 1978 through October 30, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Robert J. McKee, Jr. Director, Philadelphia Field Office, ERA (215) 597-2633. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pa., on the 21st day of December 1982.

Robert J. McKee, Jr.

Director, Philadelphia Field Office, Economic Regulatory Administration.

[FR Doc. 83-479 Filed 1-6-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51448; TSH-FRL 2280-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-338, 83-339, 83-340, 83-341, 83-342, 83-343, 83-344, 83-345 and 83-346—March 26, 1983.

PMN 83-347, 83-348 and 83-349—March 27, 1983.

PMN 83-340—March 28, 1983.

Written comments by:

PMN 83-338, 83-339, 83-340, 83-341, 83-342, 83-343, 83-344, 83-345 and 83-346—February 24, 1983.

PMN 83-347, 83-348 and 83-349—February 25, 1983.

PMN 83-350—February 26, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51448]" and the specific PMN

number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-338

Importer. Confidential.

Chemical. (G) Substituted-1,8-triphenyldioxazinedisulfonic acid, sodium salt.

Use/Import. (G) Textile dye. Import range: 10,000-50,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg; TL₅₀, 90 hr. (zebra fish): >1,000 mg/l; Irritation: Skin—2.3/8 Eye—0/110; BOD₅—0 g/g O₂; COD—0.722 g/g O₂; Ames Test: Negative; Treatment plant bacterial inhibition—No inhibition up to 300 mg/l.

Exposure. Processing: a total of 200 workers, up to 1,200 man hrs/yr.

Environmental Release/Disposal. Minimal release. Disposal by plant water treatment system.

PMN 83-339

Importer. Confidential.

Chemical. (S) 5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-3-[1,5-disulfo-2-naphthylazo]-4-hydroxy-2,7-naphthalenedisulfonic acid, pentasodium salt.

Use/Import. (S) Dyestuff. Import range: 500-10,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Mild.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-340

Importer. Confidential.

Chemical. (S) 3-[4-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-5-sulfonaphthylazo]-6-sulfonaphthylazo]-1,5-naphthalenedisulfonic acid, pentasodium salt.

Use/Import. (S) Dyestuff. Import range: 500-10,000 kg/yr.

Toxicity Data. Acute oral: 5,000 mg/kg; Irritation: skin—Non-irritant, Eye—Moderate.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-341

Importer. Confidential.

Chemical. (S) 7-[4-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-ureidophenylazo]-1,3,6-naphthalenetrisulfonic acid, tetrasodium salt.

Use/Import. (S) Dyestuff. Import range: 500-10,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg;

Irritation: Skin—Slight, Eye—Mild.

Exposure. No data submitted.

Toxicity Data.

Environmental Release/Disposal. No data submitted.

PMN 83-342

Importer. Confidential.

Chemical. (S) 3-[5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-sulfo-phenyl-azo]-4-hydroxy-5-propionylamino-2,7-naphthalenedisulfonic acid, tetrasodium salt.

Use/Import. (S) Dyestuff. Import range: 500-10,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg;

Irritation: Skin—Non-irritant, Eye—Mild.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-343

Importer. Confidential.

Chemical. (S) 4-amino-6-[5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-sulfo-phenyl-azo]-5-hydroxy-3-[4-sulfo-phenyl-azo]-2,7-naphthalenedisulfonic acid, pentasodium salt.

Use/Import. (S) Dyestuff. Import range: 500-10,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg;

Irritation: Skin—Non-irritant, Eye—Mild.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-344

Manufacturer. Confidential.

Chemical. (C) Mercapto-substituted, heterocyclic nitrogen compound.

Use/Production. (S) Photographic emulsion component. Prod. range: 500 g/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: a total of 6 workers, up to 48 hrs/yr.

Environmental Release/Disposal. Disposal by incineration.

PMN 83-345

Manufacturer. Confidential.

Chemical. (G) Alky thiocyanate.

Use/Import. (S) Site-limited intermediate. Prod. range: 500 g/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, and processing: a total of 1 worker, up to 6 hrs/da, up to 1 da/yr.

Environmental Release/Disposal. Disposal by incineration.

PMN 83-346

Manufacturer. Confidential.

Chemical. (S) Polymer of 2-propenoic acid, 2-methyl-, methyl ester and 1,3-butylene glycol diacrylate.

Use/Production. (G) Industrial Coating.
Prod. range: Confidential.
Toxicity Data. Acute oral: Low inherent toxicity; Irritation: Skin—Low, Eye—0.3/110; Ames Test: Non-mutagenic.
Exposure. Manufacture and processing: dermal, a total of 12 workers, up to 8 hrs/da, up to 3 da/yr.
Environmental Release/Disposal. Disposal by incineration.

PMN 83-347

Manufacturer, Monsanto Company.
Chemical. (S) Partially hydrogenated polybenzylated toluene.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Negative; 48 hr, (daphnia magna): >100 mg/l; 96 hr, (fathead minnow): >100 mg/l; 96 hr, (rainbow trout): >100 mg/l.
Exposure. Manufacture, processing, use and disposal: dermal, and inhalation, a total of 20 workers, up to 250 hrs/employee/yr.
Environmental Release/Disposal. Disposal by approved landfill.

PMN 83-348

Manufacturer, Monsanto Company.
Chemical. (S) Polybenzylated toluene.
Use/Production. (S) Intermediate. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: inhalation, a total of 6 workers, up to 52 hrs/employee/yr.
Environmental Release/Disposal. Disposal by approved landfill.

PMN 83-349

Manufacturer, Eastman Kodak.
Chemical. (G) Polyol polymethacrylate.
Use/Production. (G) Contained use. Prod. range: Confidential.
Toxicity Data. Acute oral: >4.9 gm/kg; Acute dermal: >2 g/kg; Irritation: Skin—Severe, Eye—Slight; Ames Test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. 50-5,000 kg/yr released to environment.

PMN 83-350

Manufacturer, Eastman Kodak.
Chemical. (S) 2-propoxyethyl acetate.
Use/Production. (S) Solvent for coatings and finishes. Prod. range: Confidential.
Toxicity Data. Acute oral: 9.5 g/kg; Acute dermal: >19 g/kg; COD: 2.1 g/ml; Irritation: Skin—Slight, Eye—Slight; Inhalation: LC₅₀, 6 hrs.: >834 part per million (ppm); Skin sensitization: None.
Exposure. Manufacture and processing: dermal and inhalation, a total of 42,512 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Minimal release to air, water and land.
Dated: December 30, 1982.
Ronald A. Stanley,
Acting Director, Management Support Division.

(FR Doc. 83-452 Filed 1-6-83; 8:45 am)
BILLING CODE 6560-50-M

[ER-FRL-2281-1]

Availability of Environmental Impact Statements Filed December 27 Through December 30, 1982 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information, 382-5075 or 382-5076.

Corps of Engineers:

EIS No. 820825, Report, COE, OH, Report—Conneaut Harbor Maintenance/Dredging, Lake Erie, Ashtabula County
Department of Energy:
EIS No. 820826, Draft, DOE, TX, Pantex Plant Site, Continued Operation, Carson County, Due: Mar. 15, 1983

Department of the Interior:

EIS No. 820824, Draft, BLM, CA, Otay Area Grazing Management Plan, Los Angeles/Riverside/San Diego Counties, Due: Feb. 21, 1983
EIS No. 820827, Draft, BLM, SEV, AZ, UT, Arizona Strip Wilderness Study Areas, Wilderness Designation, Due: Mar. 7, 1983

Department of Transportation:

EIS No. 820822, Final, FAA, NH, Lebanon Airport Runway Ext./Industrial Park Development, Grafton County, Due: Feb. 7, 1983

EIS No. 820817, Draft, FHW, PA, Mid-County Expressway (I-476/LR-1010) Completion, Montgomery County, Due: Feb. 28, 1983

EIS No. 820766, Draft, FHW, IL, North End Bridge Construction, Big Timber Rd. to Summit St., Kane County, Due: Feb. 25, 1983

EIS No. 820823, Final, FHW, MT, West Valley Highway/US 10A Reconstruction, Deer Lodge County, Due: Feb. 7, 1983

Department of Housing and Urban Development:

EIS No. 820821, Final, HUD, TX, San Antonio North-NW Growth Corridor Area-wide Study, Bexar County, Due: Feb. 7, 1983

Department of Agriculture:

EIS No. 820820, Draft, AFS, SEV, OR, CA, Klamath National Forest Land and Resource Management Plan, Due: Mar. 31, 1983

EIS No. 820828, Final, SCS, KS, Diamond Creek Watershed Flood Protection Plan, Chase and Morris Counties, Due: Feb. 7, 1983

EIS No. 820829, Final, SCS, KS, Middle Creek Watershed Flood Control Plan, Chase, Marion & Morris Counties, Due: Feb. 7, 1983

Amended Notices:

EIS No. 820815, Final, FHW, AR, AR-29 Relocation, I-30 to AR-29, Hope, Hempstead County, Due: Feb. 7, 1983
EIS No. 730509, Draft, NPS, AK, Glacier Bay National Monument General Management Plan, Officially withdrawn
EIS No. 721514, Draft, NPS, CA, Joshua Tree National Monument Wilderness General Management Plan, Officially withdrawn

¹ Published FR Dec. 30, 1982—Review period reestablished due to noncompletion of distribution.

EIS No. 740306, Draft, NPS, CA, Death Valley Wilderness Area, Officially withdrawn
EIS No. 731915, Draft, FWS, OR, Hart Mountain National Antelope Refuge, Officially withdrawn
EIS No. 740427, Draft, FWS, SEV, MD, VA, Assateague Island/Chincoteague Wilderness Area, Officially withdrawn
EIS No. 740262, Draft, BLM, REG, OCS, Hard Mineral Regulations, Leasing, Officially withdrawn
Dated: January 4, 1983.

Louis J. Cordia,

Acting Director, Office of Federal Activities.

(FR Doc. 83-471 Filed 1-6-83; 8:45 am)

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 82-576]

Prescription of Revised Percentages of Depreciation Pursuant to the Communications Act of 1934, as Amended; American Telephone & Telephone Co., Long Lines Department, et al.

AGENCY: Federal Communications Commission.

ACTION: Depreciation rate prescription order.

SUMMARY: Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), the Federal Communications Commission has ordered eleven Bell System operating companies to apply the percentages of depreciation which are set forth in the Appendix. These eleven companies filed for revised depreciation rates for various accounts and submitted studies and data to substantiate their requests. The intended effect of this action is to charge, as accurately as circumstances will allow, the cost of the consumption of depreciable assets to the periods in which the assets are useful in the production of revenues.

EFFECTIVE DATE: The companies are to apply the depreciation rates as of the date or dates set forth in the Appendix. In no case is an effective date prior to January 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief, Depreciation Rates Branch, (202) 634-1861.

SUPPLEMENTARY INFORMATION: In the matter of the Prescription of Revised Percentages of Depreciation pursuant to Section 220(b) of the Communications Act of 1934, as amended for: American

Telephone and Telegraph Company, Long Lines Department, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, The Southern New England Telephone Company, and Wisconsin Telephone Company.

Adopted December 22, 1982.
Released December 30, 1982.

I. Introduction

1. Section 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 220(b), states that the Commission shall, as soon as practicable, prescribe classes of property for which depreciation charges may be included in operating expenses and the percentages of depreciation which shall be charged to each of the classes. It also states that the Commission may, when it deems necessary, modify the classes and percentages so prescribed.

2. By this order we prescribe revised percentages of depreciation (depreciation rates) for the eleven Bell Operating Telephone Companies (BOTC's) listed above using the straight line equal life group (SLELG) method.

II. Background

A. Straight Line Equal Life Group Method

3. In FCC Docket No. 20188, 83 FCC 2d 267 (1980), *reconsideration*, 87 FCC 2d 916 (1981), we amended our rules to permit the use of the SLELG depreciation method for new additions to plant as an alternative to the straight line vintage group (SLVG) method, provided that adequate data is available for the proper application of the method.

4. The primary differences between the SLELG and SLVG methods lie in the definition of the basic depreciation groups and in the approach each takes in spreading the original cost of assets comprising the basic groups over their estimated average service lives. While SLVG forms its basic groups by combining all units placed in one year (i.e., a vintage group), SLELG creates its basic groups by combining all units within each vintage group which share an equal life expectancy (i.e., an equal life group). While the SLVG method is designed to depreciate 100% of the

original cost of a vintage on average over the life cycle of each vintage, the SLELG method is designed to depreciate 100% of the original cost of each plant unit over its life. As a consequence, if projections are accurate, the SLELG method should allow for depreciation at a rate more representative of the actual consumption of units of property than SLVG. We concluded in Docket No. 20188 that the proper application and monitoring of this method would not only enhance the carriers' cash flow and present to all interested parties a more accurate and objective financial picture of the carriers operations and capital requirements, but would also benefit their customers by encouraging innovation and the introduction of new technology.

5. Under both the SLVG and SLELG methods, retirement projections, service life estimates, and depreciation rates are normally determined, in part, through the use of survivor curves. These survivor curves define the relationship between the age of plant investment and the relative percentage expected to remain in service. Under the SLELG methodology, the survivor curves assume an added significance—that of defining the basic (equal life) groups. Under the SLVG method, most survivor curves have been selected only after the staff has completed detailed statistical analysis of historical retirement data. With the added significance of the survivor curves in the SLELG method, the availability and analysis of historical retirement data becomes even more important.

6. We recognized the importance of adequate data in Docket No. 20188 where we found that the SLELG method is acceptable, provided that:

* * * it is assured that adequate data is available for proper application of the method; that record keeping and reporting practices will enable monitoring of the reasonableness of the rate of allocation of both original cost and provisions for salvage and removal; that such allocation of original cost will achieve allocation over the service life of the property neither more nor less than 100% of the investment net of salvage value.

Accordingly, we directed the staff to take such measures as may be necessary to insure the measurability and accountability of the results under the SLELG method.

We further directed the staff to phase in the implementation of SLELG depreciation rates beginning with the outside plant accounts, followed by the central office equipment accounts and concluding with all other plant accounts. In accordance with this directive, this year the staff reviewed SLELG rates for the outside plant accounts for all of the

BOTC's. As a result of that review, we adopted SLELG rates for new additions to most of the outside plant accounts for fifteen of these companies in July (see FCC 82-353, 90 FCC 2d 964 (1982)) and for nine additional companies in December (see FCC 82-542, Mimeo No. 32468). Our findings and conclusions regarding the SLELG rates for AT&T Long Lines outside plant accounts are discussed below (see paragraph 26 ff). With the adoption of this order, the prescription of SLELG rates for the outside plant accounts is complete for the Bell System.

8. This year the staff also reviewed SLELG rates for the central office equipment accounts for most of the BOTC's. As a result of that review, we adopted SLELG rates for new additions to most of the central office equipment accounts for nine of these companies in December (see FCC 82-542, Mimeo No. 32468). Our findings and conclusions regarding the SLELG rates for ten of the eleven BOTC's listed in the caption of this proceeding are discussed below (see paragraph 26 ff).¹ With the adoption of this order, the prescription of SLELG rates for the central office equipment accounts is complete for the BOTC's which have requested such rates.

B. Review Procedures

9. Since the late 1940's, the Commission has reviewed and prescribed the depreciation rates of approximately one-third of the larger FCC-subject telephone companies each year. In most cases we have prescribed rates for a carrier only after the following actions have been completed:

- (1) Submittal of depreciation studies by the carrier.
- (2) Staff review of the carrier's filings and studies in support of its proposed life and salvage factors.
- (3) Independent staff analysis of such information as the carrier's plant mortality data and equipment retirement plans.
- (4) Preparation of preliminary staff recommendations.
- (5) Discussion of the carrier's filings and the preliminary Commission staff proposals at a conference in which representatives of the carrier and the staffs of the respective state commissions and the FCC participate (i.e., a three-way meeting).

10. During the past year, in addition to the filings in conjunction with the staff's normal triennial represcription cycle, we received SLELG proposals from the

¹ AT&T Long Lines is scheduled for a complete review of depreciation rates in 1983; as a result, it did not file for SLELG rates for central office equipment this year.

BOTC's listed in the caption of this proceeding. The need to resolve the issues raised by these filings in a timely manner required the staff to depart from its traditional procedures. Because it was apparent that there were insufficient staff resources to allow the complete review of life and salvage factors for the carriers requesting SLELG rates, the staff chose to omit portions of steps 2 and 3 above and instead use the life and salvage factors which underlie currently prescribed rates. In addition, time and resource constraints precluded the discussion of SLELG rates with the carriers and respective state commissions at three-way meetings. Instead, comments regarding the carrier filings and preliminary staff proposals were solicited from the carriers and respective state commissions via correspondence and telephone conversations.

11. On August 13, 1982, the staff sent review letters to the BOTC's and the respective state commissions outlining its assessment of the BOTC's SLELG studies and its own recommendations for SLELG rates. Comments were solicited from the carriers and the respective state commissions regarding the carrier and FCC staff recommendations. Subsequently, in September the BOTC's formally filed for SLELG rates for the central office equipment accounts. At that time, six BOTC's whose depreciation rates are scheduled for review in 1983 notified the staff of their intention not to file for SLELG rates for central office equipment. The staff analyzed the BOTC filings and arrived at its recommendations and, on October 12, 1982, issued a public notice (Report No. 2909) entitled, "Depreciation Rate Prescriptions Proposed For Domestic Telephone Companies." This public notice summarized the FCC staff's proposals for revised depreciation rates and the change in depreciation expense that would result if those proposed depreciation rates were approved. On October 13, 1982, the staff transmitted to each company and respective state commission a copy of the October 12 public notice, schedules containing the proposed SLELG rates and the staff analysis underlying the proposed SLELG depreciation rates.

III. Summary of Comments

A. August 13, 1982, Review Letters

12. Responses to the staff's August 13, 1982, review letters were received from AT&T, each of the BOTC's whose rates are under consideration here, and two of the BOTC's who decided not to file for SLELG rates this year. In addition the

following state commissions responded: Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, North Dakota, South Carolina and Virginia.

13. AT&T, the BOTC's, and the Indiana and Mississippi commissions were in substantial agreement with the FCC staff position that SLELG rates should be used. On the other hand, the Iowa, Kentucky, Louisiana, Maryland, and Virginia commissions were opposed to the use of SLELG rates. The North Dakota and South Carolina commissions did not state whether they supported or opposed the use of SLELG rates.

14. AT&T, the BOTC's and the Indiana Commission agreed with most of the SLELG rates proposed by the FCC staff; however, they disagreed with the FCC staff position that SLELG treatment should not be allowed for the COE-Step-by-Step and COE-Crossbar accounts on the grounds that they are "dying" accounts that will be almost fully retired within a few years. AT&T stated that, although these are "dying" accounts, significant investment will be added to these accounts over the next several years and that remaining-life rates would provide first year accruals of only one-half those provided by SLELG rates. AT&T also asserted that its detailed retirement plans for these accounts provide a sound basis on which to determine SLELG depreciation rates. Additionally, it stated that the FCC, in approving the SLELG method, left room for judgment as to what constitutes adequate data, and that, in the exercise of this judgment, weight should be given to the Commission's decision that SLELG is a preferred method. AT&T also contended that the use of the SLELG method in "dying" accounts is important in that it helps prevent the deferral of capital recovery beyond the physical life of the property. AT&T also stated that the FCC staff's proposals regarding future net salvage and interim retirement patterns warrant further investigation. Finally, AT&T stated that the life estimates underlying currently prescribed rates for COE-ESS are too long.

15. The Mississippi Commission also generally agreed with the use of SLELG rates; however, it stated that additional information would have to be relieved before it could form an opinion as to the appropriateness of the staff's proposed curve shape for COE-Electronic.

16. The Kentucky Commission stated that it does not believe the use of SLELG is necessary in order to provide adequate capital recovery. It stated that the use of the remaining-life technique will allow proper recovery, but that, if SLELG rates are to be used, the rates

proposed by the FCC staff are appropriate. The staff of the Kentucky Commission also endorsed the FCC staff's proposal to continue to use the remaining-life method for the COE-Step-by-Step and COE-Crossbar accounts. It stated that retirement dispersion patterns for these "dying" accounts could not be determined for new additions in these subaccounts, and that, therefore, SLELG rates could not be properly implemented.

17. The Iowa Commission had no comments regarding the proposed changes in depreciation rates for Northwestern Bell Telephone Company's interstate operations; however, it stated that it would retain exclusive jurisdiction over the establishment of depreciation practices for the intrastate operations of Northwestern Bell Telephone Company and that it, therefore, did not concur in such changes for the intrastate plant in Iowa. The Louisiana Commission stated that it has not authorized South Central Bell to use the SLELG method for intrastate ratemaking purposes. The Maryland Commission contended that the benefits associated with the SLELG procedure are illusory because estimated service lives will always be inaccurate and, therefore, proper matching of capital consumption and recovery will not occur. It also claimed that SLELG depreciation methods have not been shown to be superior to the SLVG procedure. The Virginia Commission reiterated its comments made in response to an earlier public notice; i.e., that SLELG is neither necessary nor in the best interests of Virginia telephone companies or customers.

18. The North Dakota Commission stated that it believed Northwestern Bell would not file for SLELG rates for central office equipment until 1983, and that it would reserve comment until the filing.

19. The South Carolina Commission stated that it was concerned about several assumptions made by the staff as well as the underlying methodologies the staff used. It requested that the FCC postpone consideration of the implementation of SLELG for central office equipment in South Carolina until after the scheduled three-way meeting in 1983. It stated that the three-way meeting is the appropriate forum for a complete enunciation of all its concerns and alternative proposals.

B. October 12, 1982, Public Notice

20. Responses to the staff's October 12, 1982 public notice were received from AT&T and the staffs of the

Louisiana, Maryland and Virginia commissions.

21. AT&T and the Maryland and Virginia commissions reiterated their earlier comments in response to the staff's August review letters (see paragraphs 14 and 17). AT&T again stated that it supports the staff's proposals with the exception of the denial of SLELG treatment for the COE-Step-by-Step and COE-Crossbar accounts. Virginia expressed the concern that its comments with regard to AT&T's SLELG filings for outside plant were dismissed without sufficient consideration in FCC Order 82-353, *supra*. The Virginia Commission also questioned why our staff requested comments when we have already stated that the question of whether or not the SLELG method should be used was decided in Docket No 20188.

22. AT&T Long Lines stated that it did not request SLELG treatment for accounts in which it did not maintain vintage retirement data. In addition, it agreed with the rates proposed by the staff in the October 12, 1982 public notice.

IV. Discussion of Issues

A. Use of SLELG

23. In our decision in Docket No. 20188, we considered the arguments expressed by the parties for and against the use of the SLELG method and determined that the use of SLELG rates is appropriate, provided adequate data is available. In the discussion in the Final Report and Order, we found that the use of SLELG comports with the mandate of Section 1 of the Communications Act, "to make available * * * a rapid, efficient, nationwide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * *" 47 U.S.C. 151. We reaffirmed our decision allowing the use of SLELG in our Order on Reconsideration as well as in five prescription orders approved this year (viz., FCC 82-53, 88 FCC 2d 1567 (1982), FCC 82-353, *supra*, FCC 82-354, 90 FCC 2d 997 (1982), FCC 82-542, Mimeo No. 32468, and FCC 82-543, Mimeo No. 32469). Nevertheless, several states have again questioned whether the use of SLELG rates is warranted. Inasmuch as these states have not raised any new arguments or evidence regarding the use of SLELG rates, we have no basis to reverse our decision on this matter. Our rules, as amended in Docket No. 20188, clearly allow the use of SLELG for accounts in which adequate data is available to properly apply and monitor it. Therefore, we will allow its use.

24. Although the Virginia Commission is correct that the issue of whether or not the SLELG method may be used has already been decided, this does not mean that it was meaningless to solicit comments. The primary purpose of the October 12, 1982, public notice was not to bring into question our rules, which clearly allow the use of the SLELG method, but rather to solicit comments regarding the effective dates proposed by the carriers and the life and net salvage factors that were under consideration for use in determining SLELG rates. Virginia did not respond to these issues. However, several respondents did and their comments are considered in this order (see paragraphs 26-28).

B. Preemption of States

25. Several state commissions stated that they have not approved SLELG procedures for their jurisdictions. The presence or absence of state commission approval of SLELG rates does not control the prescription of SLELG rates in this order. The prescription of depreciation rates is plainly a matter within the Commission's jurisdiction under Section 220(b) of the Communications Act. We have today ruled that such depreciation orders are binding at both the federal and state levels. See Amendment of Part 31, FCC 82- , Mimeo No. — (adopted December 22, 1982).

C. Life and Net Salvage Factors

26. Our staff has stated that SLELG rates should be based upon the life and salvage factors determined in conjunction with the staff's last complete review of these companies' rates, because these companies are not scheduled for a complete review of depreciation rates until 1983 or 1984, and staff resources did not permit a complete review of life and salvage factors this year. In the October 12, 1982 public notice, the staff clearly stated its preference for the use of current life and salvage factors, and there were no comments to the contrary in response to that public notice. Furthermore, the BOTC's agreed with the staff and filed for SLELG rates based upon the factors determined in the last complete depreciation rate review. In this instance, we find that the benefits derived from implementing the new methods in a timely manner outweigh any advantages that may be derived from improving the precision of the estimates through the preparation and review of new studies of life and salvage. Furthermore, any inaccuracies that may result will be identified and

resolved in the regularly scheduled reviews in 1983 and 1984.

27. The South Carolina Commission contended that SLELG rates should not be prescribed until it has had an opportunity to discuss the rates at a three-way meeting. We agree with South Carolina that it would be preferable to prescribe rates only after all the steps outlined in paragraph 9 are completed; however, we believe that the completion of all the steps outlined in that paragraph would have resulted in an unacceptable delay in the implementation of SLELG rates. We, therefore, believe the staff's departure from the traditional review procedures (i.e., especially the decision not to hold three-way conferences) was justified. Furthermore, we find that, with the staff review letters having been sent to the carriers and respective state commissions in August and with the public notice having been issued in October, South Carolina and all other parties had a reasonable opportunity to review the company and FCC staff proposals and submit their views for our consideration.

28. In FCC 82-353, *supra*, we pointed out that, when there is a strong relationship between the age of retirements and net salvage, future net salvage estimates for embedded plant do not apply to future additions of plant. In the companies' most recent depreciation studies for the COE-circuit and COE-Radio accounts, net salvage percentages and the age of retirements were demonstrated to be highly correlated. As a result, the future net salvage estimates used in determining the remaining-life rates for embedded plant are not appropriate for use in determining SLELG rates for new additions to plant. The staff analyzed these accounts and made the necessary adjustments to convert future net salvage factors originally derived for embedded plant to future net salvage factors for use with new additions to plant. The proposed adjustments were provided to the carriers and state commissions in October, and no responses objecting to these proposals were received. Therefore, we support the staff's proposals for SLELG future net salvage percentages in these accounts.

D. Accounts for Which SLELG Rates Are Not Recommended

29. In our final decision in Docket No. 20188, we found that the SLELG method is acceptable if adequate data is available for the proper application of the method and if the carriers' record keeping practices will allow for the

monitoring of the reasonableness of the rates. In each of the SLELG prescription orders approved to date, we have concluded that vintage retirement data is a minimum requirement for the proper application and monitoring of SLELG rates. In this proceeding, AT&T commented that it believes SLELG rates should be allowed for all accounts regardless of whether vintage retirement data is maintained; however, it offered no new argument or evidence to support this contention. There is, therefore, no basis on which to rescind the reporting requirements established in Docket No. 20188. We conclude that it is inappropriate to prescribe SLELG rates for accounts in which vintage retirement data is not maintained.

30. The staff proposes that new additions to the COE-Step-by-Step and COE-Crossbar accounts not be depreciated using the SLELG method. The staff argues that it is impractical to determine reasonable future survivor curves for these additions because these accounts consist of classes of equipment which are being rapidly retired from service. The staff proposes that new additions, as well as embedded plant, in these accounts be depreciated using the remaining-life method, and asserts that the remaining-life method will assure timely and complete recovery of capital. AT&T disagreed and argued that the objectives of the FCC, as stated in our decision in Docket No. 20188, would be frustrated by not applying SLELG rates to these accounts.

31. Both the FCC staff and the Kentucky Commission stated that estimated survivor curves for COE-Step-by-Step and COE-Crossbar have not been determined in previous depreciation studies and that it is impractical to do so at this time. This is because it has not been demonstrated that the companies can accurately estimate future additions or retirements for individual switching units. With the majority of remaining lives for electromechanical equipment in the three to seven year range, the error of these estimates will likely be significant. New additions to these accounts will clearly have very short and volatile estimated remaining lives, making the development of reliable survivor curves virtually impossible. Without reliable survivor curves, the development of an SLELG depreciation rate is illusory. This is because the remaining life "corrections" and curve shape changes would rapidly alter the overall depreciation rate for the account. We previously stated that SLELG rates should be used if adequate data exists to properly apply the method. Inasmuch

as the future survivor curves cannot be practically determined, we agree with the staff that the proper application of the method cannot be accomplished for these accounts.

32. Additionally, as noted by AT&T, the current Bell System investment in the electromechanical accounts is approximately \$13 billion, virtually all of which will be retired over the next ten years. The current annual additions to central office equipment are nearly \$7 billion. In this context we find that the \$600 million being added annually to the electromechanical accounts, which consists largely of reused (i.e., previously installed) equipment and associated labor, is not significant.

33. AT&T is probably correct that the current remaining-life rates may be only one-half the first year SLELG rates. However, an examination of this by the staff revealed that, if remaining lives were updated annually, the resultant remaining-life rates would be comparable to the first year SLELG rates for COE-Step-by-Step and would average one-third lower for COE-Crossbar. In most cases remaining-life rates are higher than SLELG rates by the end of the second year. Considering the aforementioned volatility of the life and curve shape estimates underlying the SLELG method, we find that the additional accruals provided by the SLELG method are insignificant even over the first two years of application.

34. We do not agree with AT&T that the use of the remaining-life method risks any deferral of capital recovery beyond the remaining-lives of the assets. Remaining-life rates are designed to completely depreciate invested capital over the remaining life of a group of assets. This feature was the primary reason that we changed our rules in Docket No. 20188 to allow the use of the remaining-life method. We concur with the staff's reasoning and find that the remaining-life method should be used for depreciation of the COE-Step-by-Step and COE-Crossbar accounts.

35. While we agree with the staff's reasoning on the use of the remaining-life method for the electromechanical accounts, we also believe that some special measure is required to assure full and timely capital recovery on these short remaining life assets. We, therefore, direct the staff to update remaining-life depreciation rates for these accounts on an annual basis as requested by the companies or as is deemed necessary by the staff. These updates will assure that capital recovery is not unnecessarily deferred.

E. Original Cost and Net Salvage Rates for ELG

36. We are only prescribing SLELG rates for the original cost of investment for the first four years of new additions to most central office and outside plant accounts. These rates will be applied until the next triennial review of depreciation for these companies. At that time the actual results of the use of the SLELG method will be evaluated, and methods and rates will be modified as necessary.

37. Present carrier accounting practices do not allow carriers to accumulate net salvage data by vintage for all classes of plant. For example, retirement of a complete bay of central office equipment may involve removal of equipment of several vintages, but would normally result in a single aggregate cost of removal and salvage. In this situation it is not feasible to allocate that cost of removal or salvage among the vintages in a meaningful manner. For this reason, instead of prescribing net salvage depreciation rates for each vintage, we are prescribing a single net salvage depreciation rate which is to be applied to all new vintages until the next regular review. See FCC 82-53, FCC 82-353, and FCC 82-354.

F. Conclusion

38. Having considered the responses to the staff's review letters and public notice, the recommendations of the staff, and the proposals of the companies, we find the resulting SLELG rates listed in the Appendix to be appropriate rates to be applied, unless modified by further order of this Commission.

V. Ordering Clause

39. Pursuant to Sections 4(i) and 220(b) of the Communications Act of 1934, as amended, 47 U.S.C. 4(i) and 220(b), it is ordered, That the percentages of depreciation set forth in the Appendix to this order are prescribed effective on the dates listed.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Due to the continuing effort to minimize publishing costs, the Appendix of this document (Schedules of Annual Percentages) will not be pointed herein. However, copies of this document in its entirety are available from any of the distribution centers listed in the FCC Office of Public Affairs, Rm. 202, 1919 M St., N.W., Washington, D.C. 20554, (202) 254-7674. Also, a copy is available for inspection in the FCC Dockets Branch, Rm. 239, and the FCC

Library, Rm. 639, both located at 1919 M St. N.W.

[FR Doc. 83-453 Filed 1-6-83; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-673-DR]

Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA-673-DR), dated December 13, 1982, and related determinations.

DATED: December 28, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Arkansas dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982:

For Individual Assistance:

The Counties of Craighead, Hempstead, Hot Spring, and Miller.
(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-412 Filed 1-6-83; 8:45 am]
BILLING CODE 6718-02-M

[FEMA-674-DR]

Illinois; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA-674-DR), dated December 13, 1982, and related determinations.

DATED: December 30, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982:

In addition to Individual Assistance under Pub. L. 93-288, La Salle County is also designated eligible for Federal assistance to disaster-damaged public schools under Pub. L. 81-815 and Pub. L. 81-874, as appropriate.

For Public Assistance:

Brown, Calhoun, Jersey, Schuyler, Scott and Tazewell Counties.
(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-413 Filed 1-6-83; 8:45 am]
BILLING CODE 6718-02-M

[FEMA-674-DR]

Illinois; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA-674-DR), dated December 13, 1982, and related determinations.

DATED: December 27, 1982.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982:

For Individual Assistance:

The Townships of Mascoutah and Engelmann in St. Clair County.
(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-414 Filed 1-6-83; 8:45 am]
BILLING CODE 6718-02-M

[FEMA-672-DR]

Missouri; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Missouri (FEMA-672-DR), dated December 10, 1982, and related determinations.

DATED: January 3, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Missouri dated December 10, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1982:

The City of Times Beach in St. Louis County for debris clearance and emergency protective measures.

For Public Assistance:

The Counties of Bollinger, Carter, Iron and Wayne.

The City of Thayer in Oregon County.
The City of Waynesville in Pulaski County.
The City of Valley Park in St. Louis County.
The City of Fenton in St. Louis County.
The Town of Ste. Genevieve in Ste. Genevieve County.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-415 Filed 1-6-83; 8:45 am]
BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-211]

Continental Federal Savings & Loan Association, Oklahoma City, Oklahoma; Final Action; Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on December 30, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of Continental Federal Savings and Loan Association, Oklahoma City, Oklahoma ("Association"). The application had been approved by the Board by Resolution No. 82-90, dated February 5, 1982. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Topeka, P.O. Box 176, Topeka, Kansas 66601.

Dated: January 4, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-468 Filed 1-6-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-211]

First Federal Savings & Loan Association of Front Royal, Front Royal, Virginia; Final Action; Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on December 30, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of First Federal Savings and Loan Association of Front Royal, Front Royal, Virginia ("Association"). The application had been approved by the Board by Resolution No. 81-148, dated March 31, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

Dated: January 4, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-468 Filed 1-6-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-210]

Shenandoah Federal Savings & Loan Association, Martinsburg, West Virginia; Final Action; Approval of Conversion Applications

Notice is hereby given that on December 30, 1982, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Shenandoah Federal Savings and Loan Association, Martinsburg, West Virginia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Pittsburgh, Eleven Stanwix Street, Fourth Floor, Gateway Center, Pittsburgh, Pennsylvania 15222.

Dated: January 4, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-500 Filed 1-6-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM**Acquisition of Bank Shares by Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690;

1. *Alpine Bancorporation, Inc.*, Belvidere, Illinois; to acquire 80 percent of the voting shares of The Bank of Cherry Valley, Cherry Valley, Illinois. Comments on this application must be received not later than February 2, 1983.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Hopkins Financial Corporation*, Mitchell, South Dakota; to acquire 97 percent of the voting shares or assets of Leola State Bank, Leola, South Dakota. Comments on this application must be received not later than January 26, 1983.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Victoria Bankshares, Inc.*, Victoria, Texas; to acquire 100 percent of the voting shares or assets of the successor by merger to First National Bank of Ingleside, Ingleside, Texas. Comments on this application must be received not later than February 1, 1983.

D. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Michigan National Corporation*, Bloomfield Hills, Michigan; to acquire 100 percent of the voting shares of State Bank of Standish, Standish, Michigan. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than February 2, 1983.

2. *Texas American Bancshares, Inc.*, Fort Worth, Texas; to acquire 100 percent of the voting shares or assets of Heritage Bank, Houston, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than February 2, 1982.

Board of Governors of the Federal Reserve System, January 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-436 Filed 1-6-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or

assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *ACNB Corporation*, Gettysburg, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Adams County National Bank, Gettysburg, Pennsylvania. Comments on this application must be received not later than February 2, 1983.

B. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *FNH Corporation*, Herminie, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Herminie, Herminie, Pennsylvania. Comments on this application must be received not later than January 21, 1983.

2. *Mountain Bancorp, Inc.*, West Liberty, Kentucky; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of the Mountains, Inc., West Liberty, Kentucky. Comments on this application must be received not later than January 31, 1983.

C. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *The Planters Corporation*, Rocky Mount, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of The Planters National Bank and Trust Company, Rocky Mount, North Carolina. Comments on this application must be received not later than February 2, 1983.

D. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia, 30303:

1. *First Acadian Bancshares, Inc.*, Thibodaux, Louisiana; to become a bank holding company by acquiring 92.5 percent of the voting shares of Acadian Bank, Thibodaux, Louisiana. Comments

on this application must be received not later than February 1, 1983.

E. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F.A.B. Bancorp, Inc.*, Aurora, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to First American Bank of Aurora, Aurora, Illinois. Comments on this application must be received not later than February 2, 1983.

2. *Port Bancshares, Inc.*, Port Washington, Wisconsin; to become a bank holding company by acquiring 80 percent or more of the voting shares of The Port Washington State Bank, Port Washington, Wisconsin. Comments on this application must be received not later than February 1, 1983.

3. *Starr Ban Company*, Lamoni, Iowa; to become a bank holding company through merger with Lamoni Bancshares, Inc., Lamoni, Iowa and thereby indirectly acquire 100 percent of the voting shares of the successor by merger to State Bank of Lamoni, Lamoni, Iowa. Comments on this application must be received not later than January 26, 1983.

F. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *GAB Bancorp*, Jasper, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The German American Bank, Jasper, Indiana. Comments on this application must be received not later than February 2, 1983.

2. *Lookingglass Banc Corp.*, Albers, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank of Albers, Albers, Illinois. Comments on this application must be received not later than January 31, 1983.

G. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *H & L Investments, Inc.*, Manhattan, Kansas; to become a bank holding company by acquiring indirectly 100 percent of the voting shares of The First National Bank of Manhattan, Manhattan, Kansas through the acquisition of 80 percent or more of First Manhattan Bankshares, Inc., Manhattan, Kansas. Comments on this application must be received not later than January 31, 1983.

H. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President, 400 South Akard Street, Dallas, Texas 75222:

1. *Giddings Citizens State Bancshares, Inc.*, Giddings, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens State Bank, Giddings, Texas. Comments on this application must be received not later than February 2, 1983.

2. *Ouachita National Bancshares, Inc.*, Monroe, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Ouachita National Bank in Monroe, Monroe, Louisiana. Comments on this application must be received not later than January 31, 1983.

Board of Governors of the Federal Reserve System, January 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-435 Filed 1-6-83; 8:45 am]

BILLING CODE 6210-01-M

Pennbancorp; Merger of Bank Holding Companies

Pennbancorp, Titusville, Pennsylvania, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with First Seneca Corporation, Oil City, Pennsylvania. As a result of the merger, Pennbancorp's indirect ownership will exceed 5 per cent of the outstanding voting shares of the following banks: The Cheltenham Bank, Cheltenham, Pennsylvania (8.58 per cent); Penn Central National Bank of Huntingdon, Huntingdon, Pennsylvania (6.38 per cent); The Russell National Bank, Lewistown, Pennsylvania (7.48 per cent); and Commonwealth National Financial Corporation, Harrisburg, Pennsylvania (5.96 per cent). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 28, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-437 Filed 1-6-83; 8:45 am]

BILLING CODE 9210-01-M

FEDERAL TRADE COMMISSION

Phillip F. Anschutz et al.; Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Philip F. Anschutz's proposed acquisition of certain voting securities of Pennwalt Corporation.	Dec. 23, 1982.
(2) CUNA Mutual Insurance Society's proposed acquisition of all voting securities of League Life Insurance Company.	Do.
(3) Netter International Ltd.'s proposed acquisition of substantially all voting securities of Independence Holding Company.	Do.
(4) McLean Securities, Inc.'s proposed acquisition of all voting securities of Moore McCormack Lines, Incorporated.	Do.
(5) Founders Financial Corporation's proposed acquisition of all voting securities of American Defenders Life Insurance Company.	Do.
(6) American Brands, Inc.'s proposed acquisition of all voting securities of Pinchot's, Inc.	Do.
(7) Simplicity Manufacturing Company's proposed acquisition of all assets of Simplicity Division of Allis-Chalmers.	Do.
(8) Republic Health Corporation's proposed acquisition of all voting securities of Hospital Corporation of America.	Dec. 27, 1982.
(9) Stone Container Corporation's proposed acquisition of all voting securities of Samson Paper Bag Company, Inc.	Dec. 15, 1982.

Transaction	Waiting period terminated effective
(10) Masco Corporation's proposed acquisition of all voting securities of Baldwin Hardware Manufacturing Corporation.	Do.
(11) American Savings and Loan Association of Florida's proposed acquisition of all voting securities of General Homes Consolidated.	Do.
(12) First Continental Life Group, Incorporated's proposed acquisition of all voting securities of Consolidated American Life Insurance Co.	Dec. 16, 1982.
(13) The Southland Corporation's proposed acquisition of all voting securities of Ranger Energy Company, Incorporated.	Do.
(14) Hunt Financial Corporation's proposed acquisition of all voting securities of National Savings Corporation.	Dec. 17, 1982.
(15) David L. Paul's proposed acquisition of voting securities of Dade Savings and Loan Association.	Dec. 16, 1982.
(16) Milton Petrie's proposed acquisition of all voting securities of Winkelman Stores Incorporated.	Dec. 22, 1982.
(17) Sandoz Ltd.'s proposed acquisition of all voting securities of Zoecom Corporation.	Dec. 21, 1982.
(18) Anchor Hocking Corporation's proposed acquisition of certain voting securities of Towle Manufacturing Company.	Do.
(19) Siebe Gorman Holdings, PLC's proposed acquisition of substantially all voting securities of NEWCO.	Dec. 22, 1982.
(20) William S. Morris, III's proposed acquisition of all voting securities of Florida Publishing Company.	Dec. 21, 1982.
(21) Freedom Newspapers, Inc.'s proposed acquisition of certain assets of WLNE-TV Inc.	Dec. 22, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 83-382 Filed 1-6-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Hubbard Milling Co.; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Hubbard Milling Co. providing for use of Furazolidone Mixture in Red "A" Special Broiler Crumbles for treating chickens and turkeys for fowl typhoid, pullorum, and paratyphoid. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Hubbard Milling Co., 424 N. Front St., Mankato, MN 56001, is the sponsor of NADA 9-184, which provides for use of furazolidone medicated feed for treating fowl typhoid, pullorum, and paratyphoid in chickens and turkeys.

Originally sponsored by Aubrey Feed Mills, the product became effective January 7, 1954. Aubrey Feed Mills and its applications have subsequently been acquired by Hubbard Milling Co. Approval of this NADA had not been codified in the Code of Federal Regulations. In its submission of July 27, 1982, to the Bureau of Veterinary Medicine, Hubbard Milling Co. requested withdrawal of approval of the NADA under 21 CFR 514.115(d).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) 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 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 9-184 and all supplements for Hubbard Milling Co.'s Furazolidone Mixture in Red "A" Special Broiler Crumbles is hereby withdrawn, effective January 17, 1983.

Dated: December 29, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-174 Filed 1-6-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0377]

Medtronic, Inc.; Premarket Approval of Versatrac™ Model 7000 Pulse Generator and Censys™ Model 9701A Programmer

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 Versatrac™ Model 7000 Pulse Generator and the Censys™ Model 9701A Programmer sponsored by Medtronic, Inc., Minneapolis, MN. After reviewing the recommendation of the Circulatory System Devices Panel, FDA

notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 7, 1983

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On March 22, 1982, Medtronic, Inc., submitted to FDA an application for premarket approval of the Versatrac™ Model 7000 Pulse Generator and of the Censys™ Model 9701A Programmer. The application was reviewed by the Circulatory System Devices Panel, and FDA advisory committee, which recommended approval of the application for use of this device as a cardiac pacemaker system. On November 16, 1982, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in 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 Office 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 bracket in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 306e(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 of 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 issue(s) 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 February 7, 1983, file with the Dockets Management Branch (address above), two 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: December 29, 1982.

William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 83-209 Filed 1-6-83; 8:45 am]

BILLING CODE 4160-01-M

Norwich-Eaton Pharmaceuticals; Furoxone Aerodust; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by Norwich-Eaton Pharmaceuticals providing for use of Furoxone Aerodust (25 percent Furoxone, brand of furazolidone) for flock treatment of chronic respiratory disease (CRD or air sac infections) in chickens. The firm requested the withdrawal of approval.

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Norwich-Eaton Pharmaceuticals, Division of Morton-Norwich Products, Inc., P.O. Box 191, Norwich, NY 13815, is the holder of NADA 011-016, which provides for use of the antimicrobial product Furoxone Aerodust (25 percent Furoxone, brand of furazolidone) for flock treatment of

chronic respiratory disease (CRD or air sac infections) in chickens.

The application was approved on October 28, 1957. Approval of this NADA has not been codified in the Code of Federal Regulations. The product is one of several that were listed in a notice of opportunity for a hearing published in the Federal Register of May 13, 1976 (41 FR 19907). By letter dated May 11, 1982, Norwich-Eaton requested withdrawal of approval of the NADA under 21 CFR 514.115(d) because the product is not being manufactured or marketed and waived the opportunity for a hearing under the provisions of § 514.115 (21 CFR 514-115).

Section 514.115(d) allows the voluntary withdrawal of an approved NADA. Section 514.115(d) normally does not apply if the holder of the application whose withdrawal has been requested already has been afforded an opportunity for hearing on a proposal to withdraw approval of the NADA. In this case, however, Norwich-Eaton's request is being granted because of the extended time that has elapsed since the notice of opportunity for hearing was published and also because the public interest will be served and the firm's interests will not be prejudiced by the withdrawal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) 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 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications*, notice is given that approval of NADA 011-016 and all supplements for Norwich-Eaton's Furoxone Aerodust is hereby withdrawn, effective January 17, 1983.

Dated: December 29, 1982.

Gerald B. Guest,
*Acting Director, Bureau of Veterinary
Medicine.*

[FR Doc. 83-173 Filed 1-6-83; 8:45 am]

BILLING CODE 4160-01-M

Board of Tea Experts; Rechartering

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the rechartering of the Board of Tea Experts by the Commissioner of Food and Drugs for an additional period of 2 years beyond

January 3, 1983. The charter for this committee will expire January 3, 1985.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: January 3, 1983.
William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

[FR Doc. 83-416 Filed 1-6-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 82N-0220; DESI 7366]

Drugs for Human Use; Drug Efficacy Study Implementation; Oral Prescription Drugs Offered for Relief of Symptoms of Cough, Cold, or Allergy Which Contain Cyclopentamine Hydrochloride; Withdrawal of Approval

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of those parts of the new drug applications (NDA's) that pertain to Hista-Clopane Pulvules, Co-Pyroneil Pulvules, and Pediatric Pulvules and Co-Pyroneil Suspension, all held by Eli Lilly & Co. The basis of the withdrawal is that there is a lack of substantial evidence that the fixed-combination drugs are effective in the relief of symptoms of cough, cold, or allergy.

EFFECTIVE DATE: February 7, 1983.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 7366 and directed to the Division of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nicholas Reuter, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of August 17, 1982 (47 FR 35872), the Director of the National Center for Drugs and Biologics revoked the temporary exemption for the four drug products described below which permitted these products to remain on the market beyond the time limit scheduled for the implementation of the Drug Efficacy Study. That notice also proposed to issue an order withdrawing approval of the new drug applications,

or parts thereof, that provide for these drug products. The four combination products all contain cyclopentamine hydrochloride as one of the ingredients. The proposal was based on the lack of substantial evidence of effectiveness as required by section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50.

In response to that notice, Eli Lilly & Co. (Lilly) filed a hearing request for Co-Pyroneil Pulvules and Pediatric Pulvules (NDA 8-305) and Co-Pyroneil Suspension (NDA 9-234). However, Lilly subsequently withdrew its hearing request on October 18, 1982. Neither Lilly nor any other interested party requested a hearing for Hista-Clopane Pulvules (NDA 7-366).

Accordingly, the Director of the National Center for Drugs and Biologics withdraws approval of the new drug applications (or appropriate parts thereof) listed below.

1. NDA 7-366; those parts that provide for Hista-Clopane Pulvules containing chlorpheniramine maleate and cyclopentamine hydrochloride; Eli Lilly & Co., 307 E. McCarty St., Indianapolis, IN 46285.

2. NDA 8-305; those parts that provide for Co-Pyroneil Pulvules and Pediatric Pulvules containing pyrrobutamine phosphate and cyclopentamine hydrochloride; Eli Lilly & Co.

3. NDA 9-234; Co-Pyroneil Suspension containing pyrrobutamine naphthalene disulfonate and cyclopentamine hydrochloride; Dista Products Co., Division of Eli Lilly & Co.

Any drug product that is identical, related, or similar to these products and is not the subject of an approved new drug application is covered by the new drug applications reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The Director of the National Center for Drugs and Biologics, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1051-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (see 21 CFR 5.82 and 47 FR 26913 published in the Federal Register of June 22, 1982) finds that, on the basis of new information before him with respect to the products, evaluated together with the evidence available to him when the applications were approved, there is lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the

conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of NDA 7-366 and NDA 8-305 that provide for the drug products named above, and approval of NDA 9-234, and all amendments and supplements thereto, are withdrawn effective February 7, 1983.

Shipment in interstate commerce of the above products, or any identical, related, or similar product that is not the subject of an approved new drug application, will then be unlawful.

Dated: December 29, 1982.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-417 Filed 1-6-83; 8:45 am]
BILLING CODE 4160-01-M

National Institutes of Health

Cancer Therapeutics Program Project Review Committee; Establishment

The Director, National Institutes of Health, announces the establishment of the Cancer Therapeutics Program Project Review Committee by the Director, National Cancer Institute, under the authority of section 405(a)(2) of the Public Health Service Act (42 U.S.C. 286(a)(2)). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee shall advise the Director, National Cancer Institute, and the directors of the divisions of the NCI, concerning the merit review of applications requesting support for clinical and laboratory program project proposals. The committee also provides advice on related cancer research programs, identifies areas for future emphasis and for exploration of alternative approaches.

Authority for this committee shall terminate two years from the date of establishment, unless renewed by appropriate action as authorized by law.

Dated: December 29, 1982.

James B. Wyngaarden,

Director, National Institute of Health.

[FR Doc. 83-439 Filed 1-6-83; 8:45 am]
BILLING CODE 4160-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on January 17, 1983, 8:00 a.m. to 5:00 p.m., at the Dulles Marriott, Dulles International Airport, Virginia. The Meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat diabetes. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045, will provide an agenda and roster of members. Summaries of the meeting may be obtained by contacting Barbara Shapiro, Secretary, National Diabetes Advisory Board, National Institutes of Health, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045.

Dated: January 3, 1983.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 83-438 Filed 1-6-83; 8:45 am]

BILLING CODE 4140-01-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on February 17-18, 1983 at the National Institutes of Health, Building 31, Room 5A-18, 9000 Rockville Pike, Bethesda, Maryland.

The entire meeting, from 8:30 a.m. on February 17 to adjournment on February 18, will be open to the public. The Committee will discuss the plans for fiscal year 1984. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A-21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Suzanne S. Hurd, Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Dated: January 3, 1983.

Betty J. Beveridge,

Committee Management Officer.

[FR Doc. 83-440 Filed 1-6-83; 8:45 am]

BILLING CODE 4140-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the list was last published.

Public Health Service

- *Food and Drug Administration*

Subject: Reclassification Petitions of Medical Devices (0910-0138)—Extension

Respondents: Medical device establishments

Subject: Good Manufacturing Practices for Finished Pharmaceuticals; Recordkeeping Requirements (0910-0139)—Extension

Respondents: Drug manufacturers
OMB Desk Officer: Fay S. Iudicello

- *National Institutes of Health*

Subject: Evaluation of Responses to Public Inquiries—New

Respondents: Individuals, Hospitals

Subject: National Eye Institute Construction Application (0925-0129)—Extension

Respondents: Eye research institutes
OMB Desk Officer: Richard Eisinger

- *Health Resources and Services Administration*

Subject: Record of State and Local Action Under Section 1122 of the Social Security Act (0935-0003)—Revision

Respondents: State Health Planning and Development Agencies

OMB Desk Officer: Richard Eisinger

- *Office of Human Development Services*

Subject: Program Review Manual For Child Welfare Services (0980-0052)—Extension

Respondents: State and local agencies administering Child Welfare Services Programs

OMB Desk Officer: Milo Sunderhauf
Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer)

Dated: December 30, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-380 Filed 1-6-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Agua Caliente Indian Reservation; Ordinance Regulating the Introduction, Possession and Sale of Intoxicating Beverages

January 3, 1983.

This Notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. § 1161. I certify that Resolution No. 68-82, and the Tribal Liquor Control Ordinance relating to the application of the Federal Indian Liquor Laws on the Agua Caliente Indian Reservation, California, were duly adopted on December 21, 1982, by the Agua Caliente Tribal Council which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Kenneth Smith,

Assistant Secretary—Indian Affairs.

Agua Caliente Band of Cahuilla Indians Resolution No. 68-82

Whereas, the introduction, possession and sale of liquor on Indian reservations have always been clearly recognized as matters of special concern to Indian tribes and to the United States, and the control of liquor on reservations remains exclusively subject to their legislative enactments; and

Whereas, ever since at least 1953, when the Agua Caliente Band enacted

its first ordinance on the subject of the application of the federal Indian liquor laws on the Agua Caliente Indian Reservation and the Secretary of the Interior approved that ordinance, the federal government has respected this Tribe's determinations regarding liquor-related transactions and activities on the Agua Caliente Indian Reservation. Federal law currently prohibits the introduction of liquor into Indian Country (18 U.S.C. 1154), leaving to tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 U.S.C. 1161); and

Whereas, present day circumstances make a complete ban of liquor within the Agua Caliente Indian Reservation ineffective and unrealistic. At the same time, a need exists for strict tribal regulation and control over liquor sales and distribution; and

Whereas, the enactment of a tribal ordinance governing liquor sales on the Reservation providing for reasonable restrictions on liquor transactions occurring on the Agua Caliente Indian Reservation will increase the ability of the tribal government to control Reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation of the tribal government and delivery of governmental services; and

Whereas, in order to provide for increased tribal control over liquor distribution and possession on the Agua Caliente Indian Reservation and to provide for urgently needed additional revenue, the Tribal Council wishes to replace, repeal, and supersede the Tribe's previous Ordinance, adopted on September 24, 1953, on the same subject, by the accompanying Ordinance, which will become fully effective on the date when it is certified by the Secretary of the Interior, or his authorized representative, and is also published in the *Federal Register*;

Now, therefore, be it resolved by the Tribal Council of the Agua Caliente Band of Cahuilla Indians that the accompanying ordinance, entitled the "Tribal Liquor Control Ordinance," is hereby adopted and enacted according to its terms.

Certification

The foregoing resolution adopting and enacting the "Tribal Liquor Control Ordinance" was passed by a vote of 4 in favor, 0 opposed, and 0 not voting at a regular duly called meeting of the Tribal Council of the Agua Caliente Band of Cahuilla Indians at which a quorum was

present on December 21, 1982 at Palm Springs, California.

Barbara Gonzales,
Chairman.

Attest:
Richard Milanovich,
Secretary.

Agua Caliente Band of Cahuilla Indians; Tribal Liquor Control Ordinance

Section 1. Title

This Ordinance shall be known and referred to as the Agua Caliente Liquor Control Ordinance.

Section 2. Applicability

This ordinance shall apply to all transactions, as noted below, occurring on the lands of the Agua Caliente Indian Reservation, which are now or may in the future be held in trust by the United States for either the Agua Caliente Band or any individual Indians. The Agua Caliente Indian Reservation, as used herein, includes all lands included in the Executive Orders of President Grant of May 15, 1878 and of President Hayes of September 29, 1877, and as patented to the Band by patent no. 168071 issued by President Taft on January 5, 1911 under the authority of the Mission Indian Relief Act of January 12, 1891, plus any additional lands which may be added to the Agua Caliente Indian Reservation in the future.

Section 3. Findings and Purpose.

1. The introduction, possession and sale of liquor on Indian reservations have always been clearly recognized as matter of special concern to Indian Tribes and to the United States. The control of liquor on reservations remains exclusively subject to their legislative enactments.

2. Ever since at least 1953, when the Agua Caliente Band enacted its first ordinance on the subject of the application of the federal Indian liquor laws on the Agua Caliente Indian Reservation and the Secretary of the Interior approved that ordinance, the federal government has respected this Tribe's determinations regarding liquor-related transactions and activities on the Agua Caliente Indian Reservation. Federal law currently prohibits the introduction of liquor into Indian Country (18 U.S.C. 1154), leaving to tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 U.S.C. 1161).

3. Present day circumstances make a complete ban of liquor within the Agua Caliente Indian Reservation ineffective and unrealistic. At the same time, a need exists for strict tribal regulation and control over liquor distribution.

4. The enactment of tribal ordinance governing liquor sales on the reservation providing for reasonable restrictions on liquor transactions occurring on the Agua Caliente Indian Reservation will increase the ability of the tribal government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation of the tribal government and delivery of governmental services.

5. In order to provide for increase tribal control over liquor distribution and possession on the reservation and to provide for urgently needed additional revenue, the Tribal Council adopts this liquor ordinance.

6. This ordinance is intended to replace, repeal, and supersede the Tribe's previous ordinance, adopted on September 24, 1953, on the same subject and this ordinance will do so and become fully effective on the date when it is certified by the Secretary of the Interior, or his authorized representative, and is also published in the *Federal Register*.

7. Nothing in this ordinance will operate or be construed to limit or restrict the terms of any existing lease of trust land or to impair the ability of the Bureau of Indian Affairs to discharge its duties regarding such leases.

Section 4. Definitions

Unless otherwise required by the context, the following words and phrases shall have the designated meanings:

1. *Sale and Sell* includes exchange, barter, and traffic; and also the selling or supplying or distribution by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also includes a sale or selling within the state to a foreign consignee or his/her agent in the state.

2. *Wholesale Price* shall mean the established price for which liquor, beer and wine products are sold to the Agua Caliente Band of Cahuilla Indians or any licensed operator by the manufacturer or distributor, exclusive of any discount or other reduction.

3. *Alcohol* is that substance known as ethyl alcohol, hydrated oxide or ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of those substances.

4. *Liquor or Liquor Products* includes the four varieties of liquor herein

defined (alcohol, spirits, wine and beer) and all fermented, spirituous, vinous or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor or otherwise intoxicating and every liquid or solid or semisolid or other substance patented or not containing alcohol, spirits, wine or beer and all drinks of drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

5. *Spirits* means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen (17%) percent of alcohol by weight.

6. *Wine* means any alcoholic beverage obtained by fermentation of fruits, grapes, berries, apples, et cetera or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen (17%) percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen (17%) percent of alcohol by weight.

7. *Liquor Outlet* means any retail or wholesale business licensed by the Tribe to engage in the on-premises or off-premises sale of liquor, beer, or wine.

8. *Tribe or Band* means the Agua Caliente Band of Cahuilla Indians, a federally-recognized Indian tribe, acting through its duly elected and duly serving Tribal Council.

Section 5. Prohibitions

The introduction, purchase, sale, and dealing in liquor, other than through the licensees of the Tribe, within the Agua Caliente Indian Reservation, is hereby prohibited, except as provided herein.

Federal Indian liquor laws shall remain applicable to any act or transaction which is not authorized by this ordinance and violators of this ordinance shall be subject to federal prosecution as well as to legal action in accordance with applicable law.

Tribally authorized liquor transactions shall comply with California State Liquor law standards to the extent required by 18 U.S.C. 1161.

Section 6. Transition Period

All persons who, from the date that this Ordinance becomes effective and until five years thereafter, hold a valid license issued by the State of California Department of Alcoholic Beverage

Control pursuant to California Business and Professions Code section 23,000 et seq. may present to the Tribal Council evidence of his or her possession of such license. If the Tribal Council is satisfied that such person does have such a valid license, and if that person also satisfies the Tribal Council that he/she also holds a valid federal Indian trader's license issued pursuant to 25 U.S.C. 261-264 and 25 CFR 251, then the Tribal Council will issue to such person a tribal license equivalent in scope and duration to that person's previous state-issued license. Each such person shall pay a nominal fee to the Tribal Council for the privilege of the issuance of such an equivalent license in the amount equal to the Tribal Council's administrative expense in processing the request, which amount will be set by resolution of the Tribal Council. Each such tribal licensee may retain his previously-issued state license or dispose of it as he or she wishes. Such tribal licenses will be equally available to Indians and non-Indians, members of the Tribe and non-members. If a holder of such a previously-issued state license does not so obtain a tribal license during the said five-year period, then he or she will be deemed, at the expiration of that five year period, to be in violation of this Ordinance.

During this transition period, the Tribal Council will actively solicit the assistance and support of the California Department of Alcoholic Beverage Control in implementing and, if necessary, amending this ordinance to produce a regulatory scheme for liquor on the Agua Caliente Indian Reservation which will resemble that already in place and operating under the authority of the said Department to the extent feasible, so that the only essential difference between the two schemes will be that the source of licenses will be the Agua Caliente Band, rather than the said Department, with issues regarding the number of new licenses, the location of new outlets, the identity of new licensees, the transferability of present and new licenses, the method and conditions of conducting transactions, etc., to be resolved cooperatively so as to produce a tribal regulatory scheme which not only resembles that of the state, as noted above, but is also coordinated with and integrated with that of the Department. One goal of such cooperation will be to eliminate the possibility that any licensee, present or future, will be able to exploit the transition from state to tribal licensing and control to his financial, competitive, or regulatory advantage. To this end, the Tribal Council will seek to enter into a

contractual or similar relationship with the said Department by which the Tribal Council would designate the said Department as the Tribal Council's agent for administration of this ordinance, with ultimate control in the Tribal Council, as assisted and supported by the said Department and its staff.

Section 7. Issuance of New Licenses

Subject to the limitations described below, the Tribal Council may issue new licenses, according to procedures and on application forms to be prescribed by resolution of the Tribal Council, for the sale, distribution, and other aspects of liquor transactions according to the categories of such licenses now described by California Business and Professional Code section 23,000 et seq. In considering all such applications for new licenses, the Tribal Council will take into account the following factors:

1. *Number of New Licenses.* Either by its own research or in cooperation with the California Department of Alcoholic Beverage Control, the Tribal Council shall determine the number of each kind of new license which the said Department has historically issued annually for businesses or operations located on the trust lands subject to this ordinance, and will issue no greater number of each such kind of license annually than that historic number.

2. *Identity and Location of New Licensees.* In selecting which applicants for new licenses will be granted such new licenses, the Tribal Council will employ standards and take into account the same considerations as the California Department of Alcoholic Beverage Control employs, pursuant to California Business and Professions Code section 23,000 et seq. for each kind of new license. However, if the Tribal Council deems it desirable to protect the public health, safety, or welfare, it may employ standards or criteria more restrictive than those employed by the California Department of Alcoholic Beverage Control. In no event will the Tribal Council employ less restrictive standards or criteria. In addition, all applicants must present evidence that they hold federal Indian trader's licenses issued pursuant to 25 U.S.C. 261-4 and 25 CFR Part 251.

3. *Allocation of New Licenses.* If the number of qualified applicants for a kind of license for any year exceeds the number of new licenses of that kind to be issued for that year, the Tribal Council may refer the question of the selection of which applicants will be issued new licenses to the Indian Planning Commission for its

recommendation as to which applications, if granted, would be most consistent with principles of sound planning and the public health, safety, and welfare. The Indian Planning Commission's recommendation may be in the form of a ranking of qualified applicants or the results of a lottery conducted according to procedures to be established by resolution of the Tribal Council. In no event will a new or substitute license be issued if such issuance would result in a use of land which violates or is inconsistent with land use regulations established by the Tribal Council, either by contract with a local non-Indian government or directly by the Tribal Council.

4. *Coordination with Interested Parties.* In all decisions regarding licensing, the Tribal Council will solicit and give due weight to the views and recommendations of interested local non-Indian governments, the Bureau of Indian Affairs, the California Department of Alcoholic Beverage Control, local and federal law enforcement, and others with a special interest or expertise in the subject. To the extent deemed useful by the Tribal Council, public hearings will be held by either the Tribal Council or the Indian Planning Commission.

5. *Fees.* In order to maintain the stability of the market in licenses, the Tribal Council may charge a fee for the issuance of a license comparable to that charged in free-market sales of particular kinds of licenses. The amount of the fee to be charged for each kind of license will be determined by resolution of the Tribal Council and will not disrupt the market.

Section 8. Transfers of Licenses

Each license issued by the Tribal Council will be freely transferable from person to person and from premises to premises on the following conditions:

1. The application for a transfer must be approved in advance by the Tribal Council and must be accompanied by a non-refundable fee sufficient to defray the administrative expense of processing the application. The amount of the fee will be set by resolution.

2. Transfers of existing tribal licenses to new persons will be on applications similar to those for new licenses. The Tribal Council and/or the Indian Planning Commission will review such applications under the same criteria and standards as it uses for selecting qualified new licensees.

3. Transfers of existing licenses to new premises will be on application referred to the Indian Planning Commission for its views regarding the suitability of the new premises. In

reviewing such applications, the Indian Planning Commission will evaluate the new premises according to the same standard and criteria as it uses for new licenses.

Section 9. Renewals, Suspensions, and Revocations

All licenses shall be issued for a period of one year and shall be automatically renewable on application to the Tribal Council when accompanied by a fee to be set by resolution of the Tribal Council to defray the Tribal Council's expenses in processing an application, the amount of which will be set by resolution of the Tribal Council.

However, a license will not be automatically renewed if any person has raised a serious question as to the violation by the licensee of any California state law standard regarding liquor transactions, or any other matter regarding the suitability of the licensee or licensed premises for a renewal. In such case, the Tribal Council will take such steps as are necessary to investigate, evaluate, and verify the charges, according to procedures to be established by resolution of the Tribal Council, and may impose such conditions, or deny the application for renewal, as the findings may justify.

For charges of serious violations of state standards of behavior or suitability of the licensee or premises occurring during the term of a license, the Tribal Council will take steps similar to those noted above and, as its findings warrant, may suspend or revoke a license on adequate notice and hearing. In all such proceedings, the Tribal Council will solicit the views and assistance of the California Department of Alcoholic Beverage Control, local law enforcement officials, and others with reliable information in order for its decision to be fair to the licensee while still protecting the public health, safety, and welfare.

Section 10. Coordination With California Department of Alcoholic Beverage Control

The Tribal Council recognizes the experience and expertise of the California Department of Alcoholic Beverage Control in matters regarding liquor transactions. To the extent that that Department is willing to cooperate with the Tribe, the Tribal Council will take all appropriate steps to coordinate its liquor control program and its actions under this Ordinance with the Department, including delegating certain staff and investigative functions to the Department by contract.

Section 11. Tribal Liquor Enterprise

In addition to issuing licenses of various kinds to private parties under this Ordinance, the Tribal Council may, by amendment of this Ordinance, establish a Tribal liquor enterprise on such terms and conditions as may be appropriate.

Section 12. Taxes

The Tribal Council may, by ordinance or resolution, levy taxes (excise and otherwise) on the retail and/or wholesale of liquor, beer, or wine by licensees under this Ordinance. All such taxes shall be on the buyer, shall be paid by the buyer, shall be collected by the seller, and shall be remitted by the seller to the Tribal Council. All such taxes shall be devoted to the following purposes.

- Strengthening tribal government, which shall include but not be limited to, strengthening the tribal justice system enforcing this ordinance.
- Health, education, and other social service programs.
- Alcohol and drug abuse community services.
- Preserving and increasing the tribal trust land base.

Section 13. Sovereign Immunity Preserved

Nothing in this Ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Tribe. No agent, officer, or employee of the Tribe shall be authorized, nor attempt, to waive the immunity of the Tribe.

Section 14. Penalty

Any person, whether licensee or not, who violates this ordinance, or any part of it, will be deemed to have violated 18 U.S.C. 1161, and will be referred to the appropriate authorities for prosecution.

Section 15. Authority for Adoption of Ordinance

This Ordinance is adopted pursuant to Article V, parts (a), (b), (i), (k), and (l) of the Constitution of the Agua Caliente Bank of Cahuilla Indians, as amended, approved by the Commissioner of Indian Affairs on April 18, 1957.

Certification

The foregoing ordinance was duly adopted and enacted by a vote of 4 to 0 in favor, 0 opposed, and 0 not voting at a duly called and noticed regular meeting of the Tribal Council of the Agua Caliente Band of Cahuilla Indians at which a quorum was present on the 21st day of December, 1982 at the offices of

the Tribal Council at Palm Springs, California.

Barbara Gonzales,
Chairman.
Moraino Patencio,
Vice-Chairman.
Richard Milanovich,
Secretary.
Belinda Sue Short,
Member.
Lucille Grace Belardo Torro,
Member.

[FR Doc. 83-467 Filed 1-6-83; 8:45 am]
BILLING CODE 4310-02-M

Pyramid Lake Indian Reservation, Nevada; Ordinance Providing for the Introduction, Possession, Use, Consumption and Sale of Intoxicating Beverages

December 28, 1982.

This notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8 and in accordance with the Act of August 15, 1953, 87 Stat. 596, 18 U.S.C. 1161. I certify that Ordinance No. XXV which relates to the application of the Federal Indian Liquor Laws on the Pyramid Lake Reservation, Nevada, was duly adopted on August 8, 1982 by the Pyramid Lake Paiute Tribal Council which has jurisdiction over the area of Indian country included in the ordinance. Ordinance No. XXV reads as follows:

Ken Smith,

Assistant Secretary—Indian Affairs.

Resolution No. PL-63-82

Whereas, the Pyramid Lake Paiute Tribal Council in the duly constituted governing body of the Pyramid Lake Paiute Tribe by the authority of the Constitution and By-Laws of the Pyramid Lake Paiute Tribe approved by the Secretary of the Interior on January 15, 1936; and

Whereas, the Pyramid Lake Paiute Tribal Council has the duty and responsibility of regulating the possession and use, consumption and sale of liquor on the Pyramid Lake Indian Reservation.

Now therefore, be it resolved, that the Pyramid Lake Paiute Tribal Council does hereby adopt the attached Pyramid Lake Liquor Ordinance; and

Be it further resolved, that the Tribal Chairman and Tribal Secretary are hereby authorized and directed to execute the Ordinance.

Certification

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of 10 members of whom 7 constituting a quorum were present at a meeting duly held on August 6, 1982, was adopted by the affirmative vote of 7 for and 0 against, pursuant to authority contained in the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.

Della John,

Secretary, Pyramid Lake Paiute, Tribal Council.

Ordinance No. XXV

Governing the introduction, possession and sale of liquor on the Pyramid Lake Indian Reservation.

Pyramid Lake Tribal Code, Title 5, Liquor Ordinance

Chapter 5.01 General Provisions

5.01.010 *Title.* This ordinance shall be known as the Pyramid Lake Indian Reservation Liquor Ordinance.

5.01.020 *Authority.* This Ordinance is adopted by the Pyramid Lake Paiute Tribal Council pursuant to the provisions of 18 U.S.C. 1161 and Article VI, Section 1(i), (j) and (m) of the Constitution of the Pyramid Lake Paiute Tribe.

5.01.030 *Policies.*

5.01.031 The introduction, possession and sale of liquor on Indian reservations have always been clearly recognized as matters of special concern to Indian tribes and to the United States Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

5.01.032 Beginning with the creation of the Pyramid Lake Indian Reservation in 1859, the Federal Government has respected the Pyramid Lake Tribe's determinations and activities on the Pyramid Lake Indian Reservation. Historically, the Pyramid Lake Tribe has desired to carefully control the introduction, possession and sale of liquor on their reservation. Federal law currently prohibits introduction of liquor into Indian country (18 U.S.C. 1154), leaving tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 U.S.C. 1161).

5.01.033 Present day circumstances make a complete ban on liquor within the Pyramid Lake Indian Reservation ineffective and unrealistic. However, a need still exists for strict regulation and control over liquor transactions within the reservation because of the many potential problems associated with the unregulated or inadequately regulated sale, possession and consumption of liquor. The Tribal Council finds that

exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the Tribe, to protect the health and welfare of tribal members, and to address specific tribal concerns relating to alcohol use on the reservation.

5.01.034 The enactment of a tribal ordinance governing liquor sales on the reservation will increase the ability of the tribal government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation of the tribal government and delivery of tribal governmental services.

5.01.035 In order to provide for increased tribal control over liquor distribution and possession on the reservation and to provide for an urgently needed additional revenue source, the Tribal Council of the Pyramid Lake Indian Reservation hereby adopts this Liquor Ordinance.

Chapter 5.02 Pyramid Lake Liquor Commission

5.02.010 *Establishment.* There is hereby established a Pyramid Lake Liquor Commission. The members of the Pyramid Lake Paiute Tribal Council shall serve as the Pyramid Lake Liquor Commission.

5.02.020 *Powers.* The Pyramid Lake Liquor Commission shall have the following powers:

5.02.021 Administer this Ordinance by exercising general control, management and supervision of all liquor sales, places of sale and sales outlets, as well as exercising all powers necessary to accomplish the purposes of this Ordinance.

5.02.022 Adopt and enforce rules and regulations in furtherance of the purposes of this Ordinance and the performance of administrative functions.

5.02.023 Employ such persons as reasonably necessary to allow the Commission to perform its duties under this Ordinance.

5.02.024 Bring suit in the appropriate court to enforce the provisions of this Ordinance.

5.02.025 The Pyramid Lake Liquor Commission shall conduct business pursuant to this Ordinance at regular of special Council meetings and shall keep records of all proceedings of the Pyramid Lake Liquor Commission.

5.02.026 Any person Subject to the provisions of this Ordinance who is injured or aggrieved by any final regulations issued by the Pyramid Lake Liquor Commission may petition the Commission for a revision of the regulations.

5.02.027 The Pyramid Lake Paiute Tribal Council shall have the authority to establish by separate Ordinance the Pyramid Lake Liquor Agency. This agency, like Pyramid Lake Indian Tribal Enterprises, shall be constituted as a separate agency and department of the Pyramid Lake Paiute Tribe with its own charter. The purpose of the Pyramid Lake Liquor Agency shall be to purchase and sell liquor for the benefit of the Pyramid Lake Paiute Tribe.

Chapter 5.03 Appeals

5.03.010 *Sovereign Immunity Not Waived.* Nothing in this Liquor Ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Pyramid Lake Paiute Tribe. The Pyramid Lake Paiute Tribe does not consent to be sued in any court with respect to this Ordinance. No employee or agent of the Pyramid Lake Paiute Tribe or of the Pyramid Lake Liquor Commission shall be authorized, nor shall he attempt to waive the sovereign immunity of the Tribe.

5.03.020 *The Challenges to the Validity of This Liquor Ordinance.* All challenges to the validity of this Liquor Ordinance either generally, or as applied to any person, shall be presented to the Pyramid Lake Tribal Council. The decision of the Council on the matter is final.

5.03.030 *No Other Actions Created.* No private right of action by any person or group of persons, either directly against any person subject to this Ordinance, or indirectly against any Pyramid Lake Tribe Official or body to compel the enforcement of the provisions of this Ordinance shall be deemed created by this Ordinance, or be within the subject matter jurisdiction of the Pyramid Lake Tribal Court or any other court. No injunction or restraining order shall issue from the Pyramid Lake Tribal Court or any other court to enforce the provision of this Ordinance.

Chapter 5.04 Severability

5.04.010 If any provision of this Ordinance or its application to any person or circumstances is held invalid by a final judgment of a court of competent jurisdiction, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are severable.

Chapter 5.05 Definitions

5.05.010 As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

5.05.011 "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

5.05.012 "Beer" means any beverage obtained by the alcoholic fermentation of any infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than 4% of alcohol by volume. For the purpose of this title, any such beverage, including ale, stout and porter, containing more than 4% of alcohol by weight shall be referred to as "strong beer."

5.05.013 "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer) and all fermented spiritous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine, or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semi-solid, solid substance, which contains more than 1% of alcohol by weight shall be conclusively deemed to be intoxicating.

5.05.014 "Malt Liquor" means beer, strong beer, ale, stout and porter.

5.05.015 "Sale" and "Sell" include exchange, barter and traffic, and also include the selling or supplying or distributing by any means whatsoever of liquor or of any liquid known or described as beer, or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

5.05.016 "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding 17% of alcohol by weight.

5.05.017 "Wine" means any alcohol beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural products containing sugar to which any saccharine substances may have been added before, during or after fermentation and containing not more than 17% of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel and angelica not exceeding 17% of alcohol by weight.

Chapter 5.05 Tribal License Required

5.06.010 Any person desiring to sell liquor within the boundaries of the

Pyramid Lake Indian Reservation must first obtain a license from the Pyramid Lake Liquor Commission. Every license issued under this Ordinance shall be subject to all conditions and restrictions imposed by this Ordinance and by the regulations in force from time to time.

5.06.020 *Application for License.* Any person may apply for a Pyramid Lake Liquor License. Application shall be made on an approved form provided by the Pyramid Lake Liquor Commission. The application shall be filed with the Secretary of the Pyramid Lake Paiute Tribal Council. The application shall show the following:

5.06.021 Proof satisfactory that the applicant is a person of good moral character and reputation.

5.06.022 Proof satisfactory that the applicant is financially responsible.

5.06.023 Proof satisfactory that the applicant is over 21 years of age.

5.06.024 The location and description of the premises where the sales will take place.

5.06.024 That the applicant agrees to accept and abide by the conditions of the Pyramid Lake Liquor License as set forth in Section 5.06.030 of this Ordinance and any other Ordinance or Resolution of the Pyramid Lake Paiute Tribal Council.

5.06.026 That a fee as set by resolution of the Pyramid Lake Tribal Council accompanies the application.

5.06.030 *Conditions of Pyramid Lake Liquor License.* Any Pyramid Lake Liquor License issued under this Ordinance shall be subject to the following conditions:

5.06.031 Licenses shall be issued for one calendar year or the portion remaining thereof at the time the license is issued, starting with 1982.

5.06.032 If the terms of the license or location of the business so require, the licensee shall at his own expense, engage some suitable person who qualifies as eligible for employment as a law enforcement officer to maintain law and order in and about the premises where alcohol is sold.

5.06.033 The licensee shall at all times maintain an orderly, clean and neat establishment both inside and outside the premise.

5.06.034 All acts and transactions relating to the operating standards of the establishment licensed under the authority of the Pyramid Lake Liquor License shall be in conformity with the operating laws of the State of Nevada to the extent required by 18 U.S.C. 1181. A state license, however, is not required. More stringent standards of operation may be imposed upon 30 days notice to

licensees by duly enacted ordinances of the Tribal Council.

5.06.035 The licensed premises shall be subject to inspection during reasonable business hours by members of the Pyramid Lake Liquor Commission or authorized representatives in order to insure that the licensee is complying with the terms of tribal ordinances and the conditions of the license.

5.06.040 *Consideration of application.* The Pyramid Lake Liquor Commission may, within its sole discretion, refuse to issue a license. The Commission may, within its sole discretion and subject to this Ordinance, issue a license. For purposes of considering an application, the Commission may cause an inspection of the premises to be made and may inquire into all matters in connection with the construction and operation of the premises. Before the Commission shall issue a license, it shall give due consideration to the location of the business to be conducted under such license.

5.06.050 *Posting.* Every licensee shall post and keep its license in a conspicuous place on the premises.

5.06.060 *Fees.* License applications must be accompanied by an annual fee paid in advance. The Pyramid Lake Liquor Commission shall promulgate regulations establishing the annual fee for a Pyramid Lake Liquor License. Taxes or fees of the State of Nevada shall not apply. No licensee shall be required to maintain a liquor license from the State of Nevada.

5.06.070 *Expiration.* Unless sooner cancelled, every license shall expire at midnight on the 31st day of December of the year in which it was issued.

5.06.080 *Suspension and Cancellation.* The Pyramid Lake Liquor Commission may suspend or cancel any license for violation of this Ordinance. Upon suspension or cancellation, all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated as the case may be. At least ten days prior to the cancellation or suspension, the Commission shall provide notice to the licensee of its intent to cancel or suspend the license. The licensee shall have the right prior to the cancellation or suspension date, to apply to the Pyramid Lake Tribal Council for a hearing to determine whether the license was rightly suspended or cancelled. The decision of the Pyramid Lake Tribal Council on the matter shall be final. Upon suspension or cancellation of the license, the licensee shall forthwith deliver up the license to the Pyramid Lake Tribal Council. Where the license has been suspended only, the Council shall return

the license to the licensee at the expiration or termination of the period of suspension.

Chapter 5.07 Taxation

5.07.010 The Pyramid Lake Paiute Tribal Council shall have the authority, through separate ordinance, to levy and collect a tax on each retail sale of liquor within the exterior boundaries of the Pyramid Lake Indian Reservation. Any tax imposed by the Tribal Council shall apply to all retail sales of liquor on the Reservation and shall preempt any tax imposed on such liquor sales by the State of Nevada. No municipality, city, town, county or the State of Nevada shall have the power to impose any excise tax on liquor or alcoholic beverages as defined by this title, or to govern or license the sale or distribution thereof, in any manner within the Pyramid Lake Indian Reservation.

Chapter 5.08 Illegal Activities

5.08.010 No person shall engage in the manufacture or sale of liquor within the boundaries of the Pyramid Lake Indian Reservation except in conformity with this Ordinance. No person shall engage in the sale or manufacture of liquor within the boundaries of the Pyramid Lake Reservation unless duly licensed by the Tribe.

5.08.020 *Illegal Sale of Liquor by Drink or Bottle.* It shall be a violation of this Ordinance for any person to sell by the drink or bottle any liquor, except as otherwise provided in this Ordinance.

5.08.030 *Illegal Transportation, Still or Sale without Permit.* It shall be violation of this Ordinance for any person to sell or offer for sale or transport in any manner, any liquor in violation of this Ordinance or to operate or have in his possession without a permit any mash capable of being distilled into liquor.

5.08.040 *Illegal Purchase of Liquor.* It shall be a violation of this Ordinance for any person within the boundaries of the Pyramid Lake Indian Reservation to buy liquor from any person other than at a store having a Pyramid Lake Liquor License.

5.08.050 *Illegal Possession of Liquor, Intent to Sell.* It shall be a violation of this Ordinance for any person to keep or possess liquor upon his person or in any place, or on premises conducted or maintained by him as a principal or agent, with the intent to sell it contrary to the provisions of this Ordinance.

5.08.060 *Sales to Persons Apparently Intoxicated.* It shall be a violation of this Ordinance for any person to sell liquor to a person apparently under the influence of liquor.

5.08.070 *Sale to Minors.* It shall be unlawful:

5.08.071 For a licensee or any other person to sell, deliver, give or otherwise furnish liquor to any person under the age of 21 years, or leave or deposit any such liquor in any place with the intent that the same shall be procured by any person under the age of 21 years, or for a person under the age of 21 years to buy, receive, have in his possession, or consume liquor. It shall be the responsibility of the licensee or his employee and of anyone acting in his behalf to ascertain that the purchaser of any liquor, either by the drink or by the bottle, or any other container is 21 years of age or older.

5.08.072 For a licensee to employ a person under the age of 21 years to manufacture, sell or dispose of liquor.

5.08.073 For a licensee to employ a person under the age of 21 years in any capacity connected with the handling of liquor.

5.08.074 For a person under 21 years of age to offer or present to a licensee, employee or other person a fraudulent or false certificate of birth or other written evidence of age which is not actually his own, or to otherwise misrepresent his age for the purpose of inducing a licensee or employee to give, sell, serve or furnish liquor contrary to law.

5.08.075 To influence or attempt to influence the sale, giving or serving of liquor to any person under 21 years of age by misrepresenting the age of such person or to order, request, receive or procure liquor from any licensee, employee or other person for the purpose of selling, giving, or serving it to a person under 21 years of age.

5.08.076 For any person under the age of 21 years to buy, sell, give, possess, deliver, serve, or to be employed for any of the foregoing or to consume any liquor within the exterior boundaries of the Pyramid Lake Indian Reservation.

5.08.080 *Identification—Proof of Minimum Age.* Where there may be a question of a person's right to purchase liquor by reason of his or her age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his or her signature and photograph:

- (1) Liquor Control Authority Card of Identification.
- (2) Driver's License of any State.
- (3) United States Active Duty Military Identification.
- (4) Passport.
- (5) Tribal Identification or Enrollment Card.

5.08.090 *Defense to Action for Sale to Minors.* It shall be a defense to a suit for serving liquor to a person under 21 years of age if such a person has presented a card of identification as set forth in Section 5.08.080 and the licensee of his employee took reasonable care to verify the card of identification.

Chapter 5.09 Penalties

5.09.010 *Civil Fines.* Any person or entity selling, bartering or manufacturing liquor without a tribal license or otherwise violating this Ordinance shall be subject to a civil fine of not more than \$500.00 for each violation. The Pyramid Lake Tribal Council may adopt by resolution a schedule of lesser fines for each type of violation taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members.

5.09.020 *Criminal Penalties.* Any person or entity subject to criminal prosecution by the Pyramid Lake Tribe who sells, barter or manufactures liquor without a Pyramid Lake Liquor License shall be subject to a fine of not more than \$500.00 and/or six months imprisonment for each separate violation at the discretion of the Tribal Court and pursuant to all appropriate provisions of the Law and Order Code of the Pyramid Lake Paiute Tribe. The penalties provided herein shall be in addition to any criminal penalties which may be imposed by the provisions of the Pyramid Lake Law and Order Code.

5.09.030 In no event shall the same person or entity be subject to both civil and criminal sanctions simultaneously.

5.09.040 The Federal Indian liquor laws remain applicable to any act or transaction which is not authorized by this Ordinance and violators of this Ordinance may be subject to federal prosecution as well as legal action in accordance with Tribal Law.

5.09.050 *Illegal Items Declared Contraband.* All liquor within the reservation held, owned or possessed by any person or liquor outlet operating in violation of this Ordinance is hereby declared to be contraband and subject to forfeiture to the Tribe. Upon application of the Tribe, the Tribal Court Judge shall issue an order directing the appropriate law enforcement office to seize contraband liquor within the Pyramid Lake Reservation and deliver it to the Pyramid Lake Tribal Council. A copy of the Court Order shall be delivered to the person from whom the property was seized.

5.09.051 Within two weeks following the seizure of the contraband, a hearing shall be held in Tribal Court at which time the owner or operator of the

contraband shall be given an opportunity to present evidence in defense of his or her activities.

5.09.052 Adequate notice of the hearing shall be given to the person from whom the property was seized, if known. If the person is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at some other public place. The notice shall describe the property seized and the time, place and cause of seizure, and give the name and place of residence, if known, of the person from whom the property was seized.

5.09.053 If, upon the hearing, the evidence warrants or no person appears as the claimant, the Tribal Court shall thereupon enter a judgment of forfeiture and order such articles turned over to the Pyramid Lake Tribal Council for disposition.

5.09.060 *Injunctive Relief.* The Tribal Court may, in addition to other penalties set forth in this Ordinance, grant such other relief as is necessary and proper to enforce this Ordinance including but not limited to injunctive relief against acts in violation of this Ordinance.

5.09.070 *Exclusion.* Any person not a member of the Pyramid Lake Paiute Tribe who shall be found in violation of this Ordinance shall be subject to exclusion from the Pyramid Lake Indian Reservation pursuant to Chapter 3.18 of the Law and Order Code of the Pyramid Lake Paiute Tribe.

Chapter 5.10 Miscellaneous Provisions

5.10.010 *Jurisdiction.* The jurisdiction of this ordinance shall extend to all activities conducted within the exterior boundaries of the Pyramid Lake Indian Reservation except activities conducted on fee patented lands in non-Indian communities or rights of way through the Pyramid Lake Indian Reservation. Nothing in this Ordinance shall be construed to require or authorize the criminal trial and punishment by the Pyramid Lake Tribal Court of any non-Indian except to the extent allowed by any applicable present or future act of Congress or any applicable decision of a United States Federal Court.

5.10.020 *Application of 18 U.S.C. 1161.* All liquor transactions within the Pyramid Lake Reservation shall conform to this Ordinance and to the laws of the State of Nevada to the extent required by 18 U.S.C. 1161.

5.10.030 *Amendments.* All provisions of this Ordinance are subject to proper revision, repeal or amendment in accordance with the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.

5.10.040 *Repeal of Ordinances.* Ordinance No. IX as amended is hereby

repealed effective the date of this Ordinance. All previous tribal resolutions in any way dealing with the sale of liquor are hereby repealed. No other tribal ordinance or resolution shall be applied in a manner inconsistent with the provisions of this Ordinance.

5.10.050 *Effective Date.* This Ordinance shall be effective on such date as the Secretary of the Interior certifies this Ordinance and publishes the same in the Federal Register.

Certification

It is hereby certified that the foregoing Ordinance of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of 10 members whom 7 constituting a quorum were present at a meeting duly held on the 8th day of August, 1982, was adopted by the affirmative vote of 7 for and 0 against, pursuant to the authority vested in it by Article VI, Section 1 of the Constitution of the Tribe.

Roy Garcia,

Chairman, Pyramid Lake Paiute Tribal Council.

Della John,

Secretary, Pyramid Lake Paiute Tribal Council.

Approved:

Robert L. Hunter,

Superintendent.

Dated: August 12, 1982.

[FR Doc. 83-468 Filed 1-6-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Shoshone District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone District Advisory Council.

DATE: Thursday, March 3, 1983, at 9:00 a.m.

ADDRESS: BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Terry Costello, Planning and Environmental Coordinator, Shoshone District Office, P.O. Box 2 B, Shoshone, Idaho 83352. Telephone (208) 886-2206 or FTS 554-6576.

SUPPLEMENTARY INFORMATION: The approved agenda for the meeting includes the following topics or issues: BLM organization and background, Council duties and expectations, Land-

use planning, Asset management, Election of officers, Future plans.

The Shoshone District Advisory Council is established under Section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579; 43 U.S.C. 1701 et seq.), as amended. Operation and administration of the Council will be in accord with the Federal Advisory Committee Act of 1972 (Pub. L. 92-463; 5 U.S.C. Appendix 1) and Department of Interior and BLM regulations, including 43 CFR 1784.

The meeting will be open to the public. Anyone may present an oral statement before the Council between 2:00 and 3:00 p.m. or may file a written statement with the Council regarding matters on the agenda. Oral statements will be limited to ten minutes. Anyone wishing to make an oral statement must notify the Shoshone District Manager by March 1, 1983. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

Charles J. Haszler,
District Manager.

[FR Doc. 83-469 Filed 1-6-83; 8:45 am]
BILLING CODE 4310-84-M

Nevada; Order Providing for Opening of Public Lands

1. In a donation of land made under Section 205 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2755; 43 U.S.C. 1715) the following land, including minerals, has been conveyed to the United States:

Mount Diablo Meridian

T. 36 N., R. 20 E.
Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 40 acres in Washoe County, Nevada.

2. At 9 a.m. on February 7, 1983 the land described above shall be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable laws. All valid applications received from the date of this publication until February 7, 1983 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on February 7, 1983 the land will be open to location and entry under the United States mining laws and to applications and offers under the mineral leasing and material sale laws.

4. Inquiries concerning the land should be addressed to the District Manager, Bureau of Land Management, 705 E. 4th Street, Winnemucca, Nevada 89445.

Dated: December 28, 1982.

Richard G. Morrison,
Acting Chief, Division of Operations.
[FR Doc. 83-776 Filed 1-6-83; 8:45 am]
BILLING CODE 4310-84-M

Boise District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Boise District, Idaho, Advisory Council Meeting.

SUMMARY: In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Advisory Council will meet on February 1 and 2, 1983, from 9:00 a.m. to 4:00 p.m.

SUPPLEMENTARY INFORMATION: The meeting will begin at 9:00 a.m. each day in the lower conference room at the Bureau of Land Management, Boise District Office, at 3948 Development Avenue in Boise, Idaho. This is the first meeting of the Advisory Council. The agenda includes an orientation of the Boise District on the first day, and a discussion of the Bruneau/Kuna EIS and Jacks Creek Pipeline on the second day. A public comment period is scheduled from 2:00 p.m. to 3:00 p.m. each day.

FOR FURTHER INFORMATION CONTACT: Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue Boise, Idaho 83705, phone (208) 334-1582. Minutes of the meeting will be available for public inspection at the District Office.

Martin J. Zimmer,
District Manager.

[FR Doc. 83-409 Filed 1-6-83; 8:45 am]
BILLING CODE 4310-84-M

Craig District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Craig District Grazing Advisory Board will be held on February 24, 1983, at the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81626. The meeting will convene at 10:00 a.m.

The agenda for the meeting will include: (1) A discussion of new grazing policies and regulations; (2) a priority listing of range projects which need feasibility and survey and design done so that they may be constructed in FY' 84 and FY' 85; (3) status of range improvement projects being constructed

in FY' 83; (4) the expenditure of advisory board funds for range improvements; (5) status of the Kremmling Resource Management Plan; (6) status of the SVIM forage inventory in Little Snake Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 and 11:00 a.m. on February 24, 1983, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by February 21, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Lee Carle,
District Manager.

[FR Doc. 83-408 Filed 1-6-83; 8:45 am]
BILLING CODE 4310-84-M

OR-9041, OR-9041-B, OR-9041-C, OR-9041-D, OR-22432 (WASH)

Oregon and Washington; Rescission of Orders Providing for the Opening of Public Lands

This notice rescinds five orders which provided for the opening of public lands in the States of Oregon and Washington. The orders had no force and effect. They are identified as follows:

OR-9041 appearing at Pages 39905 and 39906 of the Federal Register of Friday, September 10, 1982 (FR Doc. 82-24906);

OR-9041-A appearing at Pages 37708 and 37709 of the Federal Register of Thursday, August 26, 1982 (FR Doc. 82-23473);

OR-9041-B appearing at Pages 37708 and 37709 of the Federal Register of Thursday, August 26, 1982 (FR Doc. 82-23477);

OR-9041-C appearing at Page 39723 of the Federal Register of Thursday, September 9, 1982 (FR Doc. 82-24712);

OR-9041-D appearing at Page 29886 of the Federal Register of Friday, July 9, 1982 (FR Doc. 82-18584);

OR-22432 (WASH) appearing at Page 37710 of the Federal Register of Thursday, August 26, 1982 (FR Doc. 82-23471).

Dated: December 23, 1982.

Harold A. Berends
Acting State Director.

[FR Doc. 83-407 Filed 1-6-83; 8:45 am]
BILLING CODE 4310-84-M

[U-50845]

Realty Action; Agriculture Lease; Public Lands in Uintah County, Utah

The following described lands have been determined to be suitable for agriculture lease under Section 302 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1732:

T. 4 S., R. 22 E., Salt Lake Meridian,
Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, SW $\frac{1}{4}$, SE $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, NEXNW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$.

Total 800 acres.

The lands will be leased to the Ashley Valley Sewer Management Board to be used as part of the new sewage treatment system. The lands adjoin other private and public lands containing the lagoons and a storage reservoir. The lease is consistent with the Bureau's planning system and county zoning.

The terms and conditions applicable to the lease are:

1. The lease would be issued for 20 years with the right to renew.

2. The lands would be used for production of alfalfa hay and other small grains.

3. Rental will be determined by fair market value.

Detailed information concerning the lease, including the environmental assessment, is available for review at the Vernal District Office, 170 South 500 East, Vernal, Utah 84078.

For period of 30 days, interested parties may submit comments to the Utah State Director, 136 East South Temple, Salt Lake City, Utah 84111. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Dated: December 30, 1982.

[FR Doc. 83-406 Filed 1-6-83; 8:45 am]

BILLING CODE 4310-84-M

Sec. 34, NEXSE $\frac{1}{2}$ NE $\frac{1}{4}$.

Containing 10.00 acres.

The land is to be sold noncompetitively to the Joint Powers Board, Green River, Wyoming, at the fair market value of \$110,000.00. The purpose of this sale is to provide land for construction of a city/school public recreation complex. The sale is consistent with Bureau and local government plans for the area. The public interest will be well served by offering these lands for direct sale to the Joint Powers Board.

The terms and conditions applicable to the sale are as follows:

1. All minerals in the lands will be reserved to the United States in Accordance with Section 209 (a) of the Federal Land Policy and Management Act of 1976.

2. Right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. Patents will be issued subject to all valid existing rights and reservations of records.

Detailed information concerning the sale is available for review at the Salt Wells Resource Area Office, Rock Springs District, Highway 191 North, P.O. Box 1869, Rock Springs, Wyoming 82901 (307/382-5350).

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Gene C. Herrin,
Acting District Manager.

[FR Doc. 83-454 Filed 1-6-83; 8:45 am]

BILLING CODE 4310-84-M

Initial Land Classifications*Correction*

In FR Doc. 82-33491 beginning on page 55523 in the issue OF Friday, December 10, 1982, make the following corrections:

(1) On page 55524, middle column, under **Classification Decision**, "(Suitable)" should have read "(Unsuitable)".

(2) Also on page 55524, third column, Attachment I is corrected as follows:

Under Application No. I-8654, T. 6 S., R. 8 E., in the entry for Sec. 12, "E $\frac{1}{2}$ N $\frac{1}{4}$ "

should have read "E $\frac{1}{2}$ NE $\frac{1}{4}$ "; in the entry for Sec. 14, "SE $\frac{1}{2}$ SEW $\frac{1}{4}$ " should have read "SE $\frac{1}{2}$ NE $\frac{1}{4}$ " in the entry for Sec. 14, "SE $\frac{1}{2}$ SEW $\frac{1}{4}$ " should have read "SE $\frac{1}{2}$ SE $\frac{1}{4}$ ", and in the entry for Sec. 24, "N $\frac{1}{2}$ SW $\frac{1}{4}$ " should have read "N $\frac{1}{2}$ SE $\frac{1}{4}$ ".

(2) Under Application No. I-11838, T. 6., R. 9E., the entry for Sec. 22, now reading "W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$," should have read "W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ ", and in the entry for Sec. 28, "N $\frac{1}{2}$," should be added to the beginning of the description.

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION**Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations**

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. Parent corporation and address of principal office: Browning-Ferris Industries, Inc., Post Office Box 3151, Houston, Texas 77253 (Delaware Corp.)

B. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(1) Active Disposal Company, 32600 Five Mile Road, Livonia, Michigan 48154

(2) BFI Waste Systems of Indiana, Inc., 10 North West Street, Crown Point, Indiana

(3) BI Acquisition Company, Post Office Box 3151, Houston, Texas 77001

(4) Browning-Ferris, Inc., Post Office Box 3151, Houston, Texas 77001 (Delaware Corp.)

(5) Woodlake Sanitary Service, Inc., 9613 Flying Cloud Drive, Eden Prairie, Minnesota 55344

(6) American Waste Removal, Inc., 979 Channel Avenue, Memphis, Tennessee

(7) Browning-Ferris, Inc., Post Office Box 8733, BWI Airport, Maryland 21240 (Maryland Corp.)

(8) Browning-Ferris Industries Chemical Services, Inc., Post Office Box 3151, Houston, Texas 77001

(9) Browning-Ferris Industries Chemical Services de Caribe, Inc., Urbanization Industrial, El Tuque, Ponce, Puerto Rico 00731

(10) Browning-Ferris Industries, Inc., 100 Hallet Street, Boston, Massachusetts 02124 (Massachusetts Corp.)

[W-81125]

Realty Action; Noncompetitive Sale of Public Lands in Sweetwater County, Wyoming

December 30, 1982.

The following described lands have been determined to be suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy Management Act of 1976, 43 U.S.C. 1713, at fair market value.

Sixth Principal Meridian, Wyoming
T. 18 N., R. 107 W.,

- (11) Resource Recovery Corporation, 115 Washington Street, Holliston, Massachusetts 01746
- (12) Browning-Ferris Industries of Alabama, Inc., 31 First Avenue North, Birmingham, Alabama 35202
Also 4649 Commercial Drive, N.W., Huntsville, Alabama 35805
Also 920 Navco Road, Mobile, Alabama 36606
- (13) Browning-Ferris Industries of Arizona, Inc., 2240 W. Shangri-la, Phoenix, Arizona 85029
- (14) Browning-Ferris Industries of Arkansas, Inc., Post Office Box 157, Jacksonville, Arkansas 72076
- (15) Browning-Ferris Industries of California, Inc., 1245 South Winchester Boulevard, Suite 115, San Jose, California 95128
- (16) Dallas Refuse Service, Inc., 2617 Willowbrook Road, Dallas, Texas 75220
- (17) Browning-Ferris Industries, Remedial Services, Inc., P.O. Box 3151, Houston, Texas 77253
- (18) Browning-Ferris Industries of Colorado, Inc., 3001 Walnut, Denver, Colorado 80205
- (19) Highway 36 Land Development Company, 3001 Walnut, Denver, Colorado 80205
- (20) Browning-Ferris Industries of Connecticut, Inc., 100 Hallet Street, Boston, Massachusetts 02124
- (21) Browning-Ferris Industries of Florida, Inc., Post Office Box 16966, 7580 Phillips Highway, Jacksonville, Florida 32216
Also Post Office Box 908, 1610 NW 55th Place, Gainesville, Florida 32604
- (22) Browning-Ferris Industries of Georgia, Inc., 910 Marietta Boulevard, N.W., Atlanta, Georgia 30318
- (23) Browning-Ferris Industries of Idaho, Inc., Post Office Box 1037, 117 East 37th, Boise, Idaho 83701
Also Post Office Box 985, Nampa, Idaho 83651
- (24) Browning-Ferris Industries of Illinois, Inc., 1827 Walden Office Square, Suite 107, Schaumburg, Illinois 60195
- (25) Browning-Ferris Industries of Indiana, Inc., Post Office Box 2269, 801 East Michigan, Evansville, Indiana 47714
- (26) Browning-Ferris Industries of Iowa, Inc., 112 9th Street, Des Moines, Iowa 50265
- (27) Browning-Ferris Industries of Oregon, Inc., P.O. Box 3151, Houston, Texas 77001
- (28) Browning-Ferris Industries of Kansas City, Inc., Post Office Box 15200, 3150 North 7th, Kansas City, Kansas 66115
- (29) Jeffco Land Reclamation, Inc., 11506 Bowling Green, Creve Coeur, Missouri 63141
- (30) Browning-Ferris Industries of Kentucky, Inc., 2605 Nonconah Boulevard, Suite 165, Memphis, Tennessee 38132
- (31) Browning-Ferris Industries of Tennessee, Inc., Post Office Box 18149, 3840 Homewood, Memphis, Tennessee 38118
- (32) Browning-Ferris Industries of Michigan, Inc., 12001 Mack Avenue, Detroit, Michigan 48215
- (33) Browning-Ferris Industries of Minnesota, Inc., 9813 Flying Cloud Drive, Eden Prairie, Minnesota 55344
- (34) Browning-Ferris Industries of Mississippi, Inc., 402 McDonnell Avenue, Biloxi, Mississippi 39531
Also Post Office Box 1638, 1035 Old Brandon Road, Jackson, Mississippi 39205
- (35) Browning-Ferris Industries of Montana, Inc., Post Office Box 3151, Houston, Texas 77001
- (36) Browning-Ferris Industries of Nebraska, Inc., 1118 South 11th Street, Omaha, Nebraska 68108
- (37) Browning-Ferris Industries of New Hampshire, Inc., Tolles Street, Hudson, New Hampshire 03051
- (38) Browning-Ferris Industries of New Jersey, Inc., 1075 Central Avenue, Clark, New Jersey 07066
- (39) Browning-Ferris Industries of Central Jersey, Inc., Post Office Box 3151, Houston, Texas 77001
- (40) Browning-Ferris Industries of Elizabeth, N.J., Inc., Post Office Box 508, 714 Division Street, Elizabeth, New Jersey 07207
- (41) Browning-Ferris Industries of North Jersey, Inc., 54 Montesano Road, Fairfield, New Jersey 07006
- (42) Browning-Ferris Industries of Paterson, N.J., Inc., 155 Michigan Avenue, Paterson, New Jersey 07503
- (43) Browning-Ferris Industries of South Jersey, Inc., Cranbury Station Road, Post Office Box 437, Cranbury, New Jersey 08512
- (44) Browning-Ferris Industries Waste Control, Inc., Post Office Box 3151, Houston, Texas 77001
- (45) Browning-Ferris Industries of New York, Inc., 136 Sicker Road, Latham, New York 12110
- (46) Robbins Refuse Service, Inc., 136 Sicker Road, Latham, New York 12110
- (47) Browning-Ferris Industries of Ohio and Michigan, Inc., Post Office Box 5069, Pt. Place Station, Toledo, Ohio 43611
- (48) Comet Enterprises, Inc., Post Office Box 3151, Houston, Texas 77001
- (49) Browning-Ferris Industries of Ohio, Inc., 33 N. Wickliffe Circle, Youngstown, Ohio 44515
- (50) Browning-Ferris Industries of Pennsylvania, Inc., West Noblestown Road, Post Office Box 448, Carnegie, Pennsylvania 15106
- (51) Browning-Ferris Industries of Puerto Rico, Inc., Post Office Box 29499, 65th Infantry Station, Rio Piedras, Puerto Rico 00929
- (52) Browning-Ferris Industries of Quincy, Illinois, Inc., Post Office Box 3124, 1704 North 24th, Quincy, Illinois 62301
- (53) Browning-Ferris Industries of Rochester, Inc., 2117 Marion Road, S.E., Rochester, Minnesota 55901
- (54) Browning-Ferris Industries of St. Louis, Inc., 11506 Bowling Green, Creve Coeur, Missouri 63141
Also Post Office Box 250, 91 Shady Lane, Valley Park, Missouri 63088
- (55) Jeffco Land Reclamation, Inc., 11506 Bowling Green, Creve Coeur, Missouri 63141
- (56) Rick's Repair and Mfg. Co., 2605 Nonconah Boulevard, Suite 165, Memphis, Tennessee 38132
- (57) Orchard Mesa Landfill, Inc., c/o Valley Refuse Removal, Inc., 2724 Highway 50, Grand Junction, Colorado 81503
- (58) Browning-Ferris Industries of South Atlantic, Inc., 7620 Silas Creek Parkway Extension, Suite 201, Winston-Salem, North Carolina 27106
- (59) Browning-Ferris Industries of Utah, Inc., Post Office Box 26333, Salt Lake City, Utah 84125
- (60) Browning-Ferris Industries of Vermont, Inc., Post Office Box 121, Springfield, Vermont 05156
- (61) Browning-Ferris Industries of West Virginia, Inc., Post Office Box 3151, Houston, Texas 77001
- (62) Browning-Ferris Industries of Wisconsin, Inc., 1827 Walden Office Square, Suite 107, Schaumburg, Illinois 60195
- (63) Browning-Ferris Industries of Wyoming, Inc., Post Office Box 3151, Houston, Texas 77001
- (64) Browning-Ferris Services, Inc., Post Office Box 3151, Houston, Texas 77001
- (65) Cardinal Land Corp., 32600 Five Mile Road, Livonia, Michigan 48154
- (66) Disposal Specialists, Inc., Post Office Box 121, Springfield, Vermont 05156
- (67) Dooley Equipment Corporation, 164 Market Street, Brighton, Massachusetts 02135
- (68) ECCO Contractors, Inc., 1417 North Harper Street, Santa Ana, California 92703
- (69) Environmental Equipment Corp., Post Office Box 3151, Houston, Texas 77001
- (70) ESI, Inc., Post Office Box 3151, Houston, Texas 77001
- (71) Indoco, Inc., Post Office Box 3151, Houston, Texas 77001

(72) International Disposal Corp., Post Office Box 3151, Houston, Texas 77001 (Delaware Corp.)

(73) International Disposal Corp., Post Office Box 3151, Houston, Texas 77001 (Texas Corp.)

(74) International Disposal Corp. of California, Post Office Box 1987, San Jose, California 95109

(75) International Disposal Corporation of Indiana, Post Office Box 3151, Houston, Texas 77001

(76) RWCCP, Inc., Post Office Box 3151, Houston, Texas 77001

(77) International Disposal Corporation of Kansas, Post Office Box 3151, Houston, Texas 77001 (Missouri Corp.)

(78) Landfill, Inc., Post Office Box 15200, Kansas City, Kansas 66115

(79) Landfill, Inc., Post Office Box 188 Commerce City, Colorado 80022 (Colorado Corp.)

(80) Lanham Waste Control, Inc., Post Office Box 3151, Houston, Texas 77001

(81) Louis Kmito & Son, Inc., 95 Liberty Street, Randolph, Massachusetts 02368

(82) Lyon Development Company, 32600 Five Mile Road Livonia, Michigan 48154

(83) Modern Waste Removal, Inc., 12001 Mack Avenue, Detroit, Michigan 48215

(84) National Disposal Service of Nebraska, Inc., 212 South 24th Street, Omaha, Nebraska 68108

(85) Browning-Ferris Industries of Brooklyn, Inc., P.O. Box 3151, Houston, Texas 77253

(86) Phoenix, Inc., 9813 Flying Cloud Drive, Eden Prairie, Minnesota 55344

(87) Waste Disposal, Inc., Post Office Box 15200, Kansas City, Kansas 66115

(88) West Roxbury Crushed Stone Co., 10 Grove Street, West Roxbury, Massachusetts 02132

1. Parent corporation and address of principal office: Goodall Rubber Company, PO Box 8237, Trenton, NJ 08650

2. Wholly-owned subsidiaries which will participate in the operations and state(s) of incorporation:

(i) Goodall Transportation Company, Inc., PO Box 8237, Trenton, NJ 08650; A Delaware corporation

(ii) Rubberhide, Inc., PO Box 8237, Trenton, NJ 08650; A New Jersey corporation

(iii) Goodall Rubber Company of Canada, Ltd., Pretty River Parkway, Collingwood L9Y 3Z5, Ontario, Canada; An Ontario corporation

1. The parent corporation and address of its principal office is: Guardian Industries Corp., 43043 West Nine Mile Road, Northville, Michigan 48167

2. Wholly-owned subsidiaries which will participate in the operations, and their State(s) of incorporation are:

(i) Double Seal Glass Company, Inc., Incorporated in Michigan

(ii) Glass Guard Industries, Inc., Incorporated in Massachusetts

(iii) Guardian Glass Company, Incorporated in Ohio

(iv) Guardian Industries Distribution Center, Inc., Incorporated in California

(v) Guardian Industries Distribution Center, Inc., Incorporated in Georgia

(vi) Guardian Industries Distribution Center, Inc., Incorporated in Illinois

(vii) Guardian Industries Distribution Center, Inc., Incorporated in Kansas

(viii) Guardian Industries Distribution Center, Inc., Incorporated in Maryland

(ix) Guardian Industries Distribution Center, Inc., Incorporated in Massachusetts

(x) Guardian Industries Distribution Center, Inc., Incorporated in Michigan

(xi) Guardian Industries Distribution Center, Inc., Incorporated in New York

(xii) Guardian Industries Distribution Center, Inc., Incorporated in Oregon

(xiii) Guardian Industries Distribution Center, Inc., Incorporated in Texas

(xiv) Sitelines, Inc., Incorporated in California

1. Parent corporation and address of principal office: High Industries, Inc., 1905 Old Philadelphia Pike, Lancaster, Pennsylvania 17604.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation

(i) High Steel Structures, Inc. (Pennsylvania)

(ii) High Concrete Structures, Inc. (Pennsylvania)

(iii) Kurtz Bros., Concrete, Inc. (Pennsylvania)

(iv) Kurtz Transport, Inc. (Pennsylvania)

(v) Kurtz Materials Corporation (Delaware)

(vi) Lancaster Lime & Stone Corporation (Pennsylvania)

(vii) High Realty Corporation (Pennsylvania)

(viii) High Associates, LTD. (Pennsylvania)

(ix) Lantz Builders, Inc. (Pennsylvania)

(x) High Steel Service Center, Inc. (Pennsylvania)

(xi) Formigli Corporation (Delaware)

1. Parent Corporation and principal address: Hollowell Oil Transport of Winfall, Inc., N.C. Highway #37, Winfall, NC 27985

2. Wholly-owned subsidiaries: (both incorporated in State of North Carolina)

(i) Joel F. Hollowell Oil Co., Inc., Winfall, NC

(ii) Winfall Ready Mix, Inc., Winfall, NC

1. Parent corporation and address of principal office: Hoover Universal, Inc., 825 Victors Way, Ann Arbor, Michigan 48104

2. Wholly-owned subsidiary which will participate in the operations, and State(s) of incorporation: American Welding & Manufacturing Company, Dietz Road, Warren, Ohio 44482 (State of incorporation: Ohio)

1. Parent corporation and address of principal office: Southern Commodity Corporation, 3595 NW. 125th St., Miami, FL 33167

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation.

i. Liquid Foods, Inc.—Florida

ii. Southern Food Brokers, Inc.—Florida

iii. Southern Charters, Inc.—Florida

iv. Sun Light Transport, Inc.—Florida

v. Florida Sweeteners, Inc.—Florida

vi. Rodhill Corp.—Florida

vii. Southern Commodity

International, Inc.—Florida

Agatha L. Mergenovich,

Secretary.

[FR Dec. 83-449 Filed 1-6-83; 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 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 reconsideration; 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 1181.4 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 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 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is so 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.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 1 at 202-275-7992.

Volume No. OP1-FC-243

Member Krock not participating.

MC-FC-81004. By decision of December 29, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3, approved the transfer to Wolverine Expediting Inc., of Wayne, MI, of that portion of Certificate No. MC-158620, issued June 24, 1982, to Clifford Sweet Trucking, Inc., of Yale, MI, authorizing the transportation of automobile and tank parts, between points in the U.S. (except AK and HI). Applicants' representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801.

Note.—Transferee holds authority under MC-160856.

MC-FC-81033. By decision of December 29, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to Tetco Petroleum Carriers, Inc., of Houston, TX, of certificate No. MC-157880, issued September 27, 1982, to Mission Petroleum Carriers, Inc., of Houston TX, authorizing the transportation of commodities in bulk, between points in TX, NM, OK, AR, LA, MS, AL, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Applicants' representative: Mike Cotten, Box 1148, Austin, TX 78767.

MC-FC-81034. By decision of December 29, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to Tetco Steel Carriers, Inc., of Houston, TX, of Certificate No. MC-121633 (Sub-No. 2), issued November 30, 1982, to Mission Steel Carriers, Inc., of Houston, TX, authorizing the transportation of (1) Mercer commodities, (2) pipe, and (3) those commodities which because of

their size or weight require the use of special equipment or handling, between points in TX. Applicants' representative: Mike Cotten, Box 1148, Austin, TX 78767.

Volume No. OP2-008

Please direct status inquiries to Team 2 at 202-275-7030.

MC-FC-81032. By decision of December 28, 1982 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, Review Board Number 3 approved the transfer to transferee National School Bus Service, Inc., Buffalo, NY, of Certificates No. MC-69623, and (Sub-Nos. 2 and 3), issued June 21, 1949, April 10, 1973, and June 2, 1977, respectively, to transferor, Ritzenthaler Bus Lines, Inc., Mundelein, IL, authorizing the transportation of passengers and their baggage, (1) in charter operations from Chicago, IL, to points in 26 States, (2) over regular routes between Chicago, IL and named points in IL and WI, this authority includes intermediate points service and incidental charter rights, and (3) special operations beginning and ending at Lombard, IL and points in Cook (except Chicago), Lake, and McHenry Counties, IL and Walworth and Kenosha Counties, WI and extending to points in the U.S. (except HI). Representatives: Frederick G. Attea, 3400 Marine Midland Center, Buffalo, NY, 14203 for transferor, and Jeremy Kahn 1511 K Sat., NW, Suite 733 Investment Bldg., Washington, DC 20005 for transferee.

MC-FC-81046. By decision of December 28, 1982 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, Review Board Number 3 approved the transfer to transferee Grandview Enterprises, Inc., Portland, OR, of Permit No. MC-136283 (Sub-No. 5X), issued May 18, 1981, to transferor Deron, Inc., Portland, OR, authorizing the transportation of (1) floor coverings, and (2) materials and supplies used in the manufacture of (a) mobile homes, (b) sectional buildings, and (c) recreational vehicles, between points in the U.S., under continuing contract(s) with LaSalle-Deitch Co., Inc., of Elkhart, IN. Transferee holds authorities under Docket No. MC-139588. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, for transferor and transferee.

Condition: The permits under No. MC-136283 (Sub-Nos. 1, 3, and 4) will be cancelled as requested by the parties.

Volume No. OP3-MC-FC-71

Please direct status inquiries to Team 3 at 202-275-5223.

MC-FC-81048. By decision of December 28, 1982, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, Review Board Number 3 approved the transfer to Overland Transport, Inc., of Baltimore, MD, of Certificate No. MC-151785 Sub 5, issued August 2, 1982, to Contract Cartage Corporation, of Jessup, MD, authorizing the transportation of wood and metal fencing and accessories, metal products, lumber and wood products, between Capitol Heights, Gambrills, Baltimore, and Sparrows Point, MD, Fairfax and Norfolk, VA, Camden, NJ, Bethlehem and Philadelphia, PA, points in Pennsylvania on and west of Route 219, Joliet, Harvey, and Chicago, IL, Gary, IN, Pine Bluff, AR, and Lackawanna, NY, on the one hand, and, on the other, points in the United States (except AK and HI). Representative: James W. Patterson, 1200 Ave. of the Arts Bldg., Broad & Chestnut Sts., Philadelphia, PA 19107.

(FR Doc. 83-446 Filed 1-6-83; 8:45 am)

BILLING CODE 7035-01-M

[Decision-Notice Volume OP3-MCF-74]

Motor Carriers; Finance Application

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 L.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and

payment to applicant of \$10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: December 29, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—Please direct status inquiries to Team 3 (202) 275-5223.

MC-F-15028, filed December 9, 1982. PROPANE TRANSPORT, INC. (PTI) (P.O. Box 232, Milford, OH 45150)—merger—Petroleum Transportation Corporation (PTC) (9717 East 42nd Street, Tulsa, OK 74145).

Representatives: Daryl A. Gault, P.O. Box 28397, Sacramento, CA 95828; and,

James R. Stiverson, P.O. Box 12241, Columbus, OH 43212.

PTI seeks authority to merge all of the operating rights and property of PTC into PTI for ownership, management, and operation. PTI and PTC are both wholly-owned motor carrier subsidiaries of Cal Gas Corporation, a non-carrier. Control of both carriers by Cal Gas Corporation and, in turn, Dillingham Corporation, was authorized in MC-F-10604 and MC-F-14748. Pursuant to an agreement of merger, Cal Gas, Inc., will be merged into Cal Gas-East, Inc., which is presently a subsidiary of Cal Gas, Inc. Thus, Cal Gas-East, Inc., will be the parent of PTI. The necessary parties have joined in the application, seeking control of the merged operating rights.

PTI is a motor common carrier pursuant to certificates in No. MC-114969 and sub-numbers thereunder.

The operating authority to be merged into PTI is contained in PTC's restriction removal certificate No. MC-142905 (Sub-No. 14)X, which supersedes former certificates No. MC-142905 and Sub-Nos. 4F, 5F, 9F, 10F, and 13F, and which authorizes, collectively, *petroleum products, animal feeds, and agriculture fertilizers and ingredients*, (a) between points in Woodward County, OK, on the one hand, and, on the other, points in AR, CO, IA, KS, LA, MO, NE, NM, SD, and TX; (b) between points in Gage County, NE, on the one hand, and, on the other, points in CO, KS, IA, MN, NE, MO, OK, SD, and WY; (c) between points in Rogers County, OK, on the one hand, and, on the other, points in AR, KS, MO, OK, and TX; (d) between points in Cowley, Reno, McPherson and Rice Counties, KS, on the one hand, and, on the other, points in OK; and (e) between points in OK, on the one hand, and, on the other, points in AR.

Condition: Dillingham Corporation, a noncarrier holding company shall be considered a carrier within the meaning of 49 U.S.C. 11343 and is subject to the Commission's reporting requirements for the issuance of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries.

Note.—(1) An application for temporary authority has been filed. (2) Dillingham Corporation, a non-carrier, also controls Foss Launch & Tug Co., a water carrier operating pursuant to authority in W-587.

[FR Doc. 83-447 Filed 1-6-83; 9:43 am]

BILLING CODE 7035-01-M

[Volume No. OP2-009]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: December 29, 1982.

In the matter of: Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon 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 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.

We make an additional preliminary finding with respect to each of the following types of applications as

indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions 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. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating).

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." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

MC 112713 (Sub-335), filed December 10, 1982. Applicant: YELLOW FREIGHT

SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant) (913) 383-3000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Borden, Inc., of Columbus, OH.

MC 124212 (Sub-116), filed December 14, 1982. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566-5639. Transporting *Chemicals and commodities in bulk*, between points in the U.S., under continuing contract(s) with Elkem Metals Company, of Pittsburgh, PA.

MC 143933 (Sub-2), filed December 20, 1982. Applicant: ABCO MOVING & STORAGE, INC., 1700 Atlantic Ave., Chesapeake, VA 23324. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW, Suite 1200, Washington, DC 20036 (202) 785-0024. Transporting *household goods*, between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY and DC.

MC 144502 (Sub-4), filed December 10, 1982. Applicant: ATKINSON-INTERMODAL SYSTEMS, INC., 144 Pennsylvania Ave., P.O. Box 144, Kearny, NJ 07032. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466-0220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and west of MN, IA, MO, AR, and LA. (except AK and HI).

MC 145593 (Sub-12), filed December 10, 1982. Applicant: HAROLD SHULL TRUCKING, INC., P.O. Box 15333, Hickory, NC 28601. Representative: Harold Shull (same address as applicant) (704) 397-5564. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, SC, TN, VA, WV, OH, MI, WI, IL, IN, KY, and PA.

MC 145603 (Sub-8), filed December 21, 1982. Applicant: B & H TRUCKING CO., INC., 570 West 17th St., Indianapolis, IN 46202. Representative: Edward H. Instenes, P.O. Box 676, 128½ Plaza East, Winona, MN 55987 (507) 454-3914. Transporting *pulp, paper and related products, and printed matter*, between those points in the U.S. in the east of

MN, IA, MO, AR, and TX (except CT, MA, ME, NH, VT and RI).

MC 147242 (Sub-16), filed December 7, 1982. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Rd., Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10106 (212) 757-8025. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Agway, Inc., of Syracuse, NY.

MC 147832 (Sub-11), filed December 9, 1982. Applicant: J & J CATTLE COMPANY, 3395 Wright St., Wheatridge, CO 80033. Representative: Manuel Andrade, 770 Grant St., Suite 228, Denver, CO 80203 (303) 861-4273. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, AZ, CA, CO, FL, GA, IA, IN, ID, IL, KS, KY, LA, MI, MN, MO, MS, MT, NE, ND, NM, NV, OK, OH, OR, SD, TN, TX, UT, WA, WI and WY.

MC 151723 (Sub-3), filed December 13, 1982. Applicant: SIMMCO CARRIERS, INC., 920 S.W. 2nd St., Oklahoma City, OK 73102. Representative: Joyce A. Simms (same address as applicant) (405) 239-7118. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153082 (Sub-4), filed December 10, 1982. Applicant: TRANS CONTINENTAL TRANSPORT, INC., 2661 Federal Way, P.O. Box 7583, Boise, ID 83707. Representative: Paul R. Blomberg (same address as applicant) (208) 343-8400. Transporting (1) *lumber and wood products*, (2) *building materials* (3) *forest-products*, (4) *metal products*, (5) *rubber and plastic products*, and (6) *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI).

MC 154683 (Sub-2), filed December 10, 1982. Applicant: COASTAL TRANSPORTATION, INC., P.O. Box 902, Pensacola, FL 32594. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209-4786 (205) 942-9116. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in VA, NC, SC, TN, AR, LA, MS, AL, GA, FL, KY, and TX.

MC 156962 (Sub-2), filed December 10, 1982. Applicant: MOVE AMERICA, 8411 Old Marlboro Pike, Unit 2, Upper Marlboro, MD 20870. Representative:

Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902 (310) 649-5074. Transporting *household goods*, between points in the U.S. (except AK and HI).

MC 161283, filed December 7, 1982. Applicant: NEMC TRANSPORTATION, INC., 35 Keeler St., Huntington, NY 11743. Representative: George Carl Pezold, 120 Main St., Huntington, NY 11743 (516) 427-0100. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NY, CT, ME, MA, NH, NJ, PA, VT, RI, OH, KY, NC, TN, MD, and VA.

MC 164052, filed December 9, 1982. Applicant: L.C.M. TRANSPORT, E. 11401 Alki, Spokane, WA 99206. Representative: Lloyd Mourning (same address as applicant) (509) 826-2965. Transporting (1) *metal products*, and (2) *roofing sand and building materials*, between points in WA, CA, MT, ID, OR, UT, and NV. (3) *scrap metals, scrap autos, and scrap batteries*, between points in WA, OR, CA, MT, and ID. (4) *micro-waves, refrigerators, freezers, stoves, dishwashers, and stereo equipment*, between points in WA, ID, MT, and OR, and (5) *liquid asphalt and fuel oil*, between points in WA, ID, and MT.

MC 165203, filed December 14, 1982. Applicant: HORIZON AIR SERVICES, INC., General Aviation Bldg., Logan International Airport, East Boston, MA 02128. Representative: Herbert J. Lynch, Suite 2810, One Boston Place, Boston, MA 02108 (617) 723-4488. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in MA, ME, NH, CT, RI, VT, NY, NJ, PA, FL, and DE.

MC 165223, filed December 16, 1982. Applicant: DUANE E. WITT d.b.a. DUANE WITT TRUCKING, 14363 S.E. 312th, Boring, OR 97009. Representative: Duane E. Witt (same address as applicant) (503) 668-4906. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

[PR Doc. 83-443 Filed 1-6-83; 8:45 am]
BILLING CODE 7035-01-M

Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rule of Practice. See 49 CFR Part 1160, Subpart D, published in the Federal Register on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These 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.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon 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, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated 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. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

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 Team 2, (202) 275-7030.

MC 58522 (Sub-18), filed November 23, 1982. Applicant: RIVER TRAILS TRANSIT LINES, INC., Highway 20, West, Galena, IL 61036. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, 608-238-3119. Transporting *passengers*, in special and charter operations, between points in the U.S. (including AK but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 109743 (Sub-10), filed December 10, 1982. Applicant: FILM TRANSPORTATION COMPANY, 35 Church St., Boston, MA 02116. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, 617-742-3530. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds,

[Volume No. OP-2-010]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: December 29, 1982.

In the matter of; Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor

between points in the U.S. (except AK and HI).

MC 130513 (Sub-1), filed December 6, 1982. Applicant: CARTER TOURS, LTD., 4606 Strathmore Ave., Garrett Park, MD 20896. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave.—Suite 1203, Alexandria, VA 22304, 703-751-2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 157813 (Sub-1), filed December 16, 1982. Applicant: LEISURE-WAY TRAVELERS LTD., 109 South 17th Ave., Wausau, WI 54401. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165073, filed December 7, 1982. Applicant: HERBERT L. CRAWFORD, d.b.a. CRAWFORD BUS SERVICE, 807 S. Second St., Watseka, IL 60970. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217-544-5468. Transporting *passengers*, in charter and special operations, beginning and ending at points in IL and IN, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165193, filed December 14, 1982. Applicant: MELVIN LADSON & HERBERT HANSEN, d.b.a. LADSON & HANSEN CHARTER SERVICES, Box 297, Wakonda, SD 57073. Representative: Herbert Hansen (same address as applicant), (605) 267-2750. Transporting *passengers*, in charter operations, between points in the U.S. (including AK, but excluding HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e) to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) or petition for exemption for common control to team 2, room 2379.

MC 165202, filed December 13, 1982. Applicant: FRANK LEE, d.b.a. LEE

TRUCKING, 800 Cheshire Lane, La Habra, CA 90631. Representative: Rusty Burks, 1600 W. Camelback Rd., Ste. 2-S, Phoenix, AZ 85015, (602) 264-7403. 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 165302, filed December 21, 1982. Applicant: DAVID ESCHBACH, JR., d.b.a. ESCHBACH BUS SERVICE, R.D. 2, Holtwood, PA 17532. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301-840-8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

[FR Doc. 83-445 Filed 1-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Rail Carriers; Atchison, Topeka & Santa Fe Railway Co. et al.; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7277

or Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope, therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract No. and specifics	Review Board ¹	Decided date
558	The Atchison, Topeka and Santa Fe Railway Co., ICC-ATSF-C-0121 (wheat-corn, grain sorghums, and soybeans)	2	1-3-83
559	Southern Pacific Transportation Co., ICC-SP-C-0317 (beef pulp pellets)	3	12-30-82
560	Consolidated Rail Corp., ICC-CR-C-0122, Supplement 1 (bituminous coal) via the Port of Philadelphia	1	1-3-83
561	Consolidated Rail Corp., ICC-CR-C-0033 (all freight)	1	1-3-83
562	Consolidated Rail Corp., ICC-CR-C-0279 (bituminous coal), via the Port of Ashtabula Harbor, OH	2	1-3-83
563	Consolidated Rail Corp., ICC-CR-C-0273 (cereal preparations)	3	12-30-82
564	Seaboard Coast Line Railroad Co., ICC-SCL-C-0065 (corn syrup), via the Port of Jacksonville, FL	1	1-3-83
565	Consolidated Rail Corp., ICC-CR-C-0260 (sheet steel)	2	1-3-83
566	Consolidated Rail Corp., ICC-CR-C-0275 (iron and steel products)	3	12-30-82
567	Missouri-Kansas-Texas Railroad Co., ICC-MKT-C-0132, Supplement 1 (soybean meal)	1	1-3-83
568	Union Pacific Railroad Co., ICC-UP-C-0209 (frozen foodstuffs)	2	1-3-83

¹ Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

Review Board No. 2, Members Carlston, Williams, and Ewing.

Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources. (49 U.S.C. 10505)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-442 Filed 1-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30018]

Rail Carriers; Great Northern Nekoosa Corp.—Control—Old Augusta Railroad Co.; Exemption

December 30, 1982.

Great Northern Nekoosa Corporation (GNN) filed a notice of exemption of its proposed acquisition of control of Old Augusta Railroad Company (Old Augusta). GNN, through its wholly-owned subsidiary, the Chattahoochee Industrial Railroad, operates over a 15.4-mile line between Saffold and Hilton, GA. Old Augusta is a Mississippi corporation organized for the purpose of

providing common carrier rail service to the facilities of Leaf River Forest Products, Inc., at New Augusta, MS. Old Augusta is constructing a 2.5-mile line from the Leaf River facilities to the line of the Illinois Central Gulf Railroad Company at New Augusta. GNN through a wholly-owned subsidiary owns 95 percent of the common stock of Leaf River. By decision in Finance Docket No. 30017, *Old Augusta Railroad Company—Exemption from 49 U.S.C. 11301* (not printed), served September 22, 1982, the Commission granted Old Augusta's request for exemption under 49 U.S.C. 11301 to issue 1,000 shares of common stock to Leaf River. Thus, GNN has acquired indirect control of Old Augusta.

This is a transaction within a corporate family and will not result in adverse changes in service levels, significant operational changes or a change in the competitive balance with carriers outside the corporate family. Therefore, the proposed transaction is the type specifically exempted from the necessity for prior review and approval, 49 CFR 1180.2(d)(93) [formerly 49 CFR 1111.2(d)(93)]. As a condition to use of the exemption any employees affected by this transaction shall be protected pursuant to *New York Dock Ry-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-444 Filed 1-6-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15024]

Rail Carriers; Victor Marano—Continuance in Control Exemption—Falcon Express, Inc. and Marty's Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), added by section 21 of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (September 20, 1982), Falcon Express, Inc. (Falcon) (No. MC-164199), Marty's Express, Inc. (Marty's Express) (No. MC-39249), and Victor Marano (Marano), seek an exemption from the requirement under section 11343 of prior regulatory approval for their common control. Falcon, a recipient of new motor common carrier authority, is partially owned by Marano, who is also a minority shareholder and officer of Marty's Express.

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES: Send comments to:

- (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
- (2) Petitioner's representatives Leonard A. Jaskiewicz, and Robert R. Harris, 1730 M Street, NW., Washington, D.C. 20036

Comments should refer to No. MC-F-15024.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: December 15, 1982.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-450 Filed 1-6-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-96)]

Rail Carriers Illinois Central Gulf Railroad Co., Abandonment—Between Dickerson and Rantoul, IL; Findings

The Commission has issued a certificate authorizing the Illinois Central Gulf Railroad Company to abandon its 13.54-mile line of railroad between Dickerson (milepost 17.50) and Rantoul (milepost 31.04) in Champaign County, IL. The abandonment certificate will become effective 30 days after this publication unless 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 service are contained in 49 U.S.C. 10905

and 49 CFR 1152.27 [formerly 49 CFR 1121.36].

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-448 Filed 1-6-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387]

Missouri Pacific Railroad Co. et al.; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713 (e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the Federal Register.

ADDRESSES: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

or

Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505 (a) and granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board ¹	Decided date
544	Missouri Pacific Railroad Co., ICC-MP-C-0194, Supplement 1, (Plastics)	1	12-29-82
545	Norfolk and Western Railway Co., ICC-NW-C-0034, Supplement 1, (Grain products)	2	12-29-82
546	Southern Railway Co., ICC-SOU-C-0061, Supplement 2, (Terephthalic acid)	3	12-29-82
547	Missouri-Kansas-Texas Railroad Co., ICC-MKT-C-0220, (Soybean meal)		12-29-82

Sub-No.	Name of railroad, contract No., and specifics	Review Board ¹	Decided date
548	The Atchson, Topeka, and Santa Fe Railway Co., ICC-ATSF-C-0170, (Canned goods)	2	12-29-82
549	Union Pacific Railroad Co., ICC-UP-C-0188 through 0197 and ICC-UP-C-0200 through 0201, (Grain) Via Pacific Northwest ports	3	12-29-82
550	Chesapeake and Ohio Railway Co., ICC-CO-C-0048, (Coal)	1	12-29-82
551	Grand Trunk Western Railroad Co., ICC-GTW-C-0048, Supplement 1, (Equipment use charge)	1	12-29-82
552	Chicago, Milwaukee, St Paul and Pacific Railroad Co., ICC-MILW-C-0057, Supplement 1, (Plock salt)	2	12-29-82
553	Burlington Northern Railroad Co., ICC-BN-C-0220, (Vegetable oil)	3	12-29-82
554	Burlington Northern Railroad Co., ICC-BN-C-0202, Supplement 1, (Aluminum coiled sheet and can stock)	1	12-29-82
555	Grand Trunk Western Railroad Co., ICC-GTW-C-0043, Supplement 1, (Equipment use charge)	2	12-29-82
556	Burlington Northern Railroad Co., ICC-BN-C-0221, (Soybean oil)	3	12-29-82
557	Burlington Northern Railroad Co., ICC-BN-C-0108, (Motor vehicles) Via Ports of Portland, Oregon, Seattle, Aberdeen (Gray's Harbor), and Tacoma, WA	1	12-29-82

¹Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.
Review Board No. 2, Members Carleton, Williams, and Ewing.
Review Board No. 3, Members Krock, Joyce, and Cowell. Member Krock not participating.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergonovich,

Secretary.

[FR Doc. 83-314 Filed 1-6-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

January 4, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8)

An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New (Not previously approved or expired more than 6 months ago)

• National Institute of Justice
Office of Justice Assistance, Research and Statistics

Department of Justice
National Needs Assessment Study
Biennially

State or local governments
State and local criminal justice practitioners: 1,355 responses; 655 hours; not applicable under 3504(h).
David Reed—395-7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83-404 Filed 1-6-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-82-120-C]

Beckley Lick Run Co.; Petition for Modification of Application of Mandatory Safety Standard

Beckley Lick Run Company, P.O. Box 112, Mount Hope, West Virginia 25880 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Bonny Mine (I.D. No. 46-04388) located in Raleigh 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 return air courses be examined in their entirety on a weekly basis.

2. Numerous roof falls in the return entry at spad 326 have rendered this entry too hazardous to travel and examine safely. Rehabilitation of this area would expose miners to extremely hazardous conditions.

3. As an alternative method, petitioner proposes to establish and maintain two specified check point stations underground. Methane and air quality readings will be made weekly by a certified, competent person, with results recorded on a date board at each location, as well as in a book located at the mine office.

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 February 7, 1983. Copies of the petition are available for inspection at that address.

Dated: December 28, 1982.

Patricia W. Silvey,
Acting Director, Office of Standards,
Regulations and Variances.

[FR Doc. 83-406 Filed 1-6-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-105-C]

Cannelton Industries, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cannelton Industries, Inc., 1250 One Valley Square, Charleston, West Virginia 25301 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Maple Meadow Mine (I.D. No. 46-03374) located in Raleigh 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 intake and return aircourses be examined in their entirety on a weekly basis.

2. Petitioner states that there is an area of the return airway 400 feet long that cannot be supported adequately to

be considered safe to travel the entire length.

3. As an alternative method, petitioner proposes to establish a monitoring station at the inby and outby end of the area involved from which air readings and a visual examination can be conducted. These examinations will be conducted weekly and a record of the readings and examinations will be maintained in an approved record book. Air readings and examinations will be made by a certified person.

4. Petitioner states that the proposed alternative method 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 February 7, 1983. Copies of the petition are available for inspection at that address.

Dated: December 28, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards,
Regulations and Variances.

[FR Doc. 83-484 Filed 1-6-83; 9:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-123-C]

Chapperal Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Chapperal Coal Corporation, 441 Marion Branch Road, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.330 (sealing abandoned sections) to its Chapperal No. 3 Mine (I.D. No. 15-08257) and its Chapperal No 3-A Mine (I.D. No. 15-10428), both located in Pike 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 each abandoned section of the mine be isolated from active workings with explosion-proof seals or bulkheads.

2. Petitioner states that neither mine has ever been considered gaseous nor have methane or other explosive gases ever been detected.

3. As an alternative method to sealing abandoned pillar areas of the mines,

petitioner proposes to establish check points off the immediate return entries at the mouths of the panels in question. These checkpoints will be checked weekly for air quality, and the results of these examinations will be recorded in an approved book at each mine site.

4. Petitioner states that the proposed alternative method 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 February 7, 1983. Copies of the petition are available for inspection at that address.

Dated: December 28, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards,
Regulations and Variances.

[FR Doc. 83-483 Filed 1-6-83; 9:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-118-C]

Gateway Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Gateway Coal Company, 1200 First Security Plaza, Lexington, Kentucky 40507 has filed a petition to modify the application of 30 CFR 75.1707 (escapeways; intake air; separation from belt and trolley haulage entries) to its Gateway Mine (I.D. No. 36-00906) located in Greene County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the escapeway ventilated with intake air be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section.

2. The longwall development sections employ three entries. Entry No. 1 is for the conveyor belt, entry No. 2 contains the supply track and is used for the intake escapeway, and entry No. 3 is used for the return during development.

3. As an alternative method, petitioner proposes to use the No. 2 entry as both the intake escapeway and the supply track, with the following safeguards:

a. The No. 2 track entry will have a lock on the trolley wire cut out switch assuring de-energization while workers are inby;

b. The trolley wire lock key will be under the control of designated employees;

c. Battery-powered mantrips and jeeps will be used to transport personnel; and

d. Section supplies will be handled with battery-operated equipment with the trolley wire de-energized.

4. During off-shifts, non-production shifts and between shifts, petitioner proposes that when necessary to energize the trolley wire to move equipment, only those employees involved in equipment moving will be permitted in the section. Red warning lights, operating from the trolley wire will be strategically placed along the length of the wire to warn that the wire is energized.

5. 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 February 7, 1983. Copies of the petition are available for inspection at that address.

Dated: December 28, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards,
Regulations and Variances.

[FR Doc. 83-485 Filed 1-6-83; 9:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-106-C]

Jewell Ridge Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jewell Ridge Coal Corporation, P.O. Box 26, Jewell Ridge, Virginia 24622 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Seaboard No. 1 Mine (I.D. No. 44-02253) located in Tazewell County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petition's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on electric face equipment.

2. Petitioner states that the installation of cabs or canopies on its electric face equipment would result in a diminution of safety for the miners affected because the canopies cause the equipment to hang-up and foul into the top due to the length of the equipment and undulations of the coal seam. The canopies have torn out roof bolts when those canopies have contacted the roof. In addition, the canopies restrict the operator's visibility and severely confine the space of the operator's compartment, increasing the chances of an accident.

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 February 7, 1983. Copies of the petition are available for inspection at that address.

Dated: December 29, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-481 Filed 1-6-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-130-C]

Lobo Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Lobo Coal Company, P.O. Box 64, Terra Alta, West Virginia 26764 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 2 (I.D. No. 46-06471) located in Preston 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 statement follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mining height of the Upper Freeport coal seam measures between 43 and 48 inches in height from the roof to pavement.

3. Petitioner states that the installation of canopies on the mine's electric face equipment would result in a

diminution of safety because the canopies tear out roof bolts, wooden headers, and steel plates, causing roof falls. Further, the equipment operator's visibility is reduced by the canopy, forcing the operator to lean out from the canopy, increasing the chances of an accident and injury.

4. For these reasons, petitioners 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 February 7, 1983. Copies of the petition are available for inspection at that address.

Dated: December 28, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-482 Filed 1-6-83; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

Lists of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for the uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Norman Frumkin, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Employment Standards Administration.

Office of Federal Contract Compliance Programs Recordkeeping and Reporting Requirements.

CC-60-22.

On occasion, annually, quarterly, monthly.

Businesses or other institutions.

Small business.

SIC: All.

2,560,000 responses; 8,532,000 hours.

The recordkeeping and reporting requirements imposed by the current rules and regulations published in Title 41 CFR Chapter 60 are needed to assess the compliance of Federal contractors with Executive Order 11246 as amended, Section 503 of the Rehabilitation Act of 1973 and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974.

Signed at Washington, D.C., this 4th day of January, 1983.

Paul E. Larson,

Departmental Clearance Officer.

(FR Doc. 83-480 Filed 1-6-83; 8:45 am)

BILLING CODE 4510-27-M

Pension And Welfare Benefit Programs

[Prohibited Transaction Exemption 83-1; Application Nos. D-2789 and D-3060]

Amendments to Prohibited Transaction Exemption 81-7 for Certain Transactions Involving Mortgage Pool Investment Trusts

AGENCY: Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This document contains amendments to Prohibited Transaction Exemption 81-7 (PTE 81-7). Prohibited Transaction Exemption 81-7 exempts from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code) certain transactions related to the origination, maintenance and termination of mortgage pool investment trusts (mortgage pools), and the acquisition and holding of certain mortgage-backed pass-through certificates (certificates) of mortgage pools under prescribed conditions by employee benefit plans (investing plans). The amendments adopted today expand the coverage of PTE 81-7 to include: (1) pools containing loans secured by mortgages or deeds of trust which are other than first lien loans; and (2) forward delivery commitments by investing plans to purchase pool certificates under certain circumstances.

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT: William J. Flanagan, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-8610. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On May 18, 1982, notice was published in the Federal Register (47 FR 21325) of the pendency before the Department of Labor (the Department) of a proposal to amend PTE 81-7 (46 FR 7520, January 23, 1981) for certain transactions involving mortgage pool investment trusts. The proposal was based in part on two individual applications filed on behalf of Transamerica Financial Corporation (D-2789) and Merrill Lynch MBS Inc. (D-3060). The notice set forth a summary of facts and representations contained in these applications and in other materials submitted to the Department. This

information has been available for public inspection at the Department in Washington, D.C.

Public comments with regard to the proposal were received pursuant to section 406(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Upon consideration of these comments, the Department has determined to adopt the proposed amendments to PTE 81-7, subject to certain modifications. These comments and modifications are discussed below.

In the interest of clarity, the Department has determined that the exemption as modified should be redesignated and supersede the existing prohibited transaction numbered PTE 81-7.

I. Description of the Proposal

The Department proposed to amend PTE 81-7 in two ways. First, the Department proposed to expand the coverage of the class exemption to include pools containing either first or second lien loans. As originally granted, the term "mortgage pool" was defined in the exemption as an investment pool the corpus of which consisted of "interest bearing obligations secured by first mortgages or deeds of trust on single-family residential property." The Department proposed to amend this definitional section to include interest bearing obligations secured by either first or second mortgages or deeds of trust. The Department took this action because the applications demonstrated substantial similarities in the operation of pools of first and second mortgages and deeds of trust.

Second, the proposal contained two new sections to be added to PTE 81-7 to provide relief for the making of forward delivery commitments by an investing plan for the purchase of mortgage pool certificates. Under the proposal, a forward delivery commitment would be defined as a contract for the purchase or sale of one or more certificates to be delivered at an agreed future settlement date which is more than thirty days after the contract's trade date. This definition was based upon the use of this term in the mortgage pool industry, and includes both mandatory and optional delivery contracts. Relief for such commitments would be provided by defining the term "sale" for the purposes of the class exemption to include a forward delivery commitment provided that certain conditions are met. The first condition relates to section I(A) of the class exemption, which provides relief from the prohibitions of section 406(a) of the

Act for the direct or indirect sale of certificates between a plan and a pool sponsor when the pool sponsor, trustee or insurer is a party in interest with respect to the plan. This proposed condition provides that such relief will be available only if the terms of the forward delivery commitment are no less favorable to the plan than they would be in an arm's length transaction with an unrelated party. The second condition relates to section I(B) of the class exemption, which provides relief from the prohibitions of section 406(b) (1) and (2) for the direct or indirect sale of certificates between a plan and a pool sponsor when the pool sponsor, trustee or insurer is a fiduciary with respect to the plan assets being invested in the certificates. The proposal provides that such relief will be available for forward delivery commitments if: (1) the forward delivery commitment is approved by a fiduciary independent of the pool sponsor, trustee or insurer who has authority to manage and control those plan assets being committed for investment in the certificates; (2) the forward delivery commitment is not an optional or standby commitment unless performance is optional on the part of the investing plan; and (3) at the time the plan is called upon to perform pursuant to its commitments, and the sale of certificates is executed, all of the conditions of section I(B) of the exemption (relating to sales of certificates) are met.

II. Discussion of the Comments

The Department received six comments regarding this proposal. These comments, and the Department's actions with regard to them, are discussed below.

A. Pools of Junior Lien Loans. The Department received three comments regarding the proposal to amend section III(B)(2)(a) to include pools of loans secured by second mortgages or second deeds of trust. Two of these comments supported the adoption of this amendment as proposed. The third comment, while supporting the Department's intentions, stated that the Department should not seek to establish a minimum lien priority requirement for mortgage pools to qualify for relief under PTE 81-7. This commentator argued that insurance provided by private pool sponsors, as well as market forces affecting the investment quality of certificates, would provide sufficient security for potential investors.

In proposing to expand the coverage of PTE 81-7 to include pools of second mortgages or deeds of trust, the Department relied on the applicants'

facts and representations that second lien loans closely resembled first lien loans with respect to form, default rate, and loan to value ratio, and that pools of second lien loans would operate in the same way as pools of first lien loans. These similarities are important because PTE 81-7 was designed to reflect industry practices with regard to first lien loan pools. In particular, the Department might require different safeguards for junior lien loan pools which very markedly in form or content from the model upon which PTE 81-7 is based. In the absence of any detailed information with regard to loans junior to second lien loans, or the structure of or market for pools of such junior loans, the Department is not prepared, at this time, to expand the exemption in this regard. However, the Department is adopting amended section III(B)(2)(a) as proposed, so that the relief provided by PTE 81-7 will apply to pools of interest bearing obligations secured by either first or second mortgages or deeds of trust on single-family, residential property.

B. Forward Delivery Commitments. The Department received four comments relating to proposed sections III(G) and III(H), which would have the effect of extending the relief provided in PTE 81-7 to forward delivery commitments made by plans for the purchase of mortgage pool certificates. None of the commentators objected to proposed section III(H), which defines the terms "forward delivery commitment" and "forward delivery commitment contract." As a result, the Department is adopting that provision as proposed.

One commentator addressed the Department's inclusion of forward delivery commitments within the definition of the term "sale" in proposed section III(G). This commentator noted that such commitments could be viewed in a number of different ways, such as, for example, an indirect extension of credit between the investing plan and an originator of loans included in the pool. However, the information received by the Department indicates that forward delivery commitments are an integral part of the process by which mortgage pools are formed and their certificates marketed. As a result, the Department extended exemptive relief to such commitments in that context. In any event, the amendments to PTE 81-7 are designed to give full relief for forward delivery commitments and for transactions involving certificates purchased pursuant to such commitments if all of the conditions of the exemption are met.

One commentator, while strongly supporting the Department's effort to bring relief to this area, questioned the condition in section III(G)(2)(a), which states that the relief contained in section I(B) of PTE 81-7 is available for a forward delivery commitment only if that commitment has been expressly approved by a fiduciary independent of the pool sponsor, trustee or insurer who has authority to manage and control those plan assets being committed for investment in pool certificates. The commentator stated that this condition should be applied only when the pool sponsor is also a fiduciary with respect to plan assets being committed to the purchase of pool certificates. The condition in proposed section III(G)(2)(a) is already limited to precisely the situation outlined by this commentator. Proposed section III(G)(2) contains conditions applicable to relief for forward commitments under section 406(b)(1) and (2) of the Act when the pool sponsor, trustee or insurer is a fiduciary with respect to the plan assets being invested in pool certificates. Thus, the independent fiduciary requirement in section III(G)(2)(a) applies only in such situations of fiduciary conflict of interest. As a result, it is not necessary to change this provision in order to accommodate this commentator's concerns.

Three commentators expressed concern with regard to the condition in proposed section III(G)(2)(b), which states that the relief in section I(B) of PTE 81-7 will apply to an optional or standby commitment only if performance is optional on the part of the investing plan. These commentators noted that in periods of fluctuating interest rates, pool sponsors need an optional delivery vehicle to guard against situations in which mortgage lenders fail to make loans for inclusion in a pool due to changes in the interest rate. The commentators further indicated that the fee typically paid for a stand-by commitment is given in consideration for the plan's promise to accept delivery if the terms of the commitment are met. In the event that the pool sponsor cannot deliver certificates meeting these criteria, this fee often acts as liquidated damages for the investing plan. For these reasons, the commentators asked that this condition be eliminated.

It should be noted that the Department originally proposed this condition to apply only to stand-by commitments made by plans when the pool sponsor, trustee or insurer is a fiduciary with respect to the plan assets being committed for investment in pool

certificates. Absent such fiduciary involvement, a plan would be free to make such stand-by commitments as are consistent with the other conditions and requirements of the Act, and of PTE 81-7 and the amendments thereto. It was this concern about the possibility of fiduciary conflict of interest which caused the Department to include all of the conditions in section III(G)(2).

However, upon consideration of the comments discussed above, the Department has decided to modify proposed section III(G)(2)(b). The other conditions in section III(G)(2) (a) and (c) are designed to provide extra protection for plans when dealing with fiduciaries. The payment of a fee in such transactions adds to these protections. As a result, the Department has decided to drop section III(G)(2)(b) as originally proposed. In its place, and at the suggestion of one of the commentators, the Department will adopt an arm's length standard similar to the one contained in section III(G)(1). Thus, final section III(G)(2)(b) states that the terms of the forward delivery commitment contract (including any fee paid to the investing plan) must be no less favorable to the plan than they would be in an arm's length transaction with an unrelated party. Section III(G)(2)(c), which elicited no comments, is adopted as proposed.

C. Other Comments. A number of the commentators raised issues not germane to the proposed amendments. Many of these comments request changes in portions of PTE 81-7 not opened for public comment in the notice of May 18, 1982. In addition, some of these comments requested changes in the relief given from the prohibitions of section 406(b) of the Act. Because section 408(a) of the Act states that the Department may not grant relief from section 406(b) without an opportunity for a hearing, the Department cannot adopt these requested changes at this time. However, since these comments relate generally to PTE 81-7, and, in many cases, reflect misunderstandings of that class exemption, the Department believes that these comments bear discussion.

The first set of such non-germane comments deal with the limitation of PTE 81-7 to pools of loans secured by mortgages or deeds of trust on single-family residential housing. Three commentators requested the deletion of this restriction so that PTE 81-7 could provide relief to pools of loans on multi-family dwellings. None of the commentators offered any information with regard to such loans. Indeed, as noted by the Department when

originally granting PTE 81-7, the restriction to single-family residential property reflected the request of the applicants and was defined to follow the industry definition of that term. 46 FR 7520, 7525. This provision was not opposed by any commentator when it was properly presented for public comment. Therefore, the Department is not amending the exemption in this regard. However, the commentators may apply for exemptive relief within the terms of section 408(a) of the Act and ERISA Procedure 75-1 (40 FR 18471).¹

The second area raised by the commentators relates to the conditions in section I(B)(1) of PTE 81-7, which apply to the sale of certificates when the pool sponsor, trustee or insurer is a fiduciary with respect to the plan assets invested in the certificates. One commentator requested the deletion of the requirement in section I(B)(1)(a) that such a sale be approved by an independent fiduciary. This commentator stated that such a condition should be limited to cases of possible fiduciary conflict of interest. This condition is already limited to such situations, and thus no changes are necessary.

In addition, two commentators requested deletion of the percentage limitations in sections I(B)(1) (d) and (e), stating that existing market safeguards were sufficient. Those limitations were adopted at the suggestion of commentators to the original proposal of PTE 81-7 (46 FR 7520, 7522), and are based on the definition of the term "marketable obligation" in section 407(e)(2) of the Act. These conditions are designed, therefore, to assure that the market forces relied upon by the commentators are free to work with regard to pool certificates sold to a plan when the pool sponsor, trustee or insurer is a fiduciary with respect to the plan assets invested in the certificates.

The third area raised in the comments concerns the extent of the coverage of PTE 81-7. One commentator questioned whether the class exemption would apply to pools of loans made to employees of an employer whose employees are covered by the investing plan. The commentator noted that PTE 81-7 does not specifically address the

issue. While it is true that the class exemption does not contain a detailed list of exempted transactions, the Department adopted this generalized approach in response to comments elicited by its original proposal. 46 FR 7520, 7521. In particular, section I(C) of PTE 81-7 was designed to apply to all transactions in connection with the servicing and operation of a mortgage pool, and was not limited to those transactions listed specifically in the proposal. *Id.* at 7523. With regard to the commentator's particular concern, the Department, in the preamble to the original proposal of class relief, discussed the issues raised when a mortgage pool contains employee loans. 45 FR 29937, 29942 (May 6, 1980). It was, therefore, the Department's intention that the relief in PTE 81-7 apply to pools comprised of employee loans provided the conditions of the exemption are met.

Another commentator asked if PTE 81-7 covered pools of shared appreciation mortgages. PTE 81-7, as amended, requires only that the mortgage loans comprising a pool be interest bearing obligations secured by either first or second mortgages or deeds of trust on single-family, residential property. This provision is intentionally general in order to provide coverage to a variety of so-called "creative financing" loans. Indeed, the Department noted in the preamble to its adoption of PTE 81-7 that variable rate mortgages were included within the exemption's coverage. 46 FR 7520, 7523 n.1. The Department believes that the provisions of PTE 81-7 are broad enough to deal with specific issues raised by shared appreciation mortgages.

The final area raised by the commentators was the relationship between PTE 81-7 and the so-called "plan asset" regulation. On May 18, 1982, the Department adopted regulation 29 CFR 2550.401b-1 which describes the assets that an employee benefit plan is considered to acquire when it invests in certain governmental mortgage pools. 47 FR 21241. The Department described the mortgage pool programs of the Government National Mortgage Association (GNMA), the Federal National Mortgage Association (FNMA), and the Federal Home Loan Mortgage Corporation (FHLMC). Based on an analysis of these descriptions, the Department determined that when a plan purchases a GNMA certificate, the plan actually looks to the GNMA guarantee, rather than the mortgages comprising the pool, for assurance that the amounts due on its investment will be paid. In the case of a FNMA or FHLMC certificate, a plan will rely on

the creditworthiness of the issuing governmental or quasi-governmental corporation. As a result, the final regulation states that when a plan invests in a governmental mortgage pool, the plan's assets include its investment, but do not, solely by reason of such investment, include any of the underlying mortgages. This would be true irrespective of the type of mortgage or the nature of the property secured by a mortgage contained in a governmental mortgage pool.

In the case of a plan investing in a governmental mortgage pool such as those discussed above, regulation 29 CFR 2550.401b-1 operates to obviate the need for much of the relief provided in PTE 81-7. Specifically, the relief in section I(C) for transactions in connection with the servicing and operation of the pool would be unnecessary since the pooled mortgages are not plan assets. Similarly unnecessary is the relief in section I(D) for transactions prohibited merely because a person is deemed to be a party in interest solely due to a plan's investment in a mortgage pool. Under 29 CFR 2550.401b-1, the plan's only asset would be the certificate and the rights embodied therein. Where a plan purchases a mortgage pool certificate which the Department interprets as conveying no interest in assets of such pool, the fact that a person provides services in connection with such pool will not, in and of itself, render such person a party in interest with respect to the investing plan.

Regulation 29 CFR 2550.401b-1 also affects the application of section I(A) and I(B) of PTE 81-7. Section I(A) provides relief from the prohibitions of sections 406(a) and 407 of the Act for the sale of certificates between a plan and the pool sponsor when the pool sponsor, trustee or insurer is a party in interest with respect to the plan. Section I(B) provides relief from the prohibitions of section 406(b) (1) and (2) of the Act for the sale of certificates between a plan and the pool sponsor when the pool sponsor, trustee or insurer is a fiduciary with respect to the plan assets invested in such certificates. Since none of the governmental mortgage pool programs utilize separate pool trustees or pool insurers, those provisions are irrelevant here. In the case of FNMA and FHLMC, the governmental corporation is itself the pool sponsor since it purchases loans, organizes the pool, and issues certificates for marketing. Because of regulation 29 CFR 2550.401b-1, FNMA and FHLMC will never become parties in interest (including fiduciaries) with respect to plans solely as a result of plan

¹It should be noted that, in Prohibited Transaction Exemption 82-87 (47 FR 21331, May 18, 1982), which provides relief for transactions involving certain residential mortgage financing arrangements, the Department, after consideration of public comments, decided not to expand that class exemption to include mortgage loans on multiple unit rental structures because such loans differ, both in magnitude and complexity, from loans on one to four unit structures included within the definition of "single-family residential property." *Id.* at 21336.

investments in their pools. Since FNMA and FHLMC are unlikely to deal with plans except through their mortgage pool programs, the relief in sections I(A) and I(B) of PTE 81-7 is unnecessary with respect to plan investments in FNMA and FHLMC pools.²

The situation of GNMA is somewhat different. GNMA is not the pool sponsor since it does not organize the mortgage pool. Rather, other entities, called issuers, gather loans into a pool and present the pool to GNMA. If the pool meets GNMA standards, GNMA will guarantee payments to holders of the certificates backed by the pool. Upon issuance of the GNMA-guaranteed certificates, GNMA succeeds to ownership of the pooled loans while the issuer's interest is reduced to the right to receive a fee for continuing to service the loans. As noted above, GNMA will not become a party in interest (including a fiduciary) with respect to a plan solely because the plan has purchased a GNMA certificate. Because of this, and because GNMA is not a pool sponsor, sections I(A) and I(B) are irrelevant to GNMA as a result of the purchase by a plan of a GNMA certificate.

However, the issuer of GNMA certificates may be deemed to be a pool sponsor under section III(A) of PTE 81-7 since the issuer organizes the pool and continues to service the mortgages therein. Because of the effect of regulation 29 CFR 2550.401b-1, and issuer of certificates from a GNMA pool will not become a party in interest (including a fiduciary) with respect to a plan solely by reason of the plan's investment in such pool. However, an issuer may be a party in interest (including a fiduciary) with respect to one or more plans for reasons independent of the GNMA pool. If such an issuer sells GNMA certificates to a plan with respect to which the issuer is a party in interest, the issuer would have to look to sections I(A) and I(B) of PTE 81-7 for exemptive relief.³

Despite this need for relief in a limited category of cases, GNMA, in its comment to the Department's May 18, 1982 proposal, noted the possibility that

PTE 81-7 may not apply to GNMA certificates because section III(C) of the class exemption defines the term "certificate" to include only those certificates representing a beneficial individual fractional interest in a mortgage pool. Unlike FNMA and FHLMC, GNMA maintains that its certificates convey no such beneficial interest in the underlying pool of mortgages. As a result, issuers may be foreclosed from relief under sections I(A) and I(B) of PTE 81-7. GNMA suggested that some clarification of this area was necessary in light of the Department's adoption of regulation 29 CFR 2550.401b-1.

By adopting regulation 29 CFR 2550.401b-1, the Department indicated that, with regard to certificates issued for governmental mortgage pools, the Department was concerned not with the beneficial interest, if any, conveyed by such certificates, but rather with the government guarantee (or creditworthiness of the governmental corporation) to which a plan would look to assure payments on its investment. The Department's effort in that regulation was directed only toward identifying, for the purposes of the Act, the plan asset in such situations. The Department was not then and is not now in a position to define, as a general matter, the legal status of the rights conferred by a GNMA certificate.

The Department is, however, concerned with providing comprehensive relief in this area. At the same time, the Department wishes to avoid making significant changes in section III(C) of PTE 81-7 since the definition contained therein was based on the suggestions of applicants and elicited no adverse response when properly open for public comment. Therefore, the Department has decided to add a sentence to section III(C) stating that the terms "mortgage pool pass-through certificate," or "certificate" shall also include certificates guaranteed by the Government National Mortgage Association. The sole purpose of the modification is to assure relief to GNMA issuers in the limited circumstances outlined above.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to

which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction;

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of May 18, 1982, the Department makes the following determinations:

- (a) The amended class exemption as set forth herein is administratively feasible;
- (b) it is in the interests of plans and of their participants and beneficiaries; and
- (c) it is protective of the rights of participants and beneficiaries of plans.

Accordingly, the following amended exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1.

I. Transactions

A. Effective January 1, 1975, the restrictions of sections 406(a) and 407 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving mortgage pool investment trusts (mortgage pools) and pass-through certificates evidencing interests therein (certificates):

(1) The direct or indirect sale, exchange or transfer of certificates in

²It appears that FNMA and FHLMC certificates are often marketed through brokers, dealers, banks or other marketmakers. In situations where such an entity is a party in interest with respect to an investing plan, Prohibited Transaction Exemption 75-1 (PTE 75-1) may provide relief from the prohibitions of section 406 of the Act for the sale of such government securities. 40 FR 50845 (October 31, 1975).

³As in the case of FNMA and FHLMC certificates, if the issuer of GNMA certificates markets such certificates through brokers, dealers, or similar entities, PTE 75-1 *supra* is available to provide relief from the prohibitions of section 406 of the Act.

the initial issuance of certificates between the sponsor of a mortgage pool and an employee benefit plan when the sponsor, trustee or insurer of such pool is a party in interest with respect to such plan, provided that the plan pays no more than fair market value for such certificates, and provided further that the rights and interests evidenced by such certificates are not subordinated to the rights and interests evidenced by other certificates of the same mortgage pool;

(2) The continued holding of certificates acquired pursuant to subparagraph (1), above, by an employee benefit plan.

B. Effective January 1, 1975, the restrictions of section 406(b) (1) and (2) of the Act the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to the following transactions involving mortgage pools and certificates evidencing interests therein:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor of a mortgage pool and an employee benefit plan when the sponsor, trustee or insurer of such pool is a fiduciary with respect to the plan assets invested in such certificates provided:

(a) Such sale, exchange or transfer is expressly approved by a fiduciary independent of the pool sponsor, trustee or insurer who has authority to manage and control those plan assets being invested in such certificates;

(b) The plan pays no more for the certificates than would be paid in an arm's length transaction with an unrelated party;

(c) No investment management, advisory, or underwriting fee or sales commission or similar compensation is paid to the pool sponsor with regard to such sale, exchange or transfer;

(d) The total value of certificates purchased by a plan does not exceed 25% of the amount of the issue; and

(e) At least 50% of the aggregate amount of the issue is acquired by persons independent of the pool sponsor, trustee or insurer.

C. Effective January 1, 1975, the restrictions of section 406 (a) and (b) of the Act and the Taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c) of the Code shall not apply to transactions in connection with the servicing and operation of the mortgage pool provided that:

(1) such transactions are carried out in accordance with the terms of a binding pooling and servicing agreement; and

(2) such pooling and servicing agreement is made available to investors before they purchase certificates issued by the pool.

D. Effective January 1, 1975, the restrictions or sections 406 (a) and 407 of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a plan by virtue of providing services to the plan (or who has a relationship to such service provider described in section 3 (14) (F), (G), (H) or (I) of the Act), solely because of the ownership of a certificate evidencing an interest in a mortgage pool by such plan.

II. General Conditions

A. The relief provided under section I, above, is available only if the following conditions are met:

(1) The sponsor and trustee for each mortgage pool must maintain a system for insuring or otherwise protecting the pooled mortgage loans and the property securing such loans, and for indemnifying certificateholders against reductions in pass-through payments due to defaults in loan payments or property damage. This system must provide such protection and indemnification up to an amount not less than the greater of one percent of the aggregate principal balance of all covered pooled mortgage, or the principal balance of the largest covered mortgage;

(2) Except in the case of a governmental or quasi-governmental entity such as the Federal National Mortgage Association, the trustee for each mortgage pool must not be an affiliate of the sponsor of such pool, provided, however, that the trustees shall not be considered to be an affiliate of the pool sponsor solely because the trustee has succeeded to the rights and responsibilities of the pool sponsor pursuant to the terms of the pooling and servicing agreement providing for such succession upon the occurrence of one or more events of default by the pool sponsor; and

(3) The sum of all payments made to and retained by the pool sponsor in connection with a mortgage pool, and all funds inuring to the benefit of the pool sponsor as a result of the administration of the mortgage pool, must represent not more than adequate consideration for selling the mortgage loans plus reasonable compensation for services

provided by the pool sponsor to the pool.

III. Definitions

A. For the purpose of this exemption the term "sponsor" or "pool sponsor" means:

(1) the entity which organizes, and either continues to service or supervises the provision of services to, a mortgage pool comprised of mortgage loans either made or purchased by such entity; and

(2) any successor thereto.

B. For the purposes of this exemption, the term "mortgage pool" means an investment pool the corpus of which:

(1) Is held in trust; and

(2) Consists solely of

(a) Interest bearing obligations secured by either first or second mortgages or deeds of trust on single-family, residential property;

(b) Property which had secured such obligations and which has been acquired by foreclosure; and

(c) Undistributed cash.

C. For the purpose of this exemption, the terms "mortgage pool pass-through certificate," or "certificate" mean a certificate representing a beneficial undivided fractional interest in a mortgage pool and entitling the holder of such certificate to pass-through payment of principal and interest from the pooled mortgage loans, less any fees retained by the pool sponsor. Also for the purposes of this exemption, these terms shall include certificates guaranteed by the Government National Mortgage Association.

D. For the purposes of this exemption, the term "affiliate" of another person means:

(i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with such other person;

(ii) Any officer, director, partner, employee or relative (as defined in section 3(15) of the Act) of such other person; and

(iii) Any corporation or partnership of which such other person is an officer, director or partner.

For purposes of this paragraph, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

E. For the purposes of this exemption, the term "single-family, residential property" means non-farm property comprising one to four dwelling units, and also includes condominiums.

F. For the purposes of this exemption, a person will be "independent of the pool sponsor, trustee, or insurer" only if:

(1) Such person is not an affiliate (as defined in paragraph III(D) of this exemption) of the pool sponsor, trustee, or insurer; and

(2) neither the pool sponsor, trustee, insurer, nor any affiliate thereof, is a fiduciary who has investment management authority or renders investment advice with respect to any of the assets of such person.

G. For the purposes of this exemption, the term "sale" includes a forward delivery commitment (as defined in paragraph H, below) by an investing plan, provided:

(1) For the purposes of section I(A), the terms of the forward delivery commitment contract are no less favorable to the plan than they would be in an arm's length transaction with an unrelated party; and

(2) For the purposes of section I(B)

(a) The forward delivery commitment has been expressly approved by a fiduciary independent of the pool sponsor, trustee or insurer who has authority to manage and control those plan assets being committed for investment in such certificates;

(b) The terms of the forward delivery commitment contract (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm's length transaction with an unrelated party; and

(c) At the time of delivery, all of the conditions of section I(B) of this exemption are met.

H. For the purposes of this exemption, the terms "forward delivery commitment," and "forward delivery commitment contract" means a contract for the purchase or sale of one or more certificates to be delivered at an agreed future settlement date, which is more than thirty calendar days after the contract's trade date. The terms include both mandatory contracts (which contemplate obligatory delivery and acceptance of the certificates) and optional contracts (which give one party the right but not the obligation to deliver certificates to, or demand delivery of certificates from, the other party).

Signed at Washington, D.C. this 3rd day of January 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-491 Filed 1-6-83; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

Aigner Company Employee Benefit Plan, et al.; Proposed Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this *Federal Register* Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the *Federal Register*. Such notice shall include a copy of the notice of pendency of the exemption as published in the *Federal Register* and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in

ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Aigner Company Employee Benefit Plan (the Plan) Located in Chicago, Illinois

[Application No. D-2952]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the sale by the Plan of 247,686 shares of G. J. Aigner Company common stock for cash and certain notes of Avery Holding Corporation (Avery Holding), a wholly-owned subsidiary of Avery International Corporation (Avery); and (2) other transactions consummated and continuing in accordance with terms of the agreements between the Plan, Avery Holding and Avery, provided the terms of the transactions were no less favorable to the Plan than those obtainable in arm's-length transactions with unrelated parties.

Effective Date: If granted, the exemption will be effective July 23, 1981.

Summary of Facts and Representations

1. The Plan was formerly known as the G. J. Aigner Company Employee Benefit Plan and was funded by two trusts, a qualified profit sharing trust and an employee stock ownership trust (ESOT). The Plan currently has approximately 523 participants. As of September 30, 1980, the Plan had a net participant's equity of \$3,046,436.

2. On July 23, 1981, an Agreement and Plan of Merger (the Agreement) was made and entered into between Avery,

Avery Holding, Avery Merger Corporation (Avery Merger) and G. J. Aigner Company (Aigner), the sponsor of the then G. J. Aigner Company Employee Benefit Plan. The Agreement provided for the proposed merger of Aigner into Avery Merger (a wholly-owned subsidiary of Avery Holding), whereby Avery Merger would be subsequently merged into Avery Holding. Avery Holding is a wholly-owned subsidiary of Avery and Aigner now operates as a wholly-owned subsidiary of Avery.

3. Aigner was incorporated under the laws of the State of Delaware, and specialized in the design and production of custom-made index guides and other business forms. As of September 30, 1980, Aigner had a net worth of \$10,718,620. Mr. C. W. Clemen (Mr. Clemen), the chief executive officer and chairman of the board of the corporation, served as the trustee of the Plan.

4. Avery is a worldwide manufacturer of self-adhesive labels and labeling systems. As of May 31, 1981, Avery had current assets of \$223,790,000 and a net worth of \$177,976,000. Mr. Charles D. Miller (Mr. Miller) is the president, chief executive officer and a director of Avery. Mr. Miller is the sole director of Avery Holding and Avery Merger.

5. As of the record date with regard to the Agreement, August 31, 1981, 1,973,104 shares of Aigner common stock (the Stock) were authorized and outstanding of which 70,542 shares were held in Aigner's treasury. As of that date the Plan held 247,686 shares which constituted 13.02% of the outstanding shares. The Stock has never been traded publicly and no market for it exists. The Stock has never been registered under the Securities Act of 1933, as amended. As of June 30, 1981, the Stock had a book value per share of \$6.29. The Chicago Corporation (Chicago), a member of the New York, Midwest and American Stock Exchanges, an unrelated party, rendered an appraisal of the value of the Stock and determined that, as of September 30, 1980, its fair market value was \$9.00 per share because of its limited marketability. Chicago represents that the Stock's fair market value would be \$10.00 per share if freely traded in the public market.

6. On July 23, 1981, Aigner stockholders owning approximately 65% of its outstanding Stock, including all of the then nine directors of Aigner, entered into agreements with Avery to vote the Stock held by them in favor of the merger. Twenty-three of the shareholders involved were officers, directors, or relatives of officers or directors, who together directly held

689,536 shares representing 36.2% of the total shares of Aigner. The remaining shares involved were the 247,686 shares held by the trustee of the Plan (13.02%), and shares held by non-officers, directors or their relatives representing 16% of the shares of Aigner. These figures indicate that, without the shares held by the Plan on that date, approximately 52% of the shareholders of Aigner, a majority of the shareholders, agreed to vote in favor of the merger.

7. On October 27, 1981, a shareholder meeting was held to vote on the proposed merger. At that meeting approximately 98% of the outstanding shares of Stock, including all of the shares held by the trustee of the Plan were voted in favor of the merger and no dissenters' rights were exercised. As of the record date with regard to the Agreement, Aigner's shares were held by 224 different individual shareholders. The Agreement was closed on October 28, 1981, as each share of outstanding Stock was converted into the right to receive cash and certain notes of Avery Holding.

8. Pursuant to the Agreement, shareholders owning less than 500 shares of Stock received \$16.29 in cash for each share held; shareholders owning 500 or more shares received \$9.46 in cash and \$6.83 in principal amount of notes due in three years (the Three-Year Notes) for each share held; and shareholders owning 500 or more shares had the election to receive \$9.46 in short-term notes and \$6.83 in the Three-Year Notes per share. Additionally, all shareholders were required to contribute \$0.10 per share in cash to the G. J. Aigner Stockholders' Protection Trust (the Protection Trust). The Plan elected not to receive the short-term notes, and elected to receive cash and the Three-Year Notes. This is the same consideration that was received by all other shareholders holding 500 or more shares of Stock who did not elect to receive the short-term notes.

9. The applicant represents that the short term notes bearing interest at 13% represented a then below market interest rate, but provided certain tax advantages to individual shareholders. Therefore, the applicant represents that the election to receive the short-term notes by the Plan would not have presented the Plan with any financial advantage since it was able to invest the cash portion of the proceeds of the merger at a higher rate of interest than the rate paid on the short-term notes.

10. The Three-Year Notes have been issued under an Indenture dated October 28, 1981, (the Indenture)

between Avery, Avery Holding and the Security Pacific National Bank (the Bank) established in accordance with the Trust Indenture Act of 1939. The Bank serves as the trustee under the Indenture. The Three-Year Notes are general unsecured obligations of Avery Holding and are limited, as described in a prospectus filed by Avery Holding with the Securities and Exchange Commission dated September 30, 1981, to \$13,000,000 principal amount. The Three-Year Notes are guaranteed by Avery. Avery Holding pays interest on the Three-Year Notes quarterly at the rate of 13% per annum and the entire principal amount of each Three-Year Note will be due on October 31, 1984.

11. The Three-Year Notes are subject to the withholding of interest and/or principal up to the aggregate amount of \$1,000,000 by Avery Holding as indemnification for the breach of the representations, warranties and agreements of Aigner under the terms of the Agreement. The Indenture provides that if Avery Holding wishes to withhold certain payments it must first provide notice to each holder of a Three-Year Note.

12. The Protection Trust allows former Aigner shareholders to participate in the defense and/or settlement of any claims which may result from a claim for indemnification and withholding by Avery Holding on the Three-Year Notes. The amounts held in the Protection Trust will be invested in an interest-bearing account. The trustees of the Protection Trust, Messrs. Clemen, Howard Lee, Aigner's former president, and John Colmar, a former director of Aigner, have sole discretion to use the principal and income of the Protection Trust. The Protection Trust will terminate upon the expiration of all representations, warranties and covenants of Aigner under the Agreement. Upon termination the trustees will distribute the remaining assets of the Protection Trust to the former shareholders on a pro rata basis.

13. Pursuant to the Agreement, on August 3, 1981, employment agreements were entered into between the three executive officers of Aigner, Messrs. Clemen, Lee and Clyde J. Aigner, and Avery. Additionally, a consulting agreement involving a partnership substantially owned by Mr. Colmar and Avery was entered into. The agreements provide for certain base salaries and terms of employment for the individuals involved. Such agreements were made known to all shareholders prior to the date the merger was voted upon.

14. The Bank served as the exchange agent with respect to the merger as it

effected the exchange of the shares of Stock for the cash, the Three-Year Notes and the short-term notes (collectively, the Notes), and made the required cash transfers to the Protection Trust. The Bank may enforce the obligations of Avery Holding under the Notes and may declare all of the Notes due and payable immediately upon a continuing event of default by Avery Holding. The Bank maintains certain banking relationships with Avery, and Mr. H. Russell Smith, the chairman of the board of Avery is a director of the Bank.

15. In accordance with the Agreement, the Plan was amended on October 1, 1981, to provide for the merger of the ESOT into the profit-sharing trust thereby converting the Plan into a profit sharing plan in its entirety. Mr. Clemen has remained as the trustee of the Plan.

16. The applicant requests and exemption for the transactions consummated and continuing between the Plan, Avery Holding and Avery. Because participants in the Plan are employees of Aigner, a wholly-owned subsidiary of Avery, Avery may be considered a party in interest with respect to the Plan as described in section 3(14)(C) of the Act. Accordingly, the decision to enter into the Agreement and the execution of the merger pursuant to the terms of the Agreement by the parties may constitute certain prohibited transactions as described in section 406 of the Act.

17. Aigner's directors, including Mr. Clemen, negotiated the Agreement on an arm's-length basis with Avery prior to its adoption on July 23, 1981. Aigner's directors believe that the merger will result in certain business benefits to the corporation and will provide Aigner shareholders a degree of liquidity which was unattainable through the holding of the Stock. The decision to sell Aigner was made by the directors only after a full consideration of a number of alternatives, such as having the corporation go public, and raising additional capital through bank debt to finance expansion.

18. In analyzing the terms of the Agreement and the value of Avery's offer, Aigner's board of directors were assisted and advised by Warburg Paribas Becker Incorporated (Becker). Becker had been retained by Aigner since 1979 to act as its exclusive agent in negotiations with prospective buyers. Becker rendered an opinion, dated August 20, 1981, stating that the consideration to be received by the Aigner stockholders under the Agreement is, from a financial standpoint, fair to such stockholders. Mr. John A. Griner III, a managing director of Becker, was a director of

Aigner at the time of the approval of the Agreement, but abstained from voting on the merger.

19. On March 22, 1982, the Trust Company of California (the Trustee) was appointed to serve as the subtrustee under the trust agreement establishing the Plan. The Trustee has no banking or commercial relationships with either Avery or Aigner. The Trustee will be empowered to monitor the prompt payment of interest and/or principal due upon the Three-Year Notes and in the event of default enforce the performance of any obligation due the Plan under the Three-Year Notes.

20. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because (a) the board of directors of Aigner, including the trustee of the Plan, Mr. Clemen, negotiated the Agreement with Avery on an arm's-length basis and voted all of their shares of Stock held individually in favor of the merger; (b) the Plan received the same consideration for its Stock as all other shareholders, including numerous individual shareholders unrelated to Aigner; (c) the Plan received consideration for its Stock in an amount not less than its fair market value as determined by an independent appraiser, Chicago; and (d) an independent investment banker, Becker, determined that the consideration received by all Aigner stockholders for the Stock was fair from a financial viewpoint.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

[Application No. D-3710]

Radiology Associates P.C. Money Purchase Pension Plan (the Plan) Located in Vienna, Virginia

Proposed exemption

The department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406 (a), (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed transfer of a note by the Radiology Associates Retirement Plan and Trust (the Prior Plan) to the Plan resulting in an extension of credit between the Plan and VIP Associates (VIP), a party in interest with respect to the Plan,

provided the terms of the transaction are no less favorable to the Plan than those available in an arm's length transaction with an unrelated party.

Summary of Facts and Representations

1. On August 7, 1981, the Department published in the **Federal Register** (46 FR 40355) an exemption granting relief for a loan by the Prior Plan to VIP. Since that time, the Prior Plan's sponsor, Kirschner, Chung and Mero Radiology Associates, Ltd., has undergone a tax-free corporate reorganization which has resulted in the transfer of certain of its assets to Radiology Associates, P.C. (the Employer), the present sponsor of the Plan. Pursuant to the reorganization, the Plan will receive certain assets from the Prior Plan including the note evidencing the loan which was the subject of the prior exemption. The applicant represents that the partition of the Prior Plan's assets will be consummated in accordance with applicable Code requirements. The note has not yet been transferred to the Plan.

2. The transfer of the note to the Plan will result in an extension of credit (the Loan) which is not subject to the prior exemption because certain provisions of the Loan, as described below, are different than those with respect to the prior loan. In addition, the decision to allocate certain assets to the Plan, and the resulting transfer of the note to the Plan may involve certain prohibited transactions as described in the Act.

3. The Plan, which was established April 1, 1982, currently has 12 participants. Drs. Robert A. Ferris, Dennis J. McCabe, James H. Mero, Morton L. Moss, and Michael A. Weiss are the trustees (the Trustees) of the Plan and exercise investment discretion with respect to Plan investments. The Trustees are the principal shareholders of the Employer, and each maintains a 20% capital and profits interest in VIP.

4. The Employer is engaged in the practice of medicine in the metropolitan Washington, D.C. area. VIP is presently comprised of the 5 partners who together have a net worth in excess of \$2.5 million. The Employer had a net worth, as of April 1, 1982, of approximately \$150,000.

5. The applicant proposes to transfer the Loan to the Plan at its current outstanding principal balance of \$198,750. After transfer the Loan will represent approximately 34.3% of the Plan's assets. The terms of the Loan will be substantially the same as the terms of the prior loan, i.e., the Loan will be for a term of 10 years from August 14, 1981, and will be amortized on a twenty year schedule. The Loan will bear interest at

a rate of 15¼% for an initial three year period, and will be adjusted annually thereafter to the greater of 15¼% or the average bond equivalent yield of one-year United States Treasury bills as of the auction next preceding the August 1 prior to the interest adjustment date.

6. The Loan will be secured by a duly recorded first deed or trust on the same property (the Property) securing the prior loan. Based upon an assignment of the original lease from the prior corporation, the Employer is currently the lessee of the Property. Mr. John Hamman, an appraiser of W.S. Kidwell Associates, Inc., performed an updated appraisal of the Property and determined, as of September 24, 1982, that the Property had a fair market value of \$300,000. The Property therefore has an appraised value greater than 150% of the amount of the Loan. VIP, at its own expense, will provide fire and hazard insurance on the Property in an amount not less than the outstanding principal balance of the Loan, and will execute a loss-payee clause providing for the full payment of any insurance proceeds to be made directly to the Plan.

7. As provided for in the prior exemption, a full recourse note against all of the partners of VIP will be executed rendering each partner personally liable to the Plan in the event of default. Additionally, VIP intends to assign rents due under the lease between VIP and the Employer enabling the Plan to receive rental payments directly in the event of default. The Employer will execute a written commitment to purchase the Loan for its outstanding principal balance plus any accrued interest in the event of a default by VIP which is not cured by VIP within 90 days.

8. Ms. Barbara Fried, an attorney in Springfield, Virginia, has agreed to serve as the fiduciary of the Plan with respect to the Loan. Ms. Fried is completely independent of and unrelated to VIP and/or the Employer. Ms. Fried has had past experience in the administration and operation of employee benefit plans, is familiar with real estate investments in the Washington, D.C. area, and understands her duties, liabilities and obligations as a fiduciary to the Plan.

9. Ms. Fried has examined the decision by the trustees of the Prior Plan and the Plan to distribute the note to the Plan and has determined that the allocation of this particular asset to the Plan is appropriate, and in the best interests of the Plan. Ms. Fried has examined the allocation procedures involved in transferring certain assets to the Plan and has determined that such partition will be in accordance with

applicable requirements of the Code. Ms. Fried represents that the transfer value of the Loan is not greater than its fair market value.

10. In addition to reviewing the appropriateness of the transfer of the note to the Plan from the Prior Plan, Ms. Fried has (1) examined the overall investment portfolio and investment funding policy of the Plan; (2) considered the ongoing cash flow and liquidity needs of the Plan and its participants and beneficiaries; (3) considered the need to sell any of the assets of the Plan in relationship to the Loan as part of the portfolio of the Plan; (4) examined the diversification requirements of Plan assets in light of the proposed Loan; and (5) reviewed the terms of the proposed transaction as such terms comport with the overall investment performance and funding policy of the Plan. After such a review Ms. Fried represents that the Loan is an appropriate and suitable investment for the Plan.

11. Ms. Fried will continuously monitor the Loan to ensure that all proceeds are repaid at the appropriate time, and will be empowered to take all necessary legal and equitable actions in the event of any default on the payment of principal and/or interest of the Loan by VIP. Ms. Fried will keep accurate Loan records, will report at least annually on the performance of the Loan, will call the Loan at any time if she determines that such action is appropriate, will determine the specific interest rate which the Loan will bear after the initial three years of the Loan's term; and will ensure that throughout the term of the Loan the Property or other collateral securing the Loan remains equal to at least 150% of the outstanding Loan balance.

12. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because (a) a qualified, independent party, Ms. Fried, has determined that the transfer of the note to the Plan is appropriate, suitable and in the best interests of the Plan; (b) Ms. Fried has determined that the allocation of the Prior Plan's assets will be in accordance with applicable Code requirements; (c) Ms. Fried has determined that the terms of the Loan are fair and reasonable and that the Loan is an appropriate investment for the Plan; and (d) Ms. Fried will completely monitor and enforce the provisions of the Loan.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Superior Wine & Spirits, Inc. Profit Sharing Plan (the Plan)

[Application No. D-3711]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed loans of money for a period of 5 years by the Plan to Superior Wine & Spirits, Inc. (the Employer), provided that the terms of the transactions are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

Temporary Nature of Exemption

This proposed exemption is temporary and, if granted, will expire 5 years after the date of grant. Should the applicant wish to continue entering into loan transactions beyond the 5 year period, the applicant may submit another application for exemption.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 16 participants and total assets as of June 30, 1982 of \$1,088,669. The Plan trustees are Myron Waxman and Edward Sacks, the president and secretary of the Employer, respectively.

2. The Plan proposes to enter into a loan agreement (the Agreement) with the Employer. The Agreement will provide that the Plan may periodically lend money to the Employer, up to a maximum amount of \$125,000. Each loan made under the Agreement will mature in 120 days and all loans made must be repaid within 5 years of the effective date of the Agreement.

3. The loans made would bear an interest rate of 1% above the prime rate charged by Continental Bank of Philadelphia, but not less than 12% per annum. Upon maturity of each loan, the entire principal amount and accrued interest will be paid.

4. Each loan will be secured by a lien on the Employer's inventory and accounts receivable (the Collateral).¹ As

¹ Inventory is represented by the applicant to mean all goods now or at any time during the term of this Agreement held for sale or being processed.

of August 31, 1982, the value of the Collateral totaled \$511,320. Under the terms of the Agreement, the value of the Collateral will at all times be maintained at an amount not less than 200% of the outstanding principal balance of the loan.

5. The Employer represents that there are no present encumbrances on the Collateral and that the Employer will execute a security agreement and financing statement to perfect the Plan's first lien on the Collateral. The Employer will maintain fire, hazard and theft insurance on its inventory, which insurance will name the Plan as loss payee. The inventory is composed exclusively of bottled liquors and wines. With respect to its accounts receivable, the Employer represents that its only customers are the Commonwealth of Pennsylvania and the United States Armed Services and, therefore, there is essentially no risk of uncollectibility.

6. Mr. Harvey D. Groner (Mr. Groner) Of Wyndmoor, Pennsylvania, has agreed to act as independent fiduciary in connection with the proposed transactions. Mr. Groner is a certified public accountant, and is familiar with secured lending transactions. Mr. Groner is the accountant servicing the Plan and the Employer, however, less than 2% of Mr. Groner's annual gross receipts from his accounting practice are derived from such service. Mr. Groner has been advised by legal counsel with regard to his duties, liabilities and responsibilities as independent fiduciary under the Act.

Mr. Groner has examined the terms of the Agreement and has initially determined that they are appropriate and suitable for the Plan. Mr. Groner will examine all future requests for loans by the Employer under the Agreement and must determine that each loan is appropriate and suitable for the Plan before being consummated. He will be empowered and directed to enforce the terms of the Agreement between the Plan and the Employer, including making demand for timely payment, bringing suit or other appropriate process against the Employer in the event of default, keeping accurate records, and reporting at least annually to the Plan's trustees on the performance of the loans specifically including

for sale in the Employer's business, including all materials, goods in process, finished goods and supplies customarily classified as inventory.

Accounts Receivable is represented by the applicant to mean any account, now in existence or which may come into existence during the term of this agreement, arising from the performance of services or an outright sale of goods by the Employer, which goods have been or will be shipped to an account debtor of the Employer.

whether the value of the Collateral securing the loans remains equal to at least 200% of the outstanding balance of the loans. He will be entitled to such information from the Employer and the Plan as may be necessary to fulfill his responsibilities.

7. In summary, the applicant represents that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The loans will be approved and monitored by an independent fiduciary;

(b) The loans will be secured by the Collateral, which at all times will be equal to at least 200% of the outstanding loan balance;

(c) The exemption will be limited to a five year period; and

(d) The independent fiduciary has determined that the transactions are appropriate for the Plan and are in the best interests of and protective of the Plan's participants and beneficiaries.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

[Application No. D-3712]

The Miami Rug Company Employees Profit Sharing Plan and Trust (the Plan) Located in Miami, Florida

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, effective January 1, 1975, to the loan of \$125,000 made on December 1, 1974, by the Plan to Miruco Corporation (Mirusco), provided the terms of the loan were not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time the loan was made.

Effective Date: If the proposed exemption is granted, it will be effective January 1, 1975.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with approximately 281 participants. The Plan had approximately \$860,000 in assets as of June 30, 1982. Mrs. Ruth E. Baros owns over 50 percent of the stock in the Miami Rug Company and also

owns 100 percent of the issued and outstanding stock of Miruco.

2. On December 1, 1974, the Plan loaned \$125,000 to Miruco. The loan was to be for a term of 20 years, and bore an interest rate of 9 percent. The applicant represents that the officers of Miruco had considered acquiring the loan through local savings and loan institutions and had discussed the terms and mortgage rates with them. The prevailing rate of interest customarily charged in the area at the time the loan was made was 9 percent, and the term of 20 years was also customary at that time.

3. The loan was secured by a duly recorded first mortgage on a parcel of real property in Dade County, Florida (the Property). The Property was appraised by Mr. J. N. Lumms, Jr., an independent appraiser in Miami, Florida, as having a fair market value of \$167,000 as of December 2, 1974. The applicant represents that the Property has appreciated and is presently worth approximately \$290,000.

4. All payments on the loan have been made in full and on schedule by Miruco to the Plan. As of June 30, 1982, the loan represented approximately 11.76% of the Plan's assets. On November 8, 1982, Miruco repaid the loan in full to the Plan.

5. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) The interest rate paid to the Plan for the loan was the prevailing rate charged by local financial institutions for similar loans at the time the loan was entered into; (2) the loan was at all times adequately secured by a first mortgage on real property having a fair market value, as determined by an independent appraiser, well in excess of the principal amount of the loan; and (3) all payments on the loan were made on schedule, and the loan has now been repaid in full to the Plan.

Finally, the applicant represents that the loan was entered into prior to the effective date of the Act without knowledge that the transaction would become prohibited on January 1, 1975. As soon as the applicant realized that the loan had become a prohibited transaction, the applicant submitted a good faith request for an exemption instead of terminating the loan transaction.

Notice to Interested Persons

Notice will be provided to interested persons in the manner agreed upon by the Department and the applicant within 30 days of the date of publication of this

notice of proposed exemption. Comments and requests for a public hearing must be received by the Department within 60 days of the date of publication.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Greiver, Skolnick, Stoler & Lloyd Profit Sharing Plan (the Profit Sharing Plan) and the Greiver, Skolnick, Stoler & Lloyd Retirement Plan (the Retirement Plan); collectively, the Plans), Located in Louisville, Kentucky

[Application Nos. D-3716 and D-3717]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) The proposed loan of \$30,000 by the Profit Sharing Plan to Greiver, Skolnick, Stoler & Lloyd, P.S.C. (the Employer), the sponsor of the Profit Sharing Plan; (2) the proposed loan of \$70,000 by the Retirement Plan to the Employer, the sponsor of the Retirement Plan; and (3) the guarantee of such loans (the Loans) by the seven principals of the Employer provided that the terms and conditions of the Loans are at least as favorable to the Plans as those which the Plans could receive in a similar transaction with an unrelated party.

Summary of Facts and Representations

1. The Plans, each of which has 15 participants, are qualified plans maintained by the Employer. The Employer is a company engaged in a medical practice specializing in internal medicine and pulmonary care and treatment. Prior to its incorporation in 1978, the Employer had operated as a partnership since 1961. The Employer currently employs 7 physicians (the Physicians) and 11 other employees. The capital stock of the Employer is owned by the Physicians. The assets of the Plans are held in a master trust for which the Liberty National Bank and Trust Company (the Bank) located in Louisville, Kentucky serves as the trustee. The Bank's only relationship to the Employer and the Plans is that of trustee to the Plans.

2. The Employer is requesting an exemption which will permit the Loans, the proceeds of which will be used by the Employer to renovate and equip a new office facility for use as its primary business location. The term of each Loan would be for seven years with a floating interest rate of 1% over the prime rate of the Bank. In addition, the Loans will have an interest rate floor of 10%. The interest rate will be adjusted on the same day as the Bank makes any change in its prime rate. The Loans will provide for 84 monthly payments of principal and interest. The Loans will be secured by all present and future accounts receivable, inventory, equipment and furnishings of the Employer. The applicant represents that the Employer's accounts receivable have averaged approximately \$379,929 for the six month period immediately prior to this exemption request and that during the term of the Loans the accounts receivable should remain at a level equal to at least 200% of the amount of the outstanding balances of the Loans. If the accounts receivable should fall below such 200% level, the Employer will provide additional collateral such that the Loan will be secured by collateral at least equal to 200% of the outstanding balances of the Loans. The applicant has submitted an appraisal performed on September 30, 1982 by Mr. Darrell Smith (Smith), of the Whittaker General Medical Corp. located in Louisville, Kentucky of certain medical equipment which is owned by the Employer. Smith represents that such equipment on that date had a value of \$25,520.08. The applicant represents that such equipment will be adequately insured with the Plans being the named cobeneficiary of such insurance. In addition, the Loans will be personally guaranteed jointly and severally by the Physicians who the applicant represents have a combined net worth in excess of \$1,000,000. The applicant also represents, that at the time the Loans are entered into, the Loan made by the Profit Sharing Plan will not exceed 25% of the assets of the Profit Sharing Plan and the Loan made by the Retirement Plan will not exceed 28% of the assets of the Retirement Plan.

3. The Bank, acting as an independent fiduciary, has examined the Loans. The Bank represents that: (1) The Loans will be in the best interests of the participants and beneficiaries of the Plans; (2) the terms and conditions of the Loans were determined at arm's length; and (3) the Bank will monitor the terms and conditions of the Loans on behalf of the Plans. In addition, the applicant represents that the Citizens Fidelity Bank and Trust Company located in

Louisville, Kentucky has offered to make a loan of \$100,000 to the Employer which would have the same terms and conditions as those of the Loans. The Employer represents that it is in the best interests of the Plans to receive the high interest payments on the Loans rather than have the Employer make such payments to a financial institution.

4. In summary, the applicant represents that the Loans will meet the statutory criteria of section 408(a) of the Act as follows: (1) The trustee of the Plans represents that the Loans will be in the best interests of the participants and beneficiaries of the Plans; (2) the Loans will be approved and monitored by an independent fiduciary; (3) the Employer could receive the funds from a financial institution under the same terms and conditions as the Loans; and (4) the Plan will receive a high rate of interest on the Loans.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

The Wendel Gann Corporation Employees' Defined Benefit Pension Plan (the Plan), Located in Downey, California

[Application No. D-3520]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to a loan (the Loan) by the Plan to Wendel Gann Corporation (the Employer) of \$150,000, provided the terms and conditions of the Loan are at least as favorable to the Plan as those obtainable in a similar transaction with an unrelated party.

Summary of Facts and Representations

1. The Employer, which does business as Gann Products Co., Inc., is a company located in Downey, California and engaged in the manufacture and warehousing of liquid propane gas conversion equipment. The Employer is owned entirely by members of the Wendel Gann family (the Ganns). Mr. Wendel Gann is the president of the Employer corporation. Both he and his spouse, Mrs. Irma Gann, serve on the Employer's Board of Directors. A son,

Mr. Lawrence Gann, is the vice president and a director of the Employer corporation and is also the Plan administrator.

2. The Plan is a defined benefit plan established on July 1, 1980 by the Employer for the benefit of its employees. The Plan replaced a profit sharing plan which had been in effect since 1971. As of June 30, 1982, the Plan had seven participants and total assets of approximately \$566,000. The Ganns serve as the Plan trustees (the Trustees) and as such, they are responsible for making investment decisions for the Plan.

3. To expand its operations, the Employer intends to move from its present location to larger facilities. The Employer has entered into a written agreement with an unrelated party, Feeser and Walker Company (Feeser) of Downey, California, in order to purchase certain improved real property (the Real Property) located at 9540 Stewart and Gray Roads, Downey, California. The Real Property consists of a parcel of land, a large industrial-type building and certain improvements. The Employer has agreed to pay \$365,000 for the Real Property. This price is less than Feeser's original asking price of \$405,000. It is also less than the \$429,000 fair market value price as determined on March 20, 1982 by the independent appraisal firm Allied Appraisers, Inc. of Rowland Heights, California.

4. The Employer has obtained short-term financing from Community Bank (Community) of Downey, California to facilitate its purchase of the Real Property. The financing consists of an unsecured loan of \$150,000 made by Community to the Employer. The loan bears interest at the rate of one percent above the prime rate, calculated on a daily basis. The loan is payable on demand or at the end of 90 days and it is guaranteed by the Ganns.

5. Although Community has expressed its willingness to enter into a longer-term financing arrangement with the Employer by lending up to 70 percent of the appraised value of the Real property, the Trustees have determined that it would be a very desirable investment for the Plan to make a loan to the Employer. Therefore, exemptive relief is requested.

6. The Loan will be made in the amount of \$150,000 or approximately 26 percent of the Plan's total assets. The Loan will be for a term of ten years with principal and interest payable monthly. The interest rate for the loan will be one percent over the prime rate, adjusted monthly, based upon the prime rate as published in the money Rate Table of *The Wall Street Journal*. However, in no

event will the annual interest rate be less than 12 percent. The Loan will be secured by a first mortgage on the Real Property which will be kept fully insured against theft, fire and other casualty loss throughout the term of the Loan, and all of the proceeds of such insurance will be payable to the Plan. The Real Property will have a value at all times at least equal to 150 percent of the outstanding Loan balance.

7. A branch of Bank of America National Trust and Savings Association (the Bank) located in Los Angeles, California has agreed to serve as the independent fiduciary for the Loan. The Bank has no pre-existing commercial relationship with the Employer and as such, is a completely independent entity. The Bank believes the Loan is an appropriate transaction for the Plan given its rate of return and stability. With respect to the Loan's interest rate of one percent over prime, the Bank feels it is proper in light of the security pledged and terms offered in the Loan package. The Bank has also considered the safeguards relative to the Loan and it states the risks involved are no greater than in transactions normally acceptable to such plans. In addition, the Bank states that it has investigated the overall portfolio for the Plan, considered the Plan's cash flow requirements and the assets which might have to be liquidated to satisfy these requirements, considered the diversification of the Plan's assets in light of the proposed investment and assessed the manner in which the Loan fits into the plan's investment scheme.

As the independent fiduciary, the Bank will review and monitor the terms and conditions of the Loan and enforce collection procedures in the event of a default. The Bank will ensure that the value of the Real Property is at least equal to 150 percent of the outstanding Loan balance. This will require the Bank to demand, at its discretion, that the Employer obtain independent appraisals of the Real Property. If the value of the Real Property is below the 150 percent level, the Bank may demand that the Employer post additional collateral or prepay a portion of the Loan.

8. In summary, it is represented that the proposed transaction represents the statutory criteria of section 408(a) of the Act because: (a) The Bank states that the Loan is an appropriate investment for the Plan; (b) the Bank will review and monitor the terms of the Loan to ensure its repayment; (c) the Loan will carry an interest rate of one percent over the prime rate with a guaranteed minimum interest rate of 12 percent per annum; (d) the Loan will be secured by a first mortgage on the Real Property

which will at all times have a value of at least 150 percent of the outstanding Loan balance; (e) the Real Property will be appraised by an independent appraiser at the discretion of the Bank to ensure its value falls within the acceptable level and it does not, the Bank will demand that the Employer post additional collateral or prepay a portion of the Loan; and (f) the Real Property will be insured by the Employer and the Plan named the beneficiary of the insurance policy.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

The Texas State Optical of Capital Plaza Pension Plan (the Plan), Located in Austin, Texas

[Application No. D-3630]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a) 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) A loan (the Loan) by the Plan of approximately \$96,732 to Texas State Optical of New Braunfels (the Partnership), provided the terms and conditions of the Loan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party; and (2) the guarantee of repayment of the Loan by the partners (the Partners) of the Partnership who are principals of Drs. Taylor, Watson, Knowles and Associated Optometrists, P.C. (the Employer).

Summary of Facts and Representations

1. The Plan is a defined benefit plan with thirty-eight participants and total assets having a market value of \$576,561 as of June 30, 1982. The trustee of the Plan is American National Bank (American) of Austin, Texas. American has responsibility for making investment decisions for the Plan.

2. The Employer is a Texas corporation engaged in providing retail optometric services to the general public. The Employer, which operates under the trade name "Texas State Optical of Capital Plaza" (TSO), maintains its principal place of business

at 5449 North Interregional Highway, Austin, Texas. The Employer is 95 percent owned by Drs. A. Troy Taylor, J. Fred Watson and John L. Knowles. These individuals are also the Partners of the Partnership.

3. The Partnership, which has been in existence since October 1980, is engaged in the optometry business.

Approximately one year ago, the Partnership opened an office in the Courtyard Shopping Center in New Braunfels, Texas after having purchased franchise rights (the Franchise Rights) in the TSO trade name from Dr. C. R. McClintick, an unrelated party. The office is leased for a term of five years, at a monthly rental of \$1,206, from Allied Development, an unrelated leasing and construction firm.

4. Prior to opening the New Braunfels office, the Partners were able to obtain a loan in June 1981 of approximately \$109,604 from the First National Bank of New Braunfels (First National) of New Braunfels, Texas. [First National was subsequently acquired by the Texas Commerce Bank (Texas Commerce) and thereafter payments have been made to Texas Commerce.] The loan bears interest at $\frac{1}{2}$ percent above New York prime; the interest rate is adjusted monthly. The loan is being repaid in monthly installments of principal and interest totaling \$2,723 over a five-year period. The loan is secured by leasehold improvements (the Improvements), inventory (the Inventory), furniture and fixtures (the Furniture and Fixtures) and accounts receivable (the Receivables) of the Partnership. As of October 28, 1982, the principal outstanding balance of the loan was \$96,732.

5. The Partners propose to borrow approximately \$96,732 from the Plan in order to repay Texas Commerce for the pre-existing obligation. The Partners plan to execute a new promissory note with the Plan for the amount remaining on the original note and adopt the same terms and conditions. The Loan will be secured by first lien interests in the Inventory (which totals between \$14,000 to \$15,000 annually and consists of contact lenses, frames for eyeglasses, lenses, solutions for contact lenses and contact lens care kits), the improvements, Furniture and Fixtures as well as the Franchise Rights of the Partnership. Appropriate security agreements and financing statements will be executed by the parties and filed in Comal County, Texas, the county of record for New Braunfels. At all times, the collateral will represent at least 150 percent of the outstanding Loan balance. If the collateral falls below this level, an independent fiduciary designated to oversee the Loan will demand

additional security from the Partnership or call the Loan. In addition, the collateral will be adequately insured with the Plan named as the beneficiary of the insurance policy. As further security for the Loan, the Partners will personally guarantee specific performance of the terms of the promissory note. As of July 1982, the Partners had a combined net worth in excess of \$3.9 million.

6. Mr. Jack M. Puryear (Mr. Puryear), an independent appraiser, has valued the collateral for the Loan as of September 16, 1982. Mr. Puryear is a partner in the real estate and insurance firm of Nieman, Hanks and Puryear, located in Austin, Texas. He states that he has reviewed eight sales of TSO franchises over the past two years. Mr. Puryear believes the Franchise rights, exclusive of the Receivables, Improvements, Inventory, Furniture and Fixtures have a fair market value of approximately \$160,000.

With respect to the lease, Mr. Puryear notes that it is for a five-year period with two five-year renewal options. Considering the favorable terms of the lease, it is his opinion that the Improvements, Furniture and Fixtures in the office have a current value of \$105,132, exclusive of stock. This, he says, takes into consideration a 12 percent depreciation factor and a 9 percent inflation factor. Thus, the combined value of the collateral, excluding the Inventory, is \$265,132.

7. American has offered to serve as the independent fiduciary for the Loan. In a letter of September 16, 1982, American represents that there is no affiliation between it and Texas Commerce or their respective parent holding companies. American also states that the Employer, the Partnership and the Partners do not maintain a commercial, advisory or directorship relationship with the bank and its only relationship with the parties is as the current Plan trustee. In determining that the Loan is appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries, American has analyzed the following factors: (a) The size, diversity and soundness of the existing account portfolio; (b) the excellent credit history of the Partnership with regard to the existing indebtedness; (c) the strong professional reputation and integrity of the Partners; (d) the strong, high liquidity personal financial statements of the Partners; (e) the strong collateral position of the Plan as a secured note holder; (f) the strength, longevity, stability and track record of the Partnership; (g) the current high rate of return available on promissory note indebtedness as well as the hedged

position provided by the floating interest rate provision of the note; (h) the demographic strength of New Braunfels as a growing market needing professional optometric services; and (i) the liquidity of the investment. American also believes that notwithstanding the fact that the Partnership's Receivables have not been pledged as collateral for the Loan, the security and personal guarantees are more than adequate to collateralize the Loan within the 150 percent ratio.

As the independent fiduciary, American will monitor the Loan to ensure payments are made by the Partnership on a monthly basis. American will also see to it that the collateral is kept insured and that ad valorem personal property taxes are paid. American will also ensure that the value of the collateral is at all times at least 150 percent of the outstanding Loan balance and will demand a pledge of additional collateral from the Partnership if the value falls below the stated percentage or call the Loan.

8. In summary, it is represented that the proposed transactions will satisfy the criteria of section 408(a) of the Act because: (a) American states that the Loan is in the best interests of the Plan and its participants and beneficiaries; (b) American, as the independent fiduciary, will monitor the Loan on behalf of the Plan; (c) the Loan will be secured by perfected first security interests in the Inventory, Improvements, Furniture, Fixtures and Franchise Rights of the Partnership which have an appraised value of over twice the amount of the Loan; (d) the collateral will be kept insured throughout the Loan duration and the Plan will be named the beneficiary of the insurance policy; (e) the collateral will not be allowed to fall below 150 percent of the outstanding Loan balance, and if it does, American can demand additional security from the Partnership or call the Loan; and (f) the Partners will guarantee the Loan in the event of a default.

For Further Information Contact: Ms. Jan Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

[Application No. D-3875]

Proposed Extension of Part IX of PTE 77-11, for Certain New Transactions Involving the Central States, Southeast and Southwest Areas Pension Fund, Located in Chicago, Illinois

Proposed exemption

The Department is considering granting an extension of Part IX of

Prohibited Transaction Exemption (PTE) 77-11 (42 FR 54041, October 4, 1977) under section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the extension is granted, subject to the conditions contained in Part IX of PTE 77-11, the restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of sections 4975(c)(1) (A) through (D) of the Code shall continue not to apply to new transactions between the Fund and certain non-fiduciary parties in interest and disqualified persons. It would be effective October 3, 1982, and would expire with respect to each independent asset manager when the manager ceases to have responsibility for Fund assets under the current asset management agreements that have been in effect since October 3, 1977.

Summary of Facts and Representations

This extension of Part IX of PTE 77-11 was requested in an application filed on October 21, 1982 by The Equitable Life Assurance Society of the United States (Equitable) on behalf of itself and the other independent investment managers of the Central States, Southeast and Southwest Areas Pension Fund. The application incorporated by reference a letter dated September 28, 1980 and Exemption Application No. D-850, which was part of the record underlying PTE 77-11. The representations made in those submissions and the entire record relating to Part IX of PTE 77-11, including the findings by the Department of Labor and the Internal Revenue Service relating to the requirements of section 408 (a) of the Act for the granting of an exemption, are incorporated by reference into the record relating to this application. Exemption Application No. D-850 (July 29, 1977) contained requests by Equitable and Victor Palmieri and Company Incorporated (VPCO) that the Department and the Internal Revenue Service issue exemptions from the prohibited transaction provisions of the Act and the Code for various transactions entered into on behalf of the Fund by the independent asset managers of the Fund under the asset manager agreements made between the applications and the Fund as of June 30, 1977, effective October 3, 1977 (1977 agreements). In response to that application and after the required publication of notice in the Federal Register and provision of notice to interested parties, the Department and the Service granted PTE 77-11. Part IX of that exemption permitted the applications to engage in new

transactions with various categories of parties in interest subject to the terms and conditions contained in the exemption. In general, Part IX provided relief only in situations where the party dealing with the Fund was a service provider or an employer who was not, and was not related to, a fiduciary of the Fund. It was granted based on, among other things, representations of the applications regarding the nature and history of the Fund and the terms of the exemption. It was effective for a period of five years from the closing date of the 1977 agreements, which was October 3, 1977; thus, it expired on October 2, 1982.¹

On September 21, 1982, the Secretary of Labor announced that the Department had entered into a consent decree with the Trustees of the Fund. Under the consent decree, the Fund may continue to have Equitable and VPCO manage its assets under the terms of the 1977 agreements, which remain in effect, or the Fund may enter into new asset management arrangements, provided the Fund complies with all relevant provisions of the consent decree. These new asset management arrangements may be with Equitable or VPCO, or they may be with other asset managers that meet the criteria of the consent decree. At the present time, no new asset management arrangements have been entered into by the Fund, the 1977 agreements remain in effect, and Equitable and VPCO, as well as the other Fund asset managers appointed by Equitable, are continuing to perform their functions under the 1977 agreements. The consent decree allows for the termination of the asset managers' services only upon appropriate prior written notice to them, as well as to the Department of Labor, from the Trustees, subject to approval

¹ On August 18, 1981, Equitable requested "reaffirmation" of PTE 77-11 and other exemptions and opinions based on proposed new investment management agreements which, it was anticipated at that time, would be implemented by Equitable and the Fund (Exemption Application No. D-2834). On December 4, 1981 the Department proposed certain of the requested exemptions in the Federal Register (46 FR 59334). An extension of Part IX of PTE 77-11 was proposed as Part (2) of that proposed exemption. It was identical in substance to this proposed exemption. The Department received no written comments on that proposed exemption during the comment period, which expired January 4, 1982.

On March 11, 1982, the Secretary of Labor denied Equitable's request, submitted under section 9.01 of the June 30, 1977 master independent asset management agreement, that he consent to the proposed new long-term independent asset management agreements that were under consideration by the Trustees, Equitable and VPCO, and upon which the December 4, 1981 proposed exemption was based. As a result, the proposed new agreements have never been implemented, and the proposed exemption has never been granted.

by the court that entered the decree, and the selection of a successor named fiduciary, approved by the court, that meets the selection criteria of the consent decree. No termination notice has as yet been provided. Accordingly, Equitable, VPCO, and the other Fund asset managers appointed by Equitable have continued to manage the assets of the Fund under the 1977 agreements since October 2, 1982, and will continue to have these responsibilities until new asset management arrangements have been made.

In its application, Equitable states that it is essential that Part IX of PTE 77-11 be extended beyond October 2, 1982 for the life of the 1977 agreements to avoid unnecessary disruption of the management of the Fund's assets. The Department will consider all the representations and findings in the application, including those related to Part IX of PTE 77-11, in determining whether the requirements of section 408(a) of the Act for the granting of an exemption have been met.

For Further Information Contact: David A. Rood of the Department, telephone (202) 523-8368. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction;

(4) The proposed exemptions, if granted, will be subject to the express conditions that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 4th day of January 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-495 Filed 1-6-83; 8:45 am]

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KRJ, Ltd. Profit Sharing Plan and Trust et al.; Grant of Individual Exemptions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public

comments and no requests (for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

[Prohibited Transaction Exemption 83-2; Exemption Application Nos. D-3154, D-3155, D-3156 and D-3157]

KRJ, Ltd. Profit Sharing Plan and Trust, KRJ, Ltd. Pension Plan and Trust, LCM, Ltd. Profit Sharing Plan and Trust and LCM, Ltd. Pension Plan and Trust (the Plans), Located in Sioux Falls, S.Dak.

Exemption

The restrictions of section 406(a), 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) The purchase by the Plans of an addition (the Addition) to a parcel of real property (collectively, the Properties) from KRJ, Ltd. (KRJ), the sponsor of the Plans and the owner of LCM, Ltd., provided the purchase price is not more than the fair market value of the Addition on the date of sale; (2) the lease of the Properties by the Plans to KRJ; (3) the assignment of two subleases by KRJ to the Plans; and (4) the potential purchase of the Properties by KRJ, provided that the terms and conditions of transactions (2) through (4) are at least as favorable to the Plans as those obtainable from an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 13, 1982 at 47 FR 35376.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

The Automotive Industries Pension Trust Fund (the Plan) Located in San Francisco, Calif.

[Prohibited Transaction Exemption 83-3; Exemption Application No. D-3452]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to: (1) The past sale to the Plan of a 50% interest in certain real property (the Property) for \$1,053,500 by Safeway Stores, Inc. (Safeway), a party in interest with respect to the Plan; and (2) the subsequent leasing of the Property by the Plan to Safeway provided that the terms and conditions of such transactions were at least as favorable to the Plan as those which the Plan could have received in similar transactions at that time with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 19, 1982 at 47 FR 46595.

Effective date: The exemption will be effective September 4, 1975.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll free number.)

Ingles Markets, Incorporated Employees Stock Bonus Plan (the Plan) Located in Asheville, N.C.

[Prohibited Transaction Exemption 83-4; Exemption Application No. D-3614]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of a party improved parcel of real property, as described in the notice of proposed exemption, to Ingles Markets, Inc., the sponsor of the Plan, for \$1,850,000, provided that this amount is not less than the fair market value of the property as of the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of

proposed exemption published on October 19, 1982 at 47 FR 46594.

Written Comments and Hearing Requests: Two public comments including a hearing request were received. One commentator stated that she did not want any assets of the Plan to be sold, and the other commentator stated that he didn't completely comprehend the notice, objected to the granting of an exemption, and requested a hearing. The Department contacted the commentators and discussed the proposed exemption. The commentators have withdrawn their comments and hearing request.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 4th day of January 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-482 Filed 1-6-83; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3894]

Proposed Exemption for Certain Transactions Involving the Robert Corum & Associates, Inc. Money Purchase Pension Plan Located in Louisville, Ky.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of land and the improvements thereon to the Robert Corum & Associates, Inc. Money Purchase Pension Plan (the Plan) by Robert Corum & Associates, Inc. (the Employer), and the subsequent lease of a portion of the subject property by the Plan to the Employer. Since Robert Corum (Corum) is the sole shareholder of the Employer and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code. The proposed exemption, if granted, would affect the Employer, the Plan and Corum.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before February 7, 1983.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-3894. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution plan with one participant, Corum. Corum is also the trustee of the Plan and responsible for the investment decisions of the Plan.

2. On April 15, 1981, the Employer purchased from YAR Realty Co., Inc., an unrelated party, a two-story office building (the Property), located at 2416 Frankfort Avenue, Louisville, Kentucky, for a purchase price of \$120,000 cash. The Property is unencumbered by any mortgage, and contains approximately 5,000 square feet of rentable space. It is 100% occupied by thirteen tenants, pursuant to unwritten month-to-month leases, and the Employer who is now occupying 708 square feet. All leases with unrelated tenants have been negotiated at arm's-length.

3. Corum as trustee for the Plan has decided that the purchase of the Property by the Plan from the Employer would be in the best interests of the Plan. The transaction would benefit the Plan by diversifying assets of the Plan by acquiring income-producing property. The Employer would continue to occupy 708 square feet of the Property pursuant to an unwritten month-to-month lease, in the same manner as the unrelated tenants. An appraisal dated May 10, 1982 prepared by Ronnie L. Galloway, M.A.I. (Mr. Galloway), an independent

appraiser in Louisville, Kentucky, projects an annual net income from the Property of \$17,925, which represents a yield of 11.2% per annum on the purchase price to be paid by the Plan, although the actual yield may turn out to be lower or higher depending on actual rents and expenses. This yield does not include any amount for appreciation in the value of the Property as a Plan asset. Corum as Plan trustee represents that an additional advantage to the Plan is the ability to adjust rents on a timely basis to reflect changes in inflation and any impact on projected expenses.

4. The sale price for the Property to the Plan will be \$160,000. This is the fair market value for the Property as established by Mr. Galloway. The applicant represents that the Plan will charge all tenants of the Property, including tenants that are parties in interest, rent based on the fair market rental value of such tenant's leased premises. Mr. Galloway has appraised the fair market rental value of the premises to be leased to the Employer to be \$400 per month. The Employer will pay such rent initially for its leased premises. The Employer's rent will be adjusted periodically in the same manner as the leases to the unrelated tenants to reflect changes in the fair market rental value. Corum represents that he presently intends to make such adjustments on an annual basis. Prior to making such adjustments in the rent, Corum as Plan trustee represents that he will consult with Mr. Galloway as to the proper adjustments necessary to maintain rents at the fair market rental value.

5. The applicant represents that the Property will only be held in Corum's individual account in the Plan, even if additional participants are later admitted to the Plan.

6. In summary, the applicant represents that the transactions meet the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (1) The sale is a one-time transaction for cash; (2) the Plan will pay a sales price determined by an independent appraiser, and will receive rental payments from the Employer that have been established as the fair market rental value by an independent appraiser; and (3) the only Plan participant to be affected by the transactions is Corum, and he as Plan trustee desires that the transactions be consummated.

Notice to Interested Persons

Because Corum is the only participant in the Plan and the sole shareholder of the Employer, it has been determined that there is no need to distribute the

notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the Plan must operate for the exclusive benefit of the employees of the employer maintaining the Plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions

resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the code shall not apply to the sale of the Property by the Employer to the Plan for \$160,000, provided that this amount is not more than the fair market value of the Property on the date of sale, and the lease of a portion of the Property by the Plan to the Employer, under the terms described in this notice, provided such terms are as favorable to the Plan as those available in an arms-length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of December, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-1693 Filed 1-6-83; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3120]

Proposed Exemption for a Certain Transaction Involving the Rosen's Furniture Co., Inc. Profit Sharing Plan Located in Stroudsburg, Pa.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the lease of a warehouse by the Rosen's Furniture Company, Inc. Profit Sharing Plan (the Plan) to Rosen's Furniture Company, Inc. (the Employer) for a five year period, with the option to renew the lease for an additional five-year period. The proposed exemption, if granted, would affect the Employer and the Plan and its participants and beneficiaries.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before February 28, 1983.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-3120. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Ms. Linda Hamilton of the Department of Labor, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with 25 participants. The Plan was established by the Employer in 1963. The trustee of the Plan is the Hazleton National Bank (the Trustee).

2. The Employer is a small, closely held corporation engaged in the business of selling furniture to a retail market.

3. In 1966 the Employer conveyed a warehouse (the First Warehouse) to the Plan for the consideration of \$12,500. The Employer then entered into a lease agreement with the Plan which provided for an annual rental payment to the Plan

for the Employer's exclusive use and possession of the first Warehouse.

4. This lease agreement, involving the First Warehouse, continued until approximately April 18, 1974, when the First Warehouse was condemned by the Redevelopment Authority of Monroe County, Pennsylvania. The condemnation resulted in the Plan's receiving \$35,000 in condemnation proceeds.

5. During 1974, a new warehouse (the New Warehouse) which represents 18% of the total assets of the Plan as of June 16, 1982, was constructed by the Plan at a cost of \$183,850. The New Warehouse is occupied by the Employer pursuant to a lease agreement which became effective on February 15, 1975 and which provided for a rental payment of \$2,000 per month. The applicant represents that the lease agreement which presently exists between the Plan and the Employer does not constitute a prohibited transaction by reason of the transitional rules contained in section 414 of the Act.¹

6. The applicant requests an exemption to permit the Employer to lease the New Warehouse from the Plan effective from the date of the granting of this requested exemption and extending for a five-year period, with the option to renew the lease for an additional five-year period. The option to renew the lease requires the mutual consent of both parties to the lease.

7. The Employer will pay to the Plan an annual rental of \$26,400, payable in monthly installments of \$2,200. This rental rate has been determined to represent the fair market rental value of the New Warehouse as determined by an appraisal performed by Ray Roberts, Supervisory Broker and Appraiser, of the Country Cousins Realty Sales, Inc., East Stroudsburg, Pennsylvania. The lease will be a triple net lease with the Employer paying all real estate taxes and assessments and other governmental charges relating to the New Warehouse.

8. If the lease is extended for an additional five years, the annual rental value of \$26,400 will be adjusted. This adjustment will be based upon an appraisal to be performed by an independent real estate appraiser which will determine the then current fair market rental value of the New Warehouse. In no event, however, shall the amount of the rental payment be reduced during the additional five-year term.

¹The Department expresses no opinion as to the applicability of section 414 of the Act in this instance.

9. The Trustee, which is independent of the Employer, has represented that it has reviewed the proposed lease of the New Warehouse and has determined that it is favorable to the Plan. Further, the Trustee has agreed to enforce all of the terms and conditions of the lease of the New Warehouse.

10. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) The Plan will retain unencumbered title to a fixed, appreciating and income producing asset while incurring no expenses;

(2) The Plan will receive the fair market rental value for its property as determined by an independent real estate appraiser;

(3) The independent Trustee, having reviewed all of the terms of the proposed lease, has determined that it is favorable to the Plan; and

(4) The Trustee will enforce the terms and conditions of the lease.

Notice to Interested Persons

Notice of the proposed exemption as published in the *Federal Register* will be furnished to all Plan participants. The notice will be prominently posted in the Employer's various business locations in areas frequented by the Plan participants, and each Plan participant will receive written notification of the Notice of Pendency. Interested persons will also be informed of their rights to comment and request a hearing. The notice will be provided within 20 days of publication in the *Federal Register*.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the lease of the New Warehouse by the Plan to the Employer, as described herein, so long as the rental amount received by the Plan represents the fair market value of the New Warehouse.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and

that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of December, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-494 Filed 1-6-83; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday, Tuesday, and Wednesday, January 24-26, 1983. The meeting on Monday and Tuesday will be held in Rooms 6802 and B-841 at the Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. The panel meeting scheduled on Wednesday will be held in Room B-100, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C. The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to: (1) Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth and assessment, on a selective basis, of reports as may from time to time be requested by the President or Congress.

The tentative agenda is as follows:

Monday, January 24, 1983

Department of Commerce, 14th St. and Constitution Avenue, NW., Washington, D.C. Rooms 6802 and B-841
9:00 a.m.-12:30 p.m.—Plenary
9:00 a.m.-9:30 a.m.—Announcements, Room 6802
9:30 a.m.-12:30 a.m.—Sea Grant, Chairman: Jack R. Van Lopik, Room 6802

Speakers: Ned Ostenso, National Sea Grant College Program; Athelstan Spilhaus; James Curlin; Others To Be Announced

12:30 p.m.-1:30 p.m.—Lunch
1:30 p.m.-5:00 p.m.—Panel Meetings
1:30 p.m.-3:30 p.m.—Hydrology, Chairman: Paul Bock, Room B-841

Topic: Panel Work Session

1:30 p.m.-5:00 p.m.—Radioactive Waste Disposal, Chairman: John A. Knauss, Room 6802

Speakers: Loring Mills, Edison Electric Institute; Susan Wiltshire, Research and Planning, Inc.; Christopher Roosevelt, The Oceanic Society; Others To Be Announced

5:00 p.m.—Recess

Tuesday, January 25, 1983

Department of Commerce, 14th St. and Constitution Avenue, NW., Washington, D.C.; Rooms 6802 and B-841

8:30 a.m.-12:00 Noon—Panel Meeting

8:30 a.m.-10:30 a.m.—Sea Grant, Chairman: Jack R. Van Lopik, Room 6802

Topic: Panel Works Session

10:30 a.m.-12:00 Noon—Plenary
Hydrology, Chairman: Paul Bock, Room B-841

Topic: Tentative Recommendations from Panel Report

12:00 Noon-1:00 p.m.—Lunch

1:00 p.m.-3:30 p.m.—Plenary

Action Items—Review and Approval of Marine Transportation Report, Panel Chairman: Don Walsh

Review and Approval of Coast Guard Report, Panel Chairman: Michael R. Naess

Panel Reports

3:30 p.m.—Adjourn Regular Meeting

Wednesday, January 26, 1983

Page Building #1, Room B-100, 2001 Wisconsin Avenue, NW., Washington, D.C.

9:00 a.m.-3:00 p.m.—Panel Meeting

9:00 a.m.-3:00 p.m.—Undersea Technology, Chairman: Sylvia Earle

Topic: Initiate Panel Review

Speakers: TBA

3:00 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235.

Dated: January 4, 1983.
Steven N. Anastasion,
Executive Director.
[FR Doc. 83-487 Filed 1-6-83; 8:45 am]
BILLING CODE 3510-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12940]

Chatsworth Investments, Inc., Order Application

December 30, 1982.

In the matter of Chatsworth Investments, Inc., c/o Rosemary T. Berkery, Esq., Shearman & Sterling, 153 East 53rd Street, New York, New York 10022 (812-5354). Notice is hereby given that Chatsworth Investments, Inc., a Delaware corporation, filed an application on October 25, 1982, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it was organized on October 21, 1982 for the sole purpose of engaging in the business of issuing and selling commercial paper notes and using the net proceeds of sale thereof to purchase participations in certain loans made by Citibank, N.A. ("Citibank"), a national banking association organized and existing under the laws of the United States.

Applicant represents that payment of principal of, and interest on, Applicant's commercial paper will be guaranteed by The Travelers Indemnity Company ("Travelers"), a Connecticut corporation, pursuant to commercial paper bonds of indemnity to be issued by Travelers with respect to such commercial paper. It is further stated that substantially all of Applicant's assets will consist of participations purchased from Citibank in loans made or otherwise owned by Citibank meeting certain eligibility criteria.

Applicant represents that none of its outstanding common stock is, or in the future is proposed to be, owned by Citibank or by Travelers or by any of their respective affiliates, but that, Citibank has agreed that, upon the entry of a decree or order for relief of an involuntary bankruptcy of Applicant, the stockholders of Applicant may, after notice and receipt of any requisite regulatory approvals, require Citibank to purchase the common stock of Applicant held by them, in which case Applicant would cease to conduct the activities

described herein. Applicant further states that it is expected that approximately 40% of Applicant's outstanding common stock will be held in a voting trust, the trustee of which will be a designee of Travelers, pursuant to which Travelers will have veto power over certain corporate matters which, as provided in Applicant's certificate of incorporation, require the affirmative vote of two-thirds of the holders of Applicant's common stock. Applicant represents that there has been, and undertakes that in the future there will be, no public offering of Applicant's common stock or of any other equity security of Applicant.

Applicant states that it proposes to issue and sell in the United States short-term negotiable promissory notes generally referred to as commercial paper ("Notes"). It is stated that the Notes will be offered and sold without registration under Section 5 of the Securities Act of 1933, as amended ("Securities Act"), in reliance upon an opinion of counsel to the effect that the offering and sale of the Notes will be entitled to the exemption from the registration requirements of the Securities Act afforded by Section 3(a)(3) thereof. Applicant represents that the Notes will not be issued or sold until Applicant has received such an opinion.

Applicant states further that the Notes will be sold in denominations of \$100,000 or more, will mature not more than 90 days from the date of issuance and will not be payable on demand prior to maturity or include any provisions for extension, renewal or automatic "roll-over" at the option of either the holder or applicant. Applicant further represents that the Notes, prior to issuance, will have received one of the three highest ratings from at least one of the nationally recognized statistical rating organizations.

Applicant further states that the net proceeds of the sale of the Notes will be used by Applicant to purchase participations ("Participations") from Citibank in loans meeting specified eligibility criteria. It is stated, in addition, that the maturity date and the principal amount of each Participation purchased by Applicant shall be identical to the maturity date and principal amount of each issuance of Notes, the proceeds of which are used to purchase such Participation. Each issuance of Notes shall, applicant further states, be made on the same business day on which the Participation to which such issuance relates is purchased. It is further stated that it is intended that Applicant will not purchase any Participation unless the "participation rate" thereon will be

sufficient to pay all related costs and expenses of Applicant, including but not limited to, all costs and expenses of the related note issuance, a proportionate share of the premium payments on the bonds of indemnity (as defined hereinbelow) and Applicant's general operating costs, and to provide Applicant with income at a specified rate of return.

Applicant represents that payment of the principal of, and interest on, the Notes will be unconditionally guaranteed by Travelers pursuant to its obligations under the commercial paper bonds of indemnity ("Bonds of Indemnity") to be issued with respect to the Notes. Applicant undertakes, moreover, to not issue any Notes other than Notes the full payment of which is guaranteed by Travelers pursuant to the Bonds of Indemnity. It is further stated that, in order to secure the performance of Applicant's covenants to pay Travelers the premiums on the Bonds of Indemnity when due and to indemnify Travelers for certain losses Travelers may incur as a consequence of the performance of its obligations under the Bonds of Indemnity, Applicant shall transfer, pledge and assign to a trustee ("Trustee") in trust for the benefit of Travelers, and at all times maintain in the trust estate, "eligible collateral" (consisting of the Participations, evidenced by a master Participation certificate, and/or cash in an amount at least equal to the amount of principal, plus interest to maturity (or the face amount, in the case of Notes sold on a discount basis) of all Notes then outstanding. Applicant represents that it shall also assign to the Trustee, with respect to any Participation included in the trust estate, all its rights under the loan agreement pertaining to its purchase of Participations from Citibank, including the right to have certain Participations repurchased by Citibank.

Applicant further represents that the Notes will be offered publicly to the types of sophisticated investors who ordinarily participate in the commercial paper market and that, although an announcement of the establishment of the commercial paper may be made as a matter of record, the Notes will not be advertised or otherwise offered for sale to the general public.

Applicant undertakes to ensure that each dealer in the Notes will furnish each offeree a memorandum describing the Notes and the businesses of Travelers and Applicant. Applicant represents that such memoranda will be updated to reflect material adverse changes in the financial condition of

Travelers or Applicant and will be at least as comprehensive as memoranda customarily used in offering commercial paper in the United States. Applicant further undertakes to select a major commercial bank to act as issuing and paying agent for the Notes, and it is stated that it is anticipated that Citibank will initially be selected to perform this function.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or conditionally 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 purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that the exemption requested should be granted as being appropriate in the public interest, and consistent with the protection of investors and with the purposes underlying the Act. In support of this assertion, it is stated that the sole business of Applicant is to purchase Participations from Citibank, thereby making available to Citibank an additional source of funding for high-quality, short-term loans to its creditworthy, domestic corporate customers. Therefore, it is further asserted that Applicant's purpose and operations would be virtually identical to the purpose and operations of domestic banks, which are specifically excepted by Section 3(c)(3) from the definition of investment company contained in the Act, and to the operations of foreign banks and foreign subsidiaries of domestic banks which the Commission has heretofore exempted from all provisions of the Act pursuant to Section 6(c) of the Act. Applicant further states that Participations, its only investment, are the obligations of a national bank which is a member of the Federal Reserve System, and that Citibank will be under an obligation to repurchase such Participations under specified circumstances. Applicant's Notes, it is further stated, will be unconditionally guaranteed by Travelers, an insurance company subject to the supervision of the insurance commissioners of each of the 50 states in which it is licensed to conduct its surety and insurance business. Thus, Applicant maintains that although Applicant itself is neither a bank, as defined in Section 2(a)(5) of the Act, nor an insurance company as

defined in Section 2(a)(17) of the Act, Applicant's business operations will, by reason of the limitation of its investments to Participations and the unconditional guaranty of its Notes by Travelers, provide safeguards against the abuses sought to be eliminated by the Act's provisions equivalent to the safeguards which are provided by the operations of banks and insurance companies. Similarly, it is argued, the foregoing factors together with certain additional factors, obviate the need for the regulatory protections afforded by the Act. Such other factors, Applicant states, are: (i) The comprehensive federal bank regulation to which Citibank is subject, (ii) the extensive state regulation to which Travelers is subject, and (iii) the disclosure and periodic reporting requirements to which Citicorp and The Travelers Corporation, the parent companies of Citibank and Travelers, respectively, are subject under the Securities Exchange Act of 1934. Applicant also alleges that the type of operations in which it will engage do not give rise to the types of abuses, such as insider loans and other forms of self-dealing, which Applicant believes the Act was principally designed to remedy. Therefore, it is stated, exemption of Applicant pursuant to Section 6(c) of the Act would not diminish investor protection against such abuses.

Finally, Applicant contends that the limited purpose for which it has been created, the nature of its assets, and the dependence by investors upon entities other than Applicant for repayment of Applicant's commercial paper indicate that Applicant is a different type of entity from that to which Congress intended the Act to apply. Section 6(c) of the Act, Applicant further states, was designed to implement Congressional intent by providing the Commission with a basis for exempting persons who fall within the Act's definition of investment company where such status under the Act, or the unusual circumstances attending such status, were not foreseen by Congress at time it framed the investment company definition set forth in the Act. Thus, Applicant believes that in view of the facts and circumstances summarized herein, exemption of Applicant from all provisions of the Act pursuant to Section 6(c) would be consistent with the purposes and intent of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 24, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the

reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management; pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-455 Filed 1-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19388; SR-CBOE-80-16]

Chicago Board Options Exchange, Inc.; Proposed Rule Change

December 30, 1982.

In the matter of Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, IL 60604, (SR-CBOE-80-16), order extending partial approval of proposed rule change on a summary and temporary basis and notice of extended public comment period.

On June 9, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE"), filed with the Commission, pursuant to the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to modify its operations and procedures relating to options market makers.¹ That rule change was approved by the Commission on February 12, 1982,² but its approval order was vacated by the United States Court of Appeals for the Seventh Circuit in *Clement v. Securities and Exchange Commission* on April 5, 1982, and the

¹ Notice of the proposed rule change was published in Securities Exchange Act Release No. 16919 (June 24, 1980), 45 FR 43914 (1980). Subsequently, on July 9, 1980, the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculations of transactions required to be executed in person by market makers and requiring the recording of additional information on market maker orders. Notice of the amendment to the proposed rule change was published in Securities Exchange Act Release No. 17012 (July 25, 1980), 45 FR 51325 (1980).

² Securities Exchange Act Release No. 17535 (February 12, 1982), 46 FR 13055 (1981).

matter was remanded to the Commission.³

On May 11, 1982, the Commission reviewed the rule filing and approved, on a summary basis and for a 90-day period, those portions of the proposed rule change not in contention in the judicial proceeding.⁴ That approval was extended for an additional 90 days on August 16, 1982 in anticipation of an amendment to the proposed rule change.⁵ CBOE filed a substantive amendment to the proposed rule change on October 19, 1982. To permit the Commission to review this amendment, the Commission on November 1, 1982, extended its temporary approval for an additional 60 days from that date.⁶

The amended proposed rule change requires, among other things, that for each month in a quarter and except in unusual circumstances, 75 percent of a market maker's total options contract volume must be in his appointed options classes and 25 percent of this total options transactions must be executed in person.

The Commission has received a letter of comment concerning the proposed rule from the Chicago Board of Trade ("CBT"), which asserts that the rule would have anticompetitive and discriminatory effects, particularly as applied to CBT members who are also CBOE members.⁷ The CBT also requested that the Commission extend the comment period on the proposed rule change. In addition, six comment letters have been submitted to the CBOE, which has forwarded the comments to the Commission.⁸ The Commission is interested in receiving further public comment on the rule proposal and is therefore extending the public comment period to January 31, 1983. At the same time, in order to allow the Commission adequate time to review the rule proposal, as well as any additional public comment that may be received, the Commission is extending its temporary approval of those portions of the proposed rule change not at issue in *Clement v. Securities and Exchange Commission* that previously were approved on a temporary and summary basis.⁹

³ *Clement v. Securities and Exchange Commission*, 674 F.2d 641 (7th Cir. 1982).

⁴ See Securities Exchange Act Release No. 18727 (May 11, 1982), 47 FR 21189 (1982).

⁵ Securities Exchange Act Release No. 18963 (August 16, 1982), 47 FR 37020 (1982).

⁶ Securities Exchange Act Release No. 19203 (November 1, 1982), 47 FR 50790.

⁷ Letter from Thomas R. Donovan, Chairman, Chicago Board of Trade to George A. Fitzsimmons, December 10, 1982.

⁸ See File No. SR-CBOE-80-16.

⁹ CBOE has requested by letter that the Commission extend its temporary approval for 90

days. In order to assist the Commission in determining whether to approve the proposed rule change as amended or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning any portion of the proposed rule change by January 31, 1983. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-CBOE-80-16.

Copies of the original submission, all subsequent amendments, all written statements with respect to the proposed changes which are filed with the Commission and all written communications relating to the proposed changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

It is therefore ordered, that the proposed rule change referenced above, and to the extent indicated above, be, and it hereby is, approved until March 30, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-459 Filed 1-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12938]

Cralin Money Market Fund, Inc.; Application

December 30, 1982.

In the matter of; Cralin Money Market Fund, Inc.; 220 East 51st Street, New York, New York 10022, (811-3157); notice of filing of an application for an order pursuant to section 8(f) of the Act declaring that applicant has ceased to be an investment company.

Notice is hereby given that Cralin Money Market Fund, Inc. ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application pursuant to Section 8(f) of the Act for an order

days. See letter from Anne Taylor to Thomas G. Lovett, December 20, 1982. File No. SR-CBOE-80-16.

declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Organized as a corporation under Maryland law, Applicant made its initial public offering on May 17, 1982. Applicant states that, at a meeting held on July 30, 1982, its board of directors directed the officers to effect a complete redemption of all outstanding shares of Applicant as soon thereafter as possible. At the annual meeting of shareholders held on August 26, 1982, Applicant states that its shareholders unanimously approved the proposed termination of Applicant as an investment company. Applicant states that on August 27, 1982, it distributed all of its assets, which aggregated \$8,500,765, pro rata to its shareholders.

Applicant declares that when it filed its application it had no assets and was not engaged nor did it propose to engage in any business activity other than that necessary for the winding-up of its affairs, that it has no outstanding liabilities, that it is not a party to any litigation or administrative proceeding, that it has no securityholders, and that it intends to file a certificate of dissolution under the Maryland General Corporation Law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, 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 such order, the registration of such company under the Act shall terminate.

Notice is further given that any interested person may, no later than January 24, 1983, 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 such person may request to 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. An order disposing of the application herein will be issued as a

matter of course following said date unless the Commission thereafter orders a hearing upon request or upon its 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. 83-457 Filed 1-6-83; 8:45 am]
BILLING CODE 8010-01-M

[Release NO. 12937]

Oxford Cash Management Fund; Order Application

December 30, 1982.

In the matter of: Oxford Cash Management Fund; 200 Park Avenue, New York, New York 10017, (812-5359); 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.

Notice is hereby given that Oxford Cash Management Fund ("Applicant"), registered under the Investment Company of 1940 ("Act") as an open-end diversified, management investment company filed an application 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 compute its net asset value per share, for the purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all respects, portfolio securities held by Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). 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 organized as a Massachusetts business trust, and that it is a "money market" fund, the investment objective of which is to achieve as high a level of current income as is consistent with high stability and liquidity of capital, through investment in a portfolio of "money market" securities meeting specified quality standards. According to the preliminary

prospectus filed on October 8, 1982, with Applicant's N-1 registration statement under the Securities Act of 1933, Applicant proposes to invest in (1) Obligations issued or guaranteed by the United States government or its agencies or instrumentalities ("U.S. Government Securities"); (2) time deposits, certificates of deposit, bankers' acceptances and other bank instruments, if they are obligations of a domestic bank subject to regulation by the U.S. Government and having total assets of at least \$1.5 billion (but not including obligations issued by foreign branches of these banks), and instruments secured by any such obligation; (3) commercial paper, including variable amount master demand notes, rated A-1 by Standard Poor's Corporation ("S&P") or Prime-1 by Moody's Investors Service, Inc. ("Moody's") or, if not rated, issued by a corporation the debt obligations of which Applicant is permitted to acquire; (4) corporate debt obligations if they are rated AAA or aA by S&P, or Aaa or Aa by Moody's; and (5) certain other obligations accompanied by a guarantee of principal and interest by either a bank the obligations of which Applicant may acquire, or by a corporation the commercial paper of which Applicant may acquire; and (6) repurchase agreements relating to the foregoing classes of securities. Applicant's preliminary prospectus states that the collateral under any repurchase agreement will be marked to market every business day so that the value of the collateral is at least equal to the value of the loan, including the accrued interest earned thereon, plus sufficient additional market value as is considered necessary to provide a margin of safety. The preliminary prospectus also states that Applicant's investment adviser will regularly review the financial strength of all vendors of repurchase agreements to Applicant. Finally, Applicant's preliminary prospectus states that Applicant will not enter into any repurchase agreement which will cause more than 10% of its assets to be subject to repurchase agreements having a maturity of more than seven days.

Applicant states that its net asset value per share will remain constant at \$1.00 except under extraordinary circumstances, as capital changes are reflected in dividends declared rather than in net asset value. Applicant states further that the maintenance of constant net asset value per share is a crucial factor in attracting and retaining investors. Applicant believes that by valuing its shares in accordance with the "penny-rounding" valuation method it will be able to maintain a constant

share value for its shareholders together with full liquidity and a satisfactory investment yield.

Rule 22c-1 provides, in pertinent 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.

Section 2(a)(41) of the Act defines value to mean (i) with respect to securities for which market quotations are readily available, the market value of such securities and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount that reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further provides 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. The Commission has expressed the 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 using a "floating" net asset value to "round off" calculations of its net asset value per share to the nearest one cent on a share value of \$1.00 (Release No. 9786). Although Applicant does not use a floating net asset value, it believes that an exemption from the above-cited provisions is necessary to enable Applicant to use the penny-rounding method of valuation in circumstances in which Applicant's capital depreciation on a particular day exceeds its current income for that day. Under such circumstances, Applicant would want to be able to maintain its net asset value per share at \$1.00 notwithstanding the effect which capital depreciation would have upon the net asset value for that day.

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 of the Act or of any rule or regulation under the Act, 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 states that the issuance of the requested order is necessary and 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. It is asserted that shareholders who purchase Applicant's shares with the expectation of receiving high current income and stability of principal would be unfairly treated should there be a deviation from the \$1.00 price per share. Applicant represents that prior to adopting the penny-rounding valuation method, Applicant's Board of Trustees shall have determined, in good faith based upon a full consideration of all material factors, that, absent unusual circumstances, such valuation method will fairly reflect the value of each shareholder's interest in Applicant; and Applicant has agreed that it will continue to use the penny-rounding valuation method only so long as its Board of Trustees believes that such method fairly reflects the value of each shareholder's interest. In addition, Applicant submits that by adhering to the conditions set forth immediately hereinafter it will substantially reduce the likelihood of significant variations from a constant share price and of any dilution of the assets and returns of incoming or outgoing shareholders:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees, undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that Applicant's price per share as computed for the purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. Applicant will maintain a dollar-weighted average portfolio maturity¹ appropriate to its objective of maintaining a stable price per share. Applicant will not purchase any instrument with a remaining maturity of more than one year; nor will it maintain a dollar-weighted average portfolio maturity that exceeds 120 days.²

3. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments that the Board of Trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 24, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-496 Filed 1-6-83; 8:45 am]

BILLING CODE 8010-01-M

¹ In determining the dollar-weighted average portfolio maturity and the maturity of any individual instrument, Applicant will use the definition of "maturity of an instrument" contained in proposed Rule 2a-7 set forth in Release No. IC-12206 (January 29, 1982), whether or not the proposed rule is withdrawn, or upon the effectiveness of a final rule, the definition contained in such final rule. Applicant will also treat instruments called for redemption in one year or less as maturing within one year.

² In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 19385; SR—PSE—82—15]

Pacific Stock Exchange, Inc.; Proposed Rule Change

December 30, 1982.

In the matter of: Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, CA 90014 (SR—PSE—82—15); notice of filing of proposed rule change and order granting accelerated and temporary approval of proposed rule change.

The Pacific Stock Exchange, Inc. ("PSE") submitted on December 22, 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 adopt certain amendments to PSE's pilot program for the appointment and evaluation of specialists and the creation of new specialist posts (the "program")¹ and to extend the program, as amended, to December 31 1983. The proposed rule change would amend PSE Rule II, Section 1 to codify existing rules and procedures for the appointment and registration of new specialists and the creation of new specialist posts. In addition, the proposed rule change would modify the various methods used to measure specialist's performance, and add new PSE Rule II, Section 11 to provide specific standards for determining when a specialist's performance is considered below acceptable performance levels and authorize the cancellation of a specialist's registration in selected stocks where his performance has been found to be substandard.

Publication of notice of the proposed rule change is expected to be made in the Federal Register during the week of January 3, 1983. Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR—PSE—82—15.²

¹ The Commission approved the program on a one year pilot basis on May 27, 1981. Securities Exchange Act Release No. 17618, May 27, 1981; 46 FR 30016, June 4, 1981. The program has been extended several times since time to formulate and file this proposed rule change. Most recently the Commission approved an extension of the program through February 23, 1983. Securities Exchange Act Release No. 19276, November 26, 1982; 47 FR 54867, December 6, 1982.

² The Commission in this release approves on an accelerated basis the effectiveness of the amended

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, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that temporary approval of the program, as amended, for a limited three month period, from January 1, 1983 to March 31, 1983, 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 and the rules and regulations thereunder.³

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. The proposed amendments to the program serve to strengthen the exchange's regulation of specialists and thus should help the exchange assure that its specialists maintain fair and orderly markets and fulfill their other obligations as well. By making the program, as amended, effective as of January 1, 1983, the accelerated and temporary approval permits the amended pilot program to commence during the first calendar quarter of 1983 rather than to delay implementation until the second quarter. The Commission believes it is appropriate to extend the program, as amended, pending comment upon, and Commission consideration of, approval of the program, as amended, through December 31, 1983.⁴ Accordingly, the

program from January 1, 1983 to March 31, 1983. Thus, this release notices both the amended program's effectiveness from January 1, 1983 to March 31, 1983, and its proposed effectiveness through December 31, 1983. Comments are invited on both proposals.

³This three-month period of effectiveness gives interested persons an opportunity to comment and affords the Commission an opportunity to consider these comments as well as any other relevant material in deciding whether or not to approve the proposed extension of the program, as amended, through December 31, 1983.

⁴If, in response to public comment, PSE specialist performance evaluation measures or exchange procedures under proposed Rule II, Section 11 are modified, any specialist performance evaluations covering the period prior to final Commission

Commission finds that notice for 30 days prior to approval of the proposed rule change on a temporary basis is unnecessary and that accelerated temporary 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. 83-458 Filed 1-6-83; 8:43 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan No. 2069; Amdt. No. 1]

California; Declaration of Disaster Loan Area

The above numbered Declaration (See 47 FR 51838) is amended by changing the filing date on applications for loans for Economic Injury until the close of business August 5, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on January 6, 1983.

[Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008].

Dated: December 30, 1982.
Heriberto Herrera,
Acting Administrator.

[FR Doc. 83-428 Filed 1-6-83; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan No. 2073; Amdt. No. 1]

Illinois; Declaration of Disaster Loan Area

Declaration #2073 (See 47 FR 57185) is amended in accordance with FEMA's designation of December 28, 1982, to include Engelmann Township and Mascoutah Township in St. Clair County. All other information remains the same, i.e., the termination dates for filing applications for physical damage is close of business on February 11, 1983, and for economic injury until the close of business on September 13, 1983.

[Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008].

approval of the proposed rule change until December 31, 1983 could not form the basis for a hearing or reallocation proceeding pursuant to proposed Rule II, Section 11.

Dated: December 29, 1982
Heriberto Herrera,
Acting Administrator.
[FR Doc. 83-428 Filed 1-6-83; 8:45 am]
BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Richmond, Virginia, will hold a public meeting on Wednesday, January 19, 1983, from 10:00 a.m. to 7:00 p.m. at the Holiday Inn, 301 West Franklin Street, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call M. Hawley Smith, the District Director, U.S. Small Business Administration, P.O. Box 10126, Richmond, Virginia 23240, (804) 771-2741.

Jean M. Nowak,
Acting Director, Office of Advisory Councils.
December 30, 1982.

[FR Doc. 83-433 Filed 1-6-83; 8:45 am]
BILLING CODE 8025-01-M

Region IX Advisory Council Meeting; Public Meeting Notice

The U.S. Small Business Administration Region IX will hold a public meeting at 10:00 a.m., on Friday, February 25, 1983, at the U.S. Courthouse and Federal Building, 450 Golden Gate Avenue, Room 13216c (13th Floor), San Francisco, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Miss Irenemaree Castillo, Regional Administrator, U.S. Small Business Administration, 450 Golden Gate Avenue, Box 36044, San Francisco, California 94102 telephone: Area Code 415 556-7487.

Jean M. Nowak,
Acting Director, Office of Advisory Councils.
December 30, 1982.

[FR Doc. 83-430 Filed 1-6-83; 8:45 am]
BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Fresno, California, will hold a public meeting on February 4, 1983, at 9:00 a.m., at the Fresno District Office, 2202 Monterey

Street, Suite 108, Fresno, California, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Peter J. Bergin, the District Director, U.S. Small Business Administration, 2202 Monterey Street, Suite 108, Fresno, California 93721 (209) 487-5791.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.
December 30, 1982.

[FR Doc. 83-431 Filed 1-6-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting on January 25, 1983, at the DoubleTree Inn at 10:30 a.m., break for lunch at 12:00 noon and resume at 12:45 p.m., to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Walter Fronstin, the District Director, U.S. Small Business Administration, 3030 N. Central Avenue, Phoenix, Arizona 85012 (602) 261-2206.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.
December 30, 1982.

[FR Doc. 83-432 Filed 1-6-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration

Region IX Advisory Council, located in the geographical area of San Francisco, California, will hold a public meeting at 10:00 a.m. Thursday, February 3, 1983, 211 Main Street, 5th Floor, Conference Room 543, San Francisco, California 94105, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call the Office of the District Director, San Francisco District Office, 211 Main Street, 4th Floor, San Francisco, California 94105 (415) 974-0642.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.
December 30, 1982.

[FR Doc. 83-434 Filed 1-6-83; 8:45 am]

BILLING CODE 8025-01-M

United States Information Agency

U.S. Advisory Commission on Public Diplomacy; meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on January 18, 1983 from 9:30 a.m. to 12:15 p.m. and from 1:30 p.m. to 4:00 p.m. in Room 600, 400 C Street, SW., Washington, D.C. In the morning there will be a discussion of USIA's budget; in the afternoon there will be a discussion on East Asia.

Since space is limited, please call Elizabeth Fahl (202) 724-9244, if you are interested in attending the meeting.

Mary Jane Winnett,

Management Analyst, Management Plans, Analysis, Directives Staff, Bureau of Management, United States Information Agency.

[FR Doc. 83-410 Filed 1-6-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 5

Friday, January 7, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, January 14, 1983.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-17-83 Filed 1-5-83; 3:32 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, January 21, 1983.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-18-83 Filed 1-5-83; 3:35 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Equal Employment Opportunity Commission

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, January 11, 1983.

PLACE: Commission Conference Room No. 5240 on the fifth floor of the Columbia Plaza Office Building, 2401 E Street N.W. Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Votes.
2. Report on Commission Operations (Optional).

CLOSED:

1. Litigation Authorization; General Counsel Recommendations.
2. Commission Decision; Charge No. OGCH-75-001.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE

INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This notice issued January 4, 1983.

[S-11-83 Filed 1-3-83; 9:24 am]

BILLING CODE 6750-06-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., January 11, 1983.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10453: Sailing and Chartering Agreement between Empresa Lineas Maritimas Argentinas, S.A. and Bottacchi, S.A. de Navegacion C.F.I.I.
2. Agreement No. 10407: The Nigeria United States Discussion Agreement.
3. Docket Nos. 82-32 and 82-33: Filing and Service fees—Consideration of comments and proposed final rules.

Portion closed to the public:

1. Docket No. 82-54: Agreements Nos. 9718-7, 9718-8, 9731-8, 9835-5, 9975-7, 10116-4 and 10274-1—Space Charter and Cargo Revenue Pooling Agreements in the United States/ Japan Trades—Petition for reconsideration or clarification of order of investigation and hearing.

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking, Assistant Secretary, (202) 523-5725.

[S-10-82 Filed 1-4-83; 5:00 pm]

BILLING CODE 6730-01-M

5

INTER-AMERICAN FOUNDATION

TIME AND DATE:

6-8 p.m., January 17, 1982.

9 a.m.—12 p.m., January 18, 1982.

PLACE: 1515 Wilson Boulevard, Fifth Floor, Rosslyn, Virginia 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

January 17, 1982

1. Transition to Chairman:

- a. Farewell Remarks by Outgoing Chairman Peter T. Jones.
- b. Comments by President Peter D. Bell.
- c. Introductory Remarks by Incoming Chairman Victor Blanco.

January 18, 1982

2. President's Report.
3. Minutes of the September 20-21, 1982, Board Meeting.
4. Report by the Audit Committee.
5. Other Business.

CONTACT PERSON FOR MORE

INFORMATION: Lawrence E. Bruce, Jr., (703) 841-3812.

[S-12-83 Filed 1-5-83; 10:12 am]

BILLING CODE 7025-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 10 a.m., Tuesday, January 11, 1983.

PLACE: Hyatt Regency Dallas, 300 Reunion Boulevard, Dallas, TX 75207, Reunion Ballroom.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Proposed Corporate Federal Credit Union Standard Bylaws.
3. Policy Regarding Credit Union Membership for Members of Immediate Families.
4. Clarification of Current Chartering Policy Applicable to Multiple Group Fields of Membership Expansions.

TIME AND DATE: 4 p.m., Monday, January 10, 1983.

PLACE: Hyatt Regency Dallas, 300 Reunion Boulevard, Dallas, TX 75207.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudication under sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(a)(ii) and (10).

2. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-13-83 Filed 1-5-83; 10:56 am]

BILLING CODE 7535-01-M

7

NUCLEAR REGULATORY COMMISSION AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Week of January 10, 1983.

PLACE: Commissioner's Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, January 10

1:30 p.m.

Discussion and Possible Vote on Proposed Safety Goals and Staff Evaluation Plan (Public Meeting)

Tuesday, January 11

10:00 a.m.:

Discussion/Possible Vote on Human Factors Program Plan (Public Meeting)

2:00 p.m.:

Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 & 6)

Wednesday, January 12

10:00 a.m.:

Discussion and Possible Vote on Waste Confidence Order (Open/Portion Closed—Exemption 10)

2:00 p.m.:

Briefing on Status of Litigation in PANE vs. NRC and Staff Actions Regarding Psychological Stress (Closed—Exemption 10)

Thursday, January 13

10:00 a.m.:

Discussion of Immediate Effectiveness Issues in TMI-1 Restart Proceeding (Closed—Exemption 10)

3:30 p.m.:

Affirmation/Discussion and Vote (Public Meeting)
a. Final Rule on OL Applications (Tentative)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a

meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-14-83 Filed 1-5-83; 11:31 am]

BILLING CODE 7590-01-M

8

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be published)

STATUS: Closed meeting.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED:

Wednesday, December 30, 1982.

CHANGES IN THE MEETING: Rescheduling/ additional items.

The following closed items previously scheduled for Tuesday, January 4, 1983, at 10:30 a.m. have been rescheduled for

Wednesday, January 5, 1983, at 9:30 a.m.:

Institution of injunctive actions.

Litigation matter.

Regulatory matter regarding financial

institutions.

Opinions.

The following additional item also will be considered at the closed meeting scheduled for Wednesday, January 5, 1983, at 9:30 a.m.:

Settlement of administrative proceeding of an enforcement nature.

Chairman Shad and Commissioners Evans, Thomas, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Catherine McGuire at (202) 272-2400.

January 4, 1983.

[S-15-83 Filed 1-5-83; 1:06 pm]

BILLING CODE 8010-01-M

9

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1304]

TIME AND DATE: 10:15 a.m. (EST).

Wednesday, January 12, 1983.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda Item:

C—Power Items

* C1. Uranium loan agreement with Saskatchewan Mining Development Corporation for the loan of up to 1,750,000 pounds of uranium concentrates.

C2. Letter agreement with East Kentucky Power Cooperative providing for TVA to wheel up to 100 MW across TVA's system to Mississippi Power & Light Company.

C3. Proposed temporary program to meet the requirements of the Residential Conservation Service under the National Energy Conservation Policy Act.

D—Personnel Items

D1. Renewal of consulting contract with Jack E. Gilleland, Signal Mountain, Tennessee, for advice and assistance in connection with TVA's power and energy-related programs, requested by the Office of Power.

D2. Supplement to personal services contract with EDS Nuclear Inc., San Francisco, California, for advice and assistance in piping system analysis and related services, requested by the Office of Engineering Design and Construction.

E—Real Property Transactions

E1. Grant of permanent easement to Tennessee Department of Transportation and deed modification to Tennessee Wildlife Resources Agency for improvement of U.S. Route 11 W affecting Cherokee Reservoir land located in Hawkins County, Tennessee—Tract Nos. XTCK-58H and -27.

F—Unclassified

F1. Changes in designation of officers to certify vouchers.

F2. Revised TVA policy code relating to the disposition of delinquent accounts.

DATED: January 5, 1983.

CONTACT PERSON FOR MORE

INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

[S-16-83 Filed 1-5-83; 3:24 pm]

BILLING CODE 8120-01-M

*Item approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Friday
January 7, 1983

Part II

Department of Labor

**Employment Standards Administration,
Wage and Hour Division**

**Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions**

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage

determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the

localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage
Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Idaho: ID82-5128 Nov. 26, 1982.
New York: NY81-3018 Mar. 27, 1981.
Oregon: OR82-5100 Mar. 12, 1982.
Washington: WA82-5117 Aug. 13, 1982.

Supersedeas Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arkansas: AR81-4060 (AR83-4008) July 24, 1981.
Indiana: IN80-2085 (IN82-2072) Sept. 19, 1980.
Louisiana: LA82-4050 (LA83-4001) Oct. 15, 1982.
Tennessee: TN81-1314 (TN82-2071) Dec. 18, 1981.
Texas:
TX82-4001 (TX82-4002) Jan. 29, 1982.
TX82-4002 (TX83-4007) Jan. 15, 1982.
TX82-4024 (TX83-4006); TX82-4026
(TX83-4005); TX82-4027 (TX83-
4003); TX82-4033 (TX83-4004).

Signed at Washington, D.C., this 30th day
of December 1982.

Dorothy P. Come,
Assistant Administrator, Wage and Hour
Division.

BILLING CODE 4510-30-M

MODIFICATION PAGE 1

DECISION NO. 1081-5128 - Mod #2
(47 FR 53012 - Nov. 26, 1982)
Statewide Idaho

Basic Hourly Rates	Fringe Benefits
\$19.67	\$1.96
18.95	18 + 1.58
19.35	19 + 1.58
16.30	4.01
13.48	2.05
15.46	2.05
17.26	1.95
13.66	1.19

CHANGE:
ROULLEWORKERS:
Area 1
ELECTRICIANS:
Area 11
Electricians
Cable Splicers
PLUMBERS:
Area 2
BOFFERS:
Area 2:
Boffers and Kattlemen
Boffers working with coal tar
and pitch products
SMELT METAL WORKERS:
Area 2
SOFT FLOOR LAYERS:
Area 3

DECISION NO. 095-5100 - Mod #11
(47 FR 10954 - March 12, 1982)
Statewide Oregon

Basic Hourly Rates	Fringe Benefits
\$19.87	\$3.96
15.05	4 + 2.00
16.56	4 + 2.00
22.25	18 + 4.13
23.45	18 + 4.13

CHANGE:
ROULLEWORKERS
ELECTRICIANS:
Area 11
Electricians
Cable Splicers
Area 5:
Electricians
Cable Splicers

DECISION NO. WMS2-5117 - Mod #8
(47 FR 35435 - Aug. 13, 1982)
Statewide Washington

Basic Hourly Rates	Fringe Benefits
\$21.33	\$2.24
19.43	3.96
18.95	18 + 1.58
19.35	18 + 1.58
22.12	18 + 1.58
24.33	18 + 1.58
22.35	18 + 4.13
23.45	18 + 4.13
18.72	117 + 2.28
20.39	118 + 1.25
22.80	18 + 2.43
25.08	18 + 2.43
15.71	2.99

CHANGE:
ASSISTANT WORKERS:
Area 1
ROULLEWORKERS:
ELECTRICIANS:
Area 11
Electricians
Cable Splicers
Area 4:
Electricians
Cable Splicers
Area 5:
Electricians
Cable Splicers
Area 7:
Electricians
Cable Splicers
Area 8:
Electricians
Cable Splicers
SOFT FLOOR LAYERS:
Area 2

DECISION NO. NYS81-3018 -
MOD. #5
(46 FR 15174 - March 27,
1981)
ALBANY, RENESSELAER,
SARATOGA & SCHENECTADY
COUNTIES, NEW YORK

CHANGE:
Boarding which reads
"MOD. #3" and appeared in
the Federal Register on
December 11, 1981, to
read "MOD. #4"
Boarding which reads
"MOD. #4" and appeared in
the Federal Register on
December 17, 1982, to
read "MOD. #5"

SUPPLEMENTAL DECISION

STATE: ARKANSAS
COUNTY: STATEWIDE
DECISION NO. A883-4008
DATE: Date of Publication
SUPERSEDES DECISION A883-0068 dated July 24, 1981 in 46 FR 38249
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways,
runways & water & sewer utilities, (but does not include structures on highway
rest areas).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$6.40		POWER EQUIPMENT OP. (cont'd)	
6.40		Distributor operator	\$4.95
7.75		Drill operator (wagon or truck)	5.35
5.60		Elevating grader operator	5.90
4.80		Excavator or like equip. op.	4.80
4.55		(footed or end dump) op.	5.15
4.55		Finishing machine op.	4.45
4.55		Rocklift operator	4.45
4.55		Form grader operator	4.45
4.55		FRONT END LOADER OP. 1	5.90
4.55		Finish	5.35
4.55		Hydro seeder operator	4.80
4.55		Mechanic	6.15
4.55		Mechanic helper	4.80
4.55		MOTOR PATROL OPERATOR:	6.15
4.55		Finish	5.35
4.55		Mulching machine op.	4.80
4.55		Oilier and greaser	5.60
4.55		Pug Mill operator	4.55
4.55		Roller op. (self-propelled)	4.80
4.55		SCRAPER OPERATORS:	5.15
4.55		Finish	5.35
4.55		Rough	4.80
4.55		Sod slicing machine op.	4.95
4.55		Stabilizer mixing machine	4.95
4.55		TRACTOR OPERATORS:	4.80
4.55		Crawler type	4.80
4.55		Farm and wheel	4.55
4.55		Wheel type (with attach- ments 1 yd. or under)	4.95
4.55		Trenching machine op.	4.95
4.55		STUMPGRABBERS:	6.40
4.55		TRUCK DRIVERS:	4.80
4.55		Distributor truck driver	4.80
4.55		Semi-trailer	4.80
4.55		Lowboy driver	5.35
4.55		Transit mix truck driver	4.80
4.55		TD-Heavy max. pay load in excess of 3000 lbs.	4.55
4.55		TD-Light max. pay load	4.30
4.55		3000 lbs	6.15
4.55		WELL DRILLERS	6.15

WELLES-receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (iii)).

SUPERSEDES DECISION

STATE: Indiana
 COUNTY: See below
 DECISION NUMBER: IN82-2072
 DATE: Date of Publication
 Superseded Decision No. IN80-2085, dated September 19, 1980 in 45FR 42464
 DESCRIPTION OF WORK: Residential Construction, consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Prime Benefits
BRICKLAYERS	\$ 8.50	
CARPENTERS	7.40	
CEMENT MASONS	7.50	
DRYWALL FINISHER/TAPERS	7.50	
DRYWALL HANGERS	8.42	
ELECTRICIANS	7.63	
INSULATORS	9.50	
LABORERS	6.07	
PAINTERS	7.41	
PLUMBERS	9.00	
ROOFERS	7.00	
SETZET METAL WORKERS	6.88	
TRUCK DRIVERS	6.65	
POWER EQUIPMENT OPERATORS		
TORS		
FRONT END LOADER	9.92	
PAVER OPERATOR	10.00	
BAGASSE OPERATOR	8.30	
BULLDOZER OPERATOR	8.75	
CRANE	10.20	

*Allen, DeKalb, Huntington, Noble, Steuben, & Whitley Counties

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR (a)(1)(ii)).

SUPERSEDES DECISION

STATE: Louisiana
 PARISHES: IONE 1-Jefferson & Orleans; IONE 2-Bossier & Caddo; IONE 3-Calcasieu; IONE 4-Beauregard, Cameron, & Jefferson Davis; IONE 5-Allen; IONE 6-Flaqueminine; IONE 7-St. Bernard; IONE 8-St. Charles
 IONE 9-St. Martin; IONE 10-Iberie
 DATE: Date of Publication
 DECISION NO.: LA83-4001
 Superseded Decision No. LA82-4050, dated 10/15/82 in 47 FR 46231.
 DESCRIPTION OF WORK: Highway Projects (does not include building structures in rest area projects).

	Basic Hourly Rates	Prime Benefits	Basic Hourly Rates	Prime Benefits
BRICKLAYERS & STONE-MASSONS:				
ZONE 1, 6, 7 & 8	514.35	1.84		
ZONE 2	13.30	1.70		
ZONE 3, 4 & 5	15.65	2.12		
CARPENTERS & PILE-DRIVERS:				
ZONE 1	14.10	2.16		
ZONE 2	13.02	1.63		
ZONE 3	14.10	1.60		
ZONE 4	8.93	1.60		
ZONE 5	10.97	1.60		
ZONE 6	10.97	2.16		
ZONE 7 & 8	12.11	2.16		
CEMENT MASONS:				
ZONE 1	13.02	1.58		
ZONE 2	12.65	.85		
ZONE 3	14.38			
ZONE 4	7.91			
ZONE 5	9.95			
ZONE 6	9.95	1.58		
ZONE 7 & 8	11.08	1.58		
ELECTRICIANS:				
ZONE 1, 6, 7 & 8:	16.45	1.35+36		
Electricians	16.45	1.35+36		
Cable splicers	14.80	2.40+48		
Electricians	15.30	2.40+48		
Cable splicers	17.70	2.00+		
ZONE 3, 4 & 5:	17.70	3-5/108		
Electricians	18.20			
Cable splicers	18.20			
IRONWORKERS:				
ZONE 1	14.24	2.08		
ZONE 2	13.15	2.36		
ZONE 3	14.46	1.62		
ZONE 4	8.93	1.62		
ZONE 5	10.97	1.62		
ZONE 6	10.97	2.08		
ZONE 7 & 8	12.11	2.08		
LABORERS:				
ZONE 1-GROUP 1	9.40	.95		
GROUP 2	9.60	.95		
GROUP 3	10.00	.95		
GROUP 4	10.25	.95		
LABORERS (CONT'D):				
ZONE 2 - GROUP 1	514.35	1.84		
GROUP 2	13.30	1.70		
GROUP 3	15.65	2.12		
ZONE 3 - GROUP 1	10.29	.94		
GROUP 2	10.49	.94		
GROUP 3	10.84	.94		
GROUP 4	11.09	.94		
ZONE 4 - GROUP 1	5.87	.94		
GROUP 2	5.07	.94		
GROUP 3	6.47	.94		
GROUP 4	6.62	.94		
ZONE 5 - GROUP 1	7.40	.94		
GROUP 2	7.60	.94		
GROUP 3	8.02	.94		
GROUP 4	8.25	.94		
ZONE 6 & 8 - GROUP 1	7.40	.95		
GROUP 2	7.50	.95		
GROUP 3	7.93	.95		
GROUP 4	8.15	.95		
ZONE 7 - GROUP 1	7.99	.95		
GROUP 2	8.19	.95		
GROUP 3	8.59	.95		
GROUP 4	8.84	.95		
LINE CONSTRUCTION:				
ZONE 1, 6, 7 & 8:	16.45	1.35+36		
GROUP 1 - Linemen	16.45	1.35+36		
GROUP 2 - Op. hole digging equip. for trac-				
ter with winch & derricks; op. line				
trucks with winch & derricks working bot				
lines				
GROUP 3 - Op. using				
hole truck & trailer				
or pole hauling & setting track (not				
in energized lines)				
GROUP 4 - Op. using				
track without winch				
GROUP 5 - Groundmen				

*Allen, DeKalb, Huntington, Noble, Steuben, & Whitley Counties

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR (a)(1)(ii)).

Job Title / Description	Basic Hourly Rates	Prime Benefits	Basic Hourly Rates	Prime Benefits	Basic Hourly Rates	Prime Benefits
LINE CONSTRUCTION (Cont'd)						
ZONE 2:						
GROUP 1 - Linemen; ops.	\$14.60	2.40*	10.06	2.20	10.14	
GROUP 2 - Cable splicer	15.10	2.40*	8.48	2.20	10.15	
GROUP 3 - Groundmen	12.60	2.40*	11.39	2.20	10.43	
ZONES 3, 4 & 5:						
GROUP 1 - Linemen; ops.	17.70	2.00*	11.64	2.20	11.05	
GROUP 2 - Cable splicer	18.20	2.00*	13.33	2.20	10.37	
GROUP 3 - Groundmen	15.70	2.00*	13.08	2.20	10.86	.70
PAINTERS:						
ZONE 1, 6, 7 & 8:						
GROUP 1 - Painters	12.055	1.895	10.87	2.20	10.34	.70
GROUP 2 - Spray	12.43	1.895	9.49	2.20	6.89	.70
GROUP 3 - Industrial	14.005	1.895	8.47	2.20	8.93	.70
ZONE 3, 4 & 5 (Allen Par. except northeast corner):	11.25	1.25	11.25	2.20	8.34	.95
GROUP 1 - Brush	15.795	.45	11.50	2.20	8.47	.95
GROUP 2 - Spray, sand-blasting, hydroblast-ing, spider op., rubberizing & pyro-flexing, steam jennies	16.17	.45	8.72	2.20	8.51	.95
Allen Par. (northeast most corner, north of Rt. 101):						
GROUP 1 - Painters	10.75		14.82	2.20	8.58	.95
GROUP 2 - Spray	11.60		14.17	2.20	8.84	.95
PLUMBERS & PIPEFITTERS:						
ZONE 1, 6, 7 & 8:						
GROUP 1 - Industrial	12.10		11.68	2.20	10.37	.70
GROUP 2 - Spray	15.80	2.43	10.25	2.20	10.61	.70
ZONE 3, 4 & 5:						
GROUP 1	13.94	3.04	8.02	2.20	10.03	.70
GROUP 2	17.48	2.00	12.02	2.20	10.05	.70
POWER EQUIPMENT OPERATORS:						
ZONE 1:						
Asphalt or overlay projects:						
GROUP 1	12.51	2.20	12.27	2.20	8.95	2.20
GROUP 2	12.66	2.20	9.19	1.95	10.87	2.20
GROUP 3	12.36	2.20	9.44	1.95	10.87	2.20
GROUP 4	10.70	2.20	8.81	1.95	10.87	2.20
GROUP 5	9.27	2.20	7.60	1.95	10.87	2.20
GROUP 6	7.73	2.20	6.74	1.95	10.87	2.20
GROUP 7	10.39	2.20	5.77	1.95	10.87	2.20
GROUP 8	10.55	2.20	7.91	1.95	10.87	2.20
GROUP 9	7.98	2.20	6.02	1.95	10.87	2.20
Other work:						
GROUP 1	14.71	2.20	11.23	1.95	10.87	2.20
GROUP 2	14.86	2.20	11.48	1.95	10.87	2.20
GROUP 3	13.96	2.20	10.97	1.95	10.87	2.20
GROUP 4	11.34	2.20	9.39	1.95	10.87	2.20
TRUCK DRIVERS:						
ZONE 1:						
GROUP 1	14.25	2.20	8.27	2.20	10.87	2.20
GROUP 2	13.04	1.95	9.19	1.95	10.87	2.20
GROUP 3	14.73	1.95	8.81	1.95	10.87	2.20
GROUP 4 & 5	14.12	1.95	7.09	1.95	10.87	2.20
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental:						
GROUP 1	12.37	2.20	12.27	2.20	10.87	2.20
GROUP 2	12.63	2.20	9.44	1.95	10.87	2.20
GROUP 3	12.11	2.20	8.81	1.95	10.87	2.20
GROUP 4	10.36	2.20	7.60	1.95	10.87	2.20
GROUP 5	9.17	2.20	6.74	1.95	10.87	2.20
GROUP 6	7.84	2.20	5.77	1.95	10.87	2.20
GROUP 7	10.41	2.20	7.91	1.95	10.87	2.20
GROUP 8	10.67	2.20	6.02	1.95	10.87	2.20
GROUP 9	8.09	2.20	11.23	1.95	10.87	2.20
SHEET METAL WORKERS:						
ZONE 1, 6, 7 & 8:						
GROUP 1	14.25	2.20	11.48	1.95	10.87	2.20
GROUP 2	13.04	1.95	10.97	1.95	10.87	2.20
GROUP 3	14.73	1.95	9.39	1.95	10.87	2.20
GROUP 4 & 5	14.12	1.95	8.32	1.95	10.87	2.20
TRUCK DRIVERS:						
ZONE 1:						
Asphalt or overlay projects:						
GROUP 1	8.34	.95	7.09	1.95	10.87	2.20
GROUP 2	8.47	.95	7.23	1.95	10.87	2.20
GROUP 3	8.53	.95	11.23	1.95	10.87	2.20
GROUP 4	8.65	.95	11.48	1.95	10.87	2.20
GROUP 5	8.84	.95	10.97	1.95	10.87	2.20
Other work:						
GROUP 1	9.83	.70	9.39	1.95	10.87	2.20
GROUP 2	9.36	.70	9.70	2.20	10.87	2.20
GROUP 3	10.02	.70	7.35	2.20	10.87	2.20
GROUP 4	10.10	.70	7.35	2.20	10.87	2.20
GROUP 5	10.29	.70	7.35	2.20	10.87	2.20

TRUCK DRIVERS (Cont'd)
 ZONE 2 - GROUP 1
 GROUP 2
 GROUP 3
 GROUPS 4 & 5
 ZONE 3 - GROUP 1
 GROUPS 2, 3, 4 & 5
 ZONE 4
 ZONES 5 & 6
 ZONE 7:
 Asphalt or overlay projects:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 Other work
 ZONE 8
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

POWER EQUIPMENT OPS. (CONT'D)
 ZONE 7:
 Asphalt or overlay projects:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 GROUP 9
 Other work
 ZONE 8:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 GROUP 9
 ZONES 1, 6, 7 & 8:
 ZONE 1
 ZONE 2
 ZONE 3
 ZONES 4 & 5
 TRUCK DRIVERS:
 ZONE 1:
 Asphalt or overlay projects:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 Other work:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5

Other work (cont'd):
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 ZONE 2 - GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 GROUP 9
 ZONE 3 - GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 GROUP 9
 ZONE 4 - GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 GROUP 9
 ZONE 5 - GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 GROUP 9
 ZONE 6 - GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6
 GROUP 7
 GROUP 8
 GROUP 9

SUPERSEDES DECISION

STATE: Tennessee
 COUNTY: Statewide
 DECISION NUMBER: T82-2071
 DATE: Date of Publication
 Supersedes Decision Number T81-1314, dated December 18, 1981 in 46 FR 618815
 DESCRIPTION OF WORK: Heavy Construction Projects (except Hamilton County), Highway Construction Projects.

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$8.47		7.24	
7.52		6.99	
7.21		5.96	
12.67		6.27	
7.27		7.62	
5.38		7.38	
6.60		7.13	
7.94		6.33	
7.28		6.10	
		5.86	

BRICKLAYERS
 CRANESMEN OR LEAD PER-
 SONS
 CONCRETE FINISHER
 ELECTRICIANS
 IRONWORKERS:
 Reinforcing
 Structural
 LABORERS:
 Class A
 Class B
 MECHANIC (Class I)
 Heavy Duty
 MECHANIC (Class II)
 Light Duty

PAINTERS & SIGNBLASTERS
 POWDER PERSON (Blaster)
 TRUCK DRIVER 2 or 3 Axle
 TRUCK DRIVER 4 or 5 Axle
 (Heavy Duty)
 POWER EQUIPMENT OPERA-
 TORS
 CLASS A
 CLASS B
 CLASS C
 CLASS D
 CLASS E
 CLASS F

CLASSIFICATION DEFINITIONS

LABORERS:

Class A - Unskilled Laborers

Class B - Skilled Laborers - Air Tool Operator, Asphalt Paver, Chain Saw Operator, Concrete Mixer Operator (Less than 1 yard), Concrete Sucker/Edger, Fence Erector, Form Setter (Steel Road), Guard Rail Erector, Mechanic's Helper (Tire Changer or Oiler), Mortar Mixer, Motorman or Gun Operator (Gunnite), Pipelayer, Sign Erector

POWER EQUIPMENT OPERATORS:

Class A - Backhoe/Hydraulic Excavator (3/4 Yard & over), Crane, End Loader (3 yards & over), Motor Patrol (Finish), Pile Driver

Class B - Backhoe/Hydraulic Excavator (Less than 3/4 yard), Bull Dozer or Push Dozer, End Loader (Less than 3 yards), Motor Patrol Operator (Rough), Tractor (Crawler/Utility), Scraper, Shovel, Trenching Machine

CLASS C - Asphalt Paver, Concrete Finishing Machine, Concrete Paver, Scale, Spreader (Self-Propelled)

DECISION NO. L283-4001

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LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to foundation driller & demolishing & dismantling man
 GROUP 2 - Raker, concrete spreader, carpenter tenders, distributor laborer, finisher tenders, pit man, pipelayer or tile layer, power monkey tender, tapper, tree pruner, stonemason tenders, stoker, asphalt raker, concrete shovelers, power tool op. & motorized buggy op.
 GROUP 3 - Formsetter, head or master--high type pavement
 GROUP 4 - Powderman

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; crane with 125 ft. boom
 GROUP 2 - Crane with 175 ft. boom
 GROUP 3 - Crane all types; derricks; deck winches (2); hi-bo & similar type equipment; 3 drums (or more) stabilizers; falls all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equipment welders; well point system; hoist, 2 ballrogers, rubber-tired or track other than farmtype; scoops; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farmtype, 1 cu. yd. or over; shovels & backhoes, all types & equivalent equipment; piledrivers; slideboom cats;

GROUP 4 - 2 drums & single drum stabilizers; front end loaders under 1 cu. yd.; A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; 2 tractor (crawler type); 1 drum hoist under 49 vertical ft.; firmen; concrete spreader; popall; bituminous distributor on surface treatment & equivalent equipment; ballfloats & equivalent equipment; job grease man; unit op.; work boats not requiring licensed ops.; inboard/outboard motored crew boats; concrete mixer under 1 yd.; spray curing machines; roller on subgrade; 1 air compressor over 125 cu. ft.; form graders; asphalt finisher screed man; pump over 4"; scale op.; crusher op.; concrete jointing machines; concrete saw; tack machines & equivalent equipment; pumpcrete; electric elevator (inside); oiler-driver; farmtype rubber tired tractor, with attachment, except backhoes; kolum buff & similar equipment; fork lifts 10 ton capacity & under

GROUP 5 - Batch plant operator

GROUP 6 - Oiler

GROUP 7 - Firemen

GROUP 8 - Fireman operating steam valve

GROUP 9 - Oiler on crane using air to drive piles

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - 1 ton & under; warehouseman, material checker, receiving clerk, spotter & dumper
 GROUP 2 - 1-1/2 tons to & including 2 tons (exclusive of dump trucks)
 GROUP 3 - Single axle dump trucks, single axle water trucks
 GROUP 4 - Heavy equipment: tandem axle dump & tandem axle water trucks, winch lift, transit mix, floats, pole trailers, & axle trailers & truck mechanic
 GROUP 5 - Special equipment, euclids & 5 axle moving equipment

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. T883-4002

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LINE CONSTRUCTION:

ZONE 1 - Address Co.:
Linemen, Operators
Cable splicers
Groundmen
ZONE 2 - Armstrong, Carcos,
Castro, Collingsworth,
Dellan, Deaf Smith, Doc-
ley, Gray, Hannford, Hart-
ley, Hamphill, Hutchinson,
Lipscomb, Moore, Ochil-
tree, Oldham, Potter, Ran-
dall, Roberts, Sherman,
Swisher & Wheeler Cos.:
Linemen

Cable splicers
Groundmen
Operator-hole digger,
line truck
Flat bed truck driver

Basic Hourly Rates	Fringe Benefits
\$13.10	.60+3%
13.35	.60+3%
70NJR	.60+3%
15.30	.70
13.45	1.78
13.85	1.30
13.35	1.30
11.40	1.30
8.00	
14.72	1.39
16.12	2.83

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Blade grader, self-propelled; Clim sheller; Cable ways; Cranes, power operated (all types); Air compressors, pumps, welding machines & light plants (7 to 12 machines); Derricks, power operated (all types); Drilling; Elevating graders, self-propelled; Hoist, 2 drums or more; Locomotive; Misermobiles; Paving mixers, all types; Piledrivers; Scrapers; Soliders; Side boom; Chari; pickers - 12-1/2 tons & over; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments; Ditching machines - crawler type; Farm-type tractor (loader, 1 yd. & over) with backhoe
GROUP 2 - Air compressors, pumps, welding machines, throttle valves, light plants (3 to 6 machines); Carry pickers - under 12-1/2 tons; Ditch witch - J30 under; Farm-type tractor (loader under 1 yd.) with backhoe; Co-devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air compressor and see topper; Rollers, 2 or more; Winch trucks; Front end scooper, loader, payloador; Blade grader, towed; Elevators, building; Fork lifts; Soist, single drum or 1 line hoisting (1 topper); Mixers less than 15 cu ft.; Rollers; Screening plants; Crushing plants; Tractors - wheel type except when hauling material
GROUP 3 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5(a)(13)(ii)).

SUPERSEDES DECISION

STATE: TEXAS COUNTY: Wichita
DECISION NUMBER: T883-4007 DATE: Date of Publication
Supersedes Decision No. T882-4002, dated 1/15/82 in 47
FR 32472.

DESCRIPTION OF WORK: Building Projects (Does not include single family homes & apartments up to and including 4 stories).
(Use current heavy and highway general wage determination for paving and utilities incidental to building construction).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$16.29	2.85	\$13.10	.60 +
16.68	2.415	13.35	.60+
15.30	.70	70NJR	.60+
13.45	1.78	8.61	3-1/2%
13.85	1.78	7.50	
10.94		8.50	
14.30	.80 +	13.50	.01
14.55	.80 +		
3-1/104			
3-1/104			
14.99	2.465+4		
70NJR	2.465+4		
50NJR			
12.50	2.95	15.10	1.90
12.625	2.95	15.60	1.90
7.85	.57	12.84	.09
7.98	.57	7.50	
8.35	.57	6.50	

ASBESTOS WORKERS
ROILERMAKERS
BRICKLAYERS & STONEWORKERS
CARPENTERS
Cable splicers
Millwrights
CONCRETE WORKERS
ELECTRICIANS
Electricians
Cable splicers

LINE CONSTRUCTION:
Linemen; Lineman
Operator
Cable splicers
Groundman
MARBLE SETTERS
PAINTERS:
Spray
PLASTERERS
PLUMBERS & PIPEFITTERS:
Zone 1 - within 25 miles
of Wichita Falls City
limits
Zone 2 - over 25 miles
of Wichita Falls City
limits
SHEET METAL WORKERS
TERRAZZO WORKERS
TILE SETTERS
WELDERS - receive rate
prescribed for craft
performing operation to
which welding is
incidental.

ELEVATOR CONSTRUCTORS:
Mechanics
Helpers (Prob.)
IRONWORKERS:
Structural; Ornamental;
Ironworkers on jobs 10
miles or more from the
City of Wichita Falls
LABORERS:
Group 1: General Laborer
Group 2: Pipelayer
(concrete and clay);
Power buggy operator;
Gunite mixer; cement
work mixer; power tool
operator; bell hole
man (pierre)
Group 3: Mason tender;
mason mortar mixer;
plasterer tender, Rod
carrier; plasterer
mortar mixer; Gunite
over 1-1/2" thick;
Korrlimen & machine
Operator
Group 4: Powderman,
blaster.

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 months - none; 6 months to
5 years - 8% over 5 years - 8% of
Basic Hourly rate
b - Paid holidays A thru G
A - New Years' Day; Memorial Day;
C - Independence Day; D - Labor Day;
E - Thanksgiving Day; F - the Friday
after Thanksgiving Day; G - Christmas
Day.

STATE: Texas COUNTY: Travis
 DECISION NO: TEBJ-4005 DATE: Date of Publication
 SUPERSEDING Decision No. TEBJ-4024, dated 6/18/82, in 47 FR 26548.
 DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

POWER EQUIPMENT OPERATORS:

Group	Basic Hourly Rates	Fringe Benefits
Group 1	12.325	1.425
Group 2	13.205	1.435
Group 3	13.625	1.445

Group 1: Oiler - Fireman

Group 2: Air Compressors, Pumps, Welding Machine, Throttle Valves, Light Plants (3 to 6 machines); Conveyor Vacon Drill; Elevators, Buildings; Form Graders; Hoist, single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plant; Fork Lifts (hoist, under 25 ft.); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear)

Group 3: Backhoe/Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork lifts (over 25 ft.); Winch Trucks; Six wheel Truck when used continuously for 5 days; Mixerobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Scradall; Hy-Ho; Hop-to; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Boiler, ten tons or over; Air Compressors, Pumps; Welding Machines and Light plants (7 to 12 machines); Air Compressor and Air Tugger; Boilers, two or more fitted by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(iii)).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	15.80	.80+	
BOILERMAKERS	15.94	\$2.94	
BRICKLAYERS & STONEMASONS	16.40	2.115	
CARPENTERS	13.84	2.21	
Millwrights	14.36	1.82	
Millwrights	14.61	1.82	
CEMENT MASONS	13.94	1.70	
ELECTRICIANS & CABLE	15.80	.80+	
SPALICERS	8-2/10		
ELEVATOR CONSTRUCTORS:			
Mechanics	14.40	2.69+4	
Helpers	50&7R	2.69+4	
Belts (Prob.)			
GLAZIERS	13.66	1.37	
IRONWORKERS	13.80	2.97	
LABORERS:			
GROUP 1 - General laborer	9.18	.75	
& pier hole man			
GROUP 2 - Mason tender;			
Pipelayer (conc. & clay);			
Cement finisher tender;			
Scaffold builder; Gun-			
nite & cement work mixer			
& power tool op.	9.33	.75	
GROUP 3 - Plaster tender;			
hoist carrier; Mortar mixer;			
Lather tender	9.505	.75	
GROUP 4 - Granite over			
Machine op.; Rockman;			
Shaltblaster, & Blaster	14.36	1.82	
LATHERS	9.58	.75	
LINE CONSTRUCTION:	16.59	.80+	
Linemen	3-1/2%		
Groundmen	9.12		
MARBLE, TILE & TERRAZZO	12.65	.75	
WORKERS			
MARBLE, TILE & TERRAZZO			
FINISHERS:			
Marble, tile, terrazzo	8.62	.67	
Floor machine operator	8.82	.67	
Base machine operator	8.97	.67	
PAINTERS:			
GROUP 1 - Journeyman			
painters, taping &			
floating of Sheetrock	\$12.80		
GROUP 2 - Spray; sand-			
blasting; spray stage	13.70		
PLASTERERS	14.79	1.61	
FINISHERS & PIPEFITTERS	16.40	1.27	
ROOFERS:			
Roofers; deckmen	9.24	.50	
Yettlemen	8.19	.50	
Mastereprofers	8.69	.50	
SECRET METAL WORKERS	14.87	2.09	
SOFT FLOOR LAYERS	14.90	2.66	
SPRINKLER FITTERS	16.17	2.83	
SPURGE EQUIPMENT OPERATORS:			
GROUP 1	14.75	.85	
GROUP 2	13.30	.95	
GROUP 3	12.15	.95	
GROUP 4	12.05	.95	
WELDERS - receive rate			
prescribed for craft per-			
forming operation to			
which welding is incid-			
ental.			
PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS			
1-Holiday year; Day; 2-Special Day;			
3-Independence Day; 4-Labor Day;			
5-Thanking Day; 6-the Friday after			
Thanksgiving Day; 7-Christmas Day			
FOOTNOTE FOR ELEVATOR CONSTRUCTORS			
1 - 1st 6 mos. - none; 6 mos. to 1 yrs.			
6th over 5 yrs. - 8% of basic			
hourly rate. Also 7 paid holidays			
A thru G			
Unlisted classifications needed for			
work not included within the scope of			
the classifications listed may be added			
after award only as provided in the			
labor standards contract clauses			
129 CFR, 5.5(a)(1)(iii)).			

SUPERSEDES DECISION

STATE: Texas COUNTY: Bexar
 DECISION NO.: TMSJ-4003 DATE: Date of Publication
 Supersedeas Decision No. TMSJ-4027, dated 6/18/82, in 47 FR 26551
 DESCRIPTION OF WORK: Building projects (Does not include single family homes & apartments up to 4 stories). (See current heavy & highway general wage determination for paving & utilities incidental to Building Construction).

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$15.90	\$2.94	MARBLE, TILE & TERRAZZO WORKERS	1.47
16.60	2.415	MARBLE, TILE & TERRAZZO FINISHERS:	
13.28	1.52	Marble, tile & terrazzo	8.62
12.90	2.33	Floor machine operators	8.62
13.20	2.33	Base machine operators	8.97
13.22	1.15	PAINTERS:	
15.48	8.48	Brush; paperhanger;	
15.74	8.48	taper & floater; roller	11.25
14.455	2.69+4	Brush on all structural	
10.9R	2.65+4	steel; spray on any	
50JR		other surface other	
12.55	3.57	than steel	11.50
		PLUMBERS & PIPEFITTERS	17.10
		ROOFERS:	
8.24	1.50	Roofers; deckman	9.24
		Kettlemen	8.19
		Waterproofers	8.69
		SHEET METAL WORKERS	14.87
		SPRINKLER FITTERS	16.17
		POWER EQUIPMENT OPERATORS:	
		GROUP 1	11.35
		GROUP 2	11.83
		GROUP 3	9.93
		GROUP 4	9.59
		WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.	
8.49	1.50	PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS	
		A-New Years' Day; B-Memorial Day;	
		C-Independence Day; D-Labor Day;	
		E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day	
		FOOTNOTE FOR ELEVATOR CONSTRUCTORS	
		a - 1st 6 mos. - none; 6 mos. to 3 yrs - 6%; over 3 yrs. - 8% of basic hourly rate. Also 7 Paid Holidays A thru G	
8.47	1.50	LINE CONSTRUCTION:	
15.85	.80+	Lineman	1-1/2%
16.10	8.72	Cable splicer	
		Groundman	

Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standard contract clauses (29 CFR, 5.5(a)(1)(iii)).

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oilier-Fireman
 GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 ft.); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); GROUP 3 - Backhoes; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 ft.); Six wheel truck; Six wheel truck, when used continuously for 5 days; Mixmobile; Locomotives; Mixer, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes - power operated (to 100 ft. of boom); Derricks, power operated, all types; Grapple; 8y-50; Hog-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Treaching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 17 machines); Air Compressors & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

SUPERSEDES DECISION

DECISION NO. TXE3-4001

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clam-shell; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); excavator; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); grapple; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); skidsteer; paving mixers (all sizes); piledriver; pumpcrete machine; rock crusher on job; scoop-mobiler; scrapers; shovel, power operated; turrapulls; trenching machines (all sizes); winch truck

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; fixer pliers; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; palconsters; pump (25 or larger shall require a light equipment operator); three to six welding machines or any three pieces of equipment equal or similar nature

GROUP 3 - Fireman

GROUP 4 - Oiler

STATE: Texas

DECISION NO.: TXE3-4004
 SUPERSEDES DECISION NO. TXE2-4011 dated 6/18/82, in 47 FR 26549
 DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Counties).

Basic Hourly Rates	Prorated Benefits	Basic Hourly Rates	Prorated Benefits
16.70	2.71	16.70	2.71
16.60	2.415	16.60	2.415
16.45	2.25	16.45	2.25
16.25	2.27	16.25	2.27
16.25	2.27	16.25	2.27
16.635	2.27	16.635	2.27
15.85	2.05	15.85	2.05
15.80	2.13	15.80	2.13
17.57	1.10	17.57	1.10
18.57	1.28	18.57	1.28
17.57	1.08	17.57	1.08
15.34	2.465	15.34	2.465
794JR	2.465	794JR	2.465
594JR	1.975	594JR	1.975
31.39	3.50	31.39	3.50
15.46	1.56	15.46	1.56
10.95	1.56	10.95	1.56
11.155	1.56	11.155	1.56
11.245	1.56	11.245	1.56
11.54	1.56	11.54	1.56
11.085	1.56	11.085	1.56
11.495	1.56	11.495	1.56
16.25	2.29	16.25	2.29

COUNTIES: Galveston & Harris

DATE: Date of Publication
 STATE: Texas
 COUNTY: Galveston & Harris
 DATE: Date of Publication
 SUPERSEDES DECISION NO. TXE2-4011 dated 6/18/82, in 47 FR 26549
 DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Counties).

Basic Hourly Rates	Prorated Benefits	Basic Hourly Rates	Prorated Benefits
18.10	.80+.35%	18.10	.80+.35%
19.50	.80+.35%	19.50	.80+.35%
17.70	.80+.35%	17.70	.80+.35%
10.27	.80+.35%	10.27	.80+.35%
14.81	1.75	14.81	1.75
15.42	1.75	15.42	1.75
9.76	1.05	9.76	1.05

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS & STONEMASONS
 CARPENTERS
 Pipefitters
 Welders
 MILLRIGHTS
 CEMENT WORKERS
 Galveston County
 Harris County
 ELECTRICIANS
 Galveston County;
 Electricians
 Cable splicers
 Harris County
 Electricians
 MECHANICAL
 HELMERS
 HELMERS (Prob.)
 GLASSERS
 IRONWORKERS
 LABORERS
 GROUP 1 - Common
 (jackhammer-vibrator);
 mason tender; pipelayer
 (concrete & clay); sand
 blaster; power buggy
 GROUP 2 - Lather tender;
 mortar mixers; plaster
 tenders & hod carriers
 GROUP 3 - Wall driller
 GROUP 4 - Well driller
 GROUP 5 - Blaster, powder
 tender
 GROUP 6 - Blaster, powder
 tender
 LAYERS (Harris Co. only)
 LINE CONSTRUCTION
 ZONE 1 - Galveston Co. &
 that part of Harris Co.
 from Loop 610 east to
 State Hwy. 59, north on
 State Hwy. 59, Hwy. 1960
 west on Hwy. 1960 to Hwy.
 6, south on Hwy. 6 to

State Hwy. 59, south-east on State Hwy. 59 to Loop 610 around Loop 610 to State Hwy. 59
 North:
 Lineman & cable
 splicer
 Groundman
 ZONE 2 - Remainder of Harris Co.;
 Lineman & cable
 splicer
 Groundman
 MAINTENANCE, TILES & TERRAZZO
 WORKERS; Galveston Co.
 Harris Co.
 MAINTENANCE, TILES & TERRAZZO
 WORKERS
 PAINTERS
 EAST HARRIS COUNTY:
 GROUP 1 - All brush, hand
 rolling & all other
 work other than that
 below
 GROUP 2 - All pneumatic
 & other tools & steam
 cleaning
 GROUP 3 - All tape &
 vinyl flooring
 GROUP 4 - Carpet &
 vinyl flooring
 GROUP 5 - All spray,
 sandblasting & water-
 blasting
 GROUP 6 - Steeple jack
 work, hot materials
 REMAINDER OF HARRIS CO.
 GROUP 1 - All brush, hand
 roller, steam cleaning
 all pneumatic tools
 GROUP 2 - All spray, sand-
 blasting, waterblasting
 GROUP 3 - Tape, float &
 drywall
 GROUP 4 - Steeple jack
 work, hot materials

	Basic Hourly Rates	Fringe Benefits
PAINTERS (CONT'D):		
CALVERTON COUNTY:		
GROUP 1 - Painters on new work	\$14.945	3.05
GROUP 2 - Painters on swinging stage work or using materials in joints to the skin		
GROUP 3 - Painters on rework & repaint	15.245	3.05
PIPEFITTERS	14.19	3.05
PLASTERERS	16.80	2.28
PLUMBERS	15.20	1.59
POOFERS:	18.81	1.75
Composition	13.86	1.58
Slate & tile	14.61	1.58
Kettlemen	12.99	1.38
SHEET METAL WORKERS	16.64	2.69
SOFT FLOOR LAYERS	14.50	2.06
SPRINKLER FITTERS	16.17	2.83

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
GROUP 1 - Under 1 1/2 tons	\$10.79	
GROUP 2 - 1 1/2 thru 2 1/2 tons; dump less 7 yds.	11.21	
GROUP 3 - Over 2 1/2 tons	11.61	
POWER EQUIPMENT OPERATORS:		
GROUP 1	16.39	2.39
GROUP 2	14.53	2.39
GROUP 3	13.90	2.39
GROUP 4	13.69	3.39

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(iii)).

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS:

a - let 6 mos. - 100¢; 6 mos. to 5 yrs. - 4¢; over 5 yrs. - 8¢ of basic hourly rate. Also Seven Paid Holidays A thru G

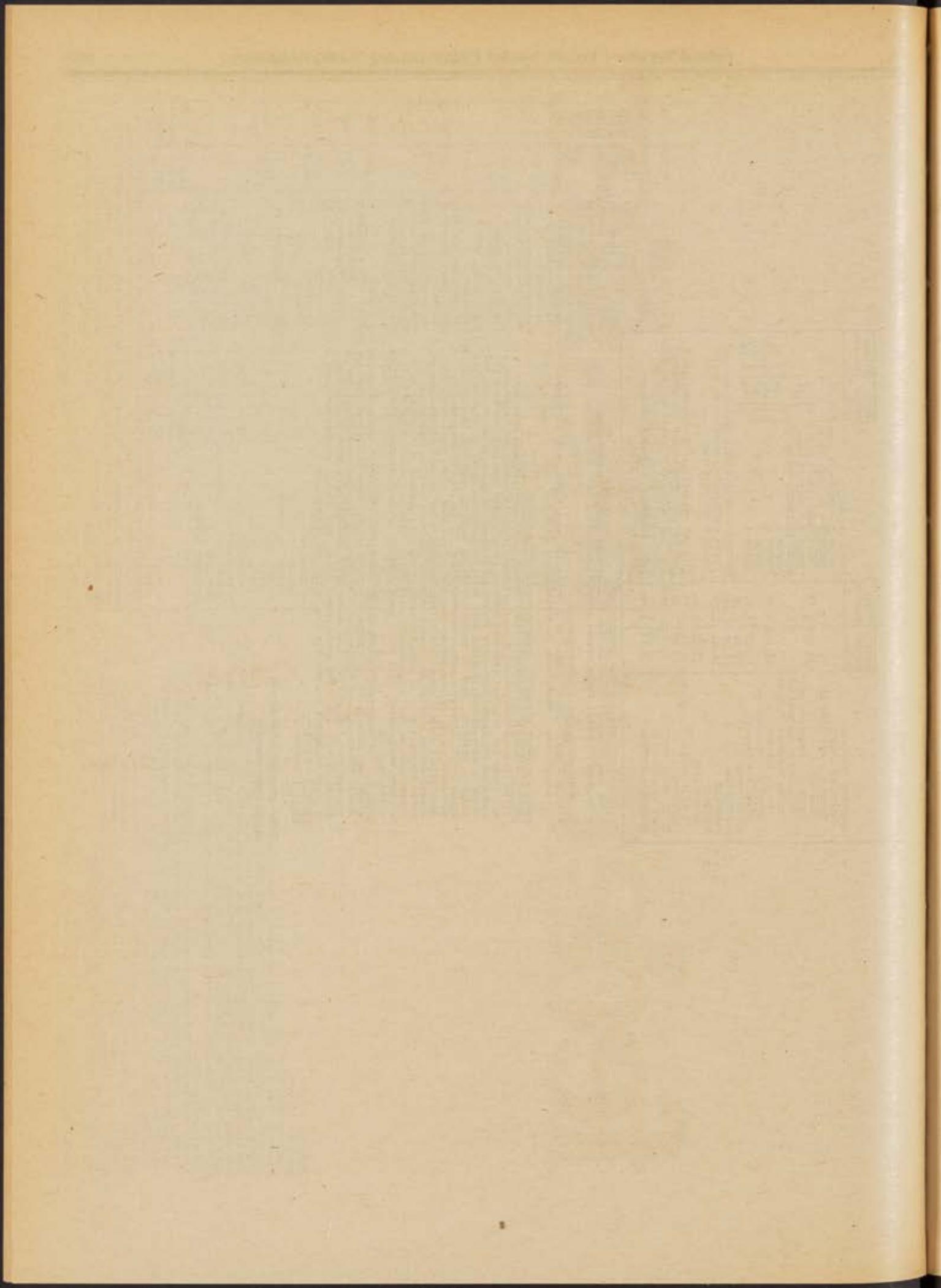
POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanical: blade grader, self-propelled; bull clam; back filler; electric-powered (all types); crawler; draglines; push cat; bulldozer & all types cat tractors; cableway; backhoe; shovel; power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; automobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat op., assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cu. ft. or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cu. yds.; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine; turnspalle; DW-10 Caterpillar; S-18 scoldid & similar tractors; asphalt plant mixer on job; crusher op. on job; scoommobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant; pneumatic rollers, self-propelled.

GROUP 2 - Air compressors; blade grader; towed; flex plane; form grader; concrete mixer, less than 14 cu. ft.; pump; polemeter; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cu. yd. or less; wagon drill; conveyor; generator gasoline or diesel driven, over 1500 watts; roofer; tired farm tractor with attachment; a light equipment op. may run 1 or 2 150 cfm compressors

GROUP 3 - Fireman

GROUP 4 - Oiler



federal register

Friday
January 7, 1983

Part III

Panama Canal Commission

Privacy Act of 1974; Annual Publication
of Systems of Records

PANAMA CANAL COMMISSION**Privacy Act of 1974; Systems of Records; Annual Publication, Deletions, Revisions.****AGENCY:** Panama Canal Commission.**ACTION:** New System of Records, Deletions and Revisions, and Panama Canal Commission systems of records Annual Publication.

SUMMARY: The Panama Canal Commission is maintaining a new system of records called "Administrative Reports, GSCX-1." A description of the system is published below. The Administrative Reports will record activities of the Support Services Branch and activities of the designees of the U.S. Representative to the binational Coordinating Committee. The function of the Support Services Branch is to assist employees of the Commission and their dependents, and other eligible persons, who have been arrested by or who are otherwise involved with Government of Panama authorities. The reports and supporting material in the system may be used by the Commission to evaluate circumstances of an arrest, to determine the need for diplomatic action, and to prepare communications that may be necessary. The Branch also assists the Government of Panama and U.S. military authorities by reviewing cases of shoplifting and other misconduct which are referred to it by those authorities for the purpose of counselling or other administrative action to be carried out by the appropriate Commission officials. In addition, the Branch serves as the initial point of contact for cases of abuse of purchase and importation privileges which are referred to the Commission.

The Panama Canal Commission is also required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), to give annual notice in the Federal Register of the existence and character of the systems of records it maintains. This agency last published such a notice at 46 FR 62768 (December 28, 1981). In addition this agency gave notice of an amended system, Marine Accident Investigation Reports/Statistics, PCC/MRBL-2 at 47 FR 18979 (May 3, 1982), and notice of a new system, Personnel Management System, PR-4, at 47 FR 32671 (July 28, 1982). The purpose of this document is to fulfill the annual notice requirement of the Privacy Act for 1982 by publishing in full all systems which the Commission maintains, and to give notice of the new system of records.

DATES: This document fulfills the Privacy Act annual notice requirement for 1982. Written comments by any

member of the public concerning the intended routine uses of the information in the new system, Administrative Reports, GSCX-1, is invited. To be considered comments must be received by February 7, 1983. If no comments requiring modification of the routine uses are received, the routine uses will become effective February 8, 1983.

ADDRESS: The public should address comments to K.E. Goldsberry, Agency Records Officer (Chief, Administrative Services Division), Panama Canal Commission, APO Miami 34011. Mark all comments "GSCX-1."

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th St., NW., Washington, D.C. 20004 (Telephone: 202-724-0104.)

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 452 and the Panama Canal Treaty of 1977, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by the Panama Canal Commission on October 1, 1979. The period between October 1, 1979, and March 31, 1982, referred to as the "transition period" concluded with the disestablishment of all police functions previously performed by the Canal agency, and certain other functions intended primarily to assist employees of the Canal organization. Subsequently, the Support Services Branch was organized for the purpose of assisting Commission employees and their dependents and other eligible persons who are arrested by or otherwise become involved with Government of Panama authorities. The channel for communication and information concerning the transfer of custody of individuals in these circumstances is the Coordinating Committee, which was specifically established by Article II of the Agreement in Implementation of Article III of the Panama Canal Treaty. With the establishment of the Support Services Branch, a new system of records came into existence. Notice of the existence and character of the system has not previously been given due to the reorganization which took place and the ensuing administrative workload involved in setting up procedures for unprecedented activities. In many instances agreement between the two countries is required at the diplomatic level concerning procedures to be followed. Because this system contains copies of investigatory material originated by Government of Panama or

U.S. military law enforcement authorities, and copies of disposition of cases, (some of which if disclosed would reveal the identity of confidential sources), compiled for the purpose of assisting employees or their dependents, the agency proposes to exempt the records in the system from mandatory disclosure under the Privacy Act. A proposed rule to exempt the system will be published at a future date. Suspension of this system would adversely affect the functions of the Support Services Branch in assisting employees or dependents to exercise their procedural rights under the Treaty; therefore, this agency has requested a waiver of the 60-day advance notice period required before implementation of a system by OMB Circular A-108 and Transmittal Memoranda 1 and 3. In accordance with the provisions of 5 U.S.C. 552a(o) of the Privacy Act and Office of Management and Budget (OMB) Circular A-108 (Transmittal Memoranda Nos. 1 and 3), a report on the new system has been submitted to the Congress and to the Director, Office of Management and Budget.

Because of organizational changes within the Panama Canal Commission, editorial modifications have been made to a number of systems to reflect changes in system name, location, system manager, and notification and access procedures, where applicable. Minor changes have also been made for the purpose of completeness, clarity and correctness, where applicable, to the routine uses, categories of records in the system, and storage.

In addition, this agency is deleting eight systems of records as follows.

Six systems, listed below, are being deleted because they have been discontinued and the records destroyed:

- Cash Register Receipt Shortages, PCC-CZG/FVGA-2
- Detective Confidential Files, PCC/GSPL-3
- Pending Detective Investigation Records, PCC/GSPL-8
- Informant Name File, PCC/GSPL-9
- Youth Unit Name Index File, PCC/GSPL-12
- Poor Risk/Delinquent Citation/Warrant File, PCC/GSPL-19

Two systems are being deleted because they have been discontinued and the records transferred to other U.S. Government agencies:

- U.S. Army Element, Panama Canal Commission Military Administration System, PCC/MIL-1, was transferred to the Headquarters Command, 193d Infantry Brigade (Panama), APO Miami 34004; and Student Record System,

PCC-CZG/CASC-1, was transferred to the Department of Defense Dependents Schools (Panama Area).

Three additional systems are being deleted because they are being incorporated into another already existing system with which they are compatible in purpose, categories of individuals, and categories of records in the system. They are General Identification, Photo-Identification and Purchase Authority Records, PCC/AMSA-1; U.S. Government Vehicle Operator's Identification and Material Handling Card Application Files, PCC/AMSA-4; and Application for Exoneration, PCC/AMSE-1. These three systems have been incorporated into the Documents Control System, AMSE-2, which is being redesignated as the ID Card and Documentation Control System, AMSA-1.

Fifteen systems, listed below, are being placed in an inactive status. These systems became inactive at the conclusion of the "transition period" on March 31, 1982, provided for by the Panama Canal Treaty of 1977. With the disestablishment of all police, probation/parole, and other functions, the applicable systems of records were discontinued, and the records transferred to the Agency Records Center for storage and eventual disposition in accordance with Federal records retention schedules. These systems will continue to be described in the Commission's notice of Privacy Act systems of records as inactive. An updated alphabetical listing of this agency's inactive systems appears in the latter part of this notice.

Postal Claims and Inquiries, PCC/AMRM-6
 Probation and Parole Unit Child Custody Reports, PCC/AEPR-1
 Presentence and Pre-Parole Investigation Reports, PCC/AEPR-2
 Probation and Parole Unit Statistical File, PCC/AEPR-3
 Law Enforcement Case Report Files, PCC/GSPL-1
 Convict Files, PCC/GSPL-4
 Prisoner Record Cards, PCC/GSPL-5
 Police Photo Files, PCC/GSPL-6
 Fingerprint File, PCC/GSPL-7
 Master Name File, PCC/GSPL-10
 Arrest Record File, PCC/GSPL-13
 Complaints Against Policemen File, PCC/GSPL-15
 Traffic Accident Reports, PCC/GSPL-16
 Prisoner Property Record, PCC/GSPL-18

The revisions and editorial corrections to the Panama Canal Commission's systems of records do not affect the general character or purpose of any systems described, nor do they expand the population of individuals to

whom the systems apply or change any individual rights. Since the modifications merely provide a more accurate description of this agency's systems of records, the revisions are not deemed to be within the purview of the provisions of 5 U.S.C. 552a(o) of the Privacy Act and Office of Management and Budget (OMB) Circular A-108 (Transmittal Memoranda Nos. 1 and 3), which require submission of a report on a new system.

The descriptions of the systems of records maintained by the Panama Canal Commission appear below, preceded by the text of the new system, Administrative Reports, PCC/GSCX-1; a listing of systems deleted; an alphabetical listing of all of this agency's active systems of records; and a prefatory statement of the general routine uses applicable to all systems.

Dated: December 17, 1982.

K. E. Goldsberry,

*Chief, Administrative Services Division,
 Agency Records Officer, Panama Canal Commission.*

New System:

PCC/GSCX-1

SYSTEM NAME:

Administrative Reports, PCC/GSCX-1

SYSTEM LOCATION:

Support Services Branch, Pacific Area Office, Bldg. 729 Balboa, Republic of Panama; and Atlantic Area Office, Bldg. 8040, Margarita, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Commission employees, their dependents, and other eligible persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on individuals who have been provided assistance by or have requested assistance from the Support Services Branch, or designees of the U.S. Representative to the Coordinating Committee, as a result of having been arrested by or having had some other manner of involvement with authorities of the Government of Panama. Also records of shoplifting cases or other misconduct referred to the Support Services Director by either the U.S. military or Government of Panama law enforcement authorities for review for the purpose of counselling and/or administrative action to be carried out by the appropriate Commission officials. Copies of records of the disposition of cases involving abuse of purchase or importation privileges for reference purposes.

Records may include: Name of person report is about, identification number,

citizenship, date of birth, residence, home and office telephone numbers, occupation and address. Information may include descriptive information concerning various offenses, arrests, and incidents, including witnesses and other persons involved, and may include copies of reports prepared by U.S. military and Government of Panama law enforcement authorities, and Panamanian court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 3622 (Supp. III 1979); Articles III, V, and IX of the Panama Canal Treaty of 1977; Articles XVI and XIX and Annex C of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

May be released to U.S. military law enforcement agencies, the U.S. Embassy, and Government of Panama law enforcement authorities as necessary to report arrests, assist employees or assist in investigations. See also the general routine uses in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Typed reports, printed forms 8 X 10½ inches, computer printouts, magnetic tapes, and log books.

RETRIEVABILITY:

By name of person assisted or primarily about.

SAFEGUARDS:

Active files maintained in locked file cabinets or in safes when not in use; computer timesharing data accessible through use of code names and numbers, restricted to authorized personnel.

RETENTION AND DISPOSAL:

Reports will be held for six years and then destroyed. Computer timesharing data will be expunged simultaneously.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Support Services Branch, Community Services Division, General Services Bureau, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORDS PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual or from reports from U.S. military or Government of Panama authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material obtained from or related to the law enforcement sources of the U.S. military or Government of Panama authorities, or records created which would reveal the contents or substance of such records, or would reveal the identity of confidential sources, is exempted from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.22. Certain reports in the system may be classified under Executive Order 12356, National Security Information.

Systems Deleted:

The following systems, identified by their alphanumeric designation and system name, have been discontinued and deleted.

- PCC/AMSA-1, General Identification, Photo-Identification and Purchase Authority Records
- PCC/AMSA-4, U.S. Government Vehicle Operator's Identification and Material Handling Card Application Files
- PCC/AMSE-1, Application for Exoneration
- PCC-CZG/CASC-1, Student Record System
- PCC-CZG/FVGA-2, Cash Register Receipt Shortages
- PCCc/GSPL-3, Detective Confidential Files
- PCC/GSPL-8, Pending Detective Investigation Records
- PCC/GSPL-9, Informant Name File
- PCC/GSPL-12, Youth Unit Name Index File
- PCC/GSPL-19, Poor Risk/Delinquent Citation/Warrant File
- PCC/MIL-1, U.S. Army Element, Panama Canal Commission Military Administration System

The following systems have been discontinued and have been added to the Commission's list of inactive systems.

- PCC/AMRM-6, Postal Claims and Inquiries

- PCC/AEPR-1, Probation and Parole Unit Child Custody Reports
- PCC/AEPR-2, Presentence and Pre-Parole Investigation Reports
- PCC/AEPR-3, Probation and Parole Unit Statistical File
- PCC/GSPL-1, Law Enforcement Case Report Files
- PCC/GSPL-4, Convict Files
- PCC/GSPL-5, Prisoner Record Cards
- PCC/GSPL-6, Police Photo Files
- PCC/GSPL-7, Fingerprint File
- PCC/GSPL-10, Master Name File
- PCC/GSPL-13, Arrest Record File
- PCC/GSPL-15, Complaints Against Policemen File
- PCC/GSPL-16, Traffic Accident Reports
- PCC/GSPL-18, Prisoner Property Record

Alphabetical Title Listing of Panama Canal Commission's Notice of Systems of Records

- Accounts Payable Disbursement Records, PCC/FMAC-8
- Accounts Receivable Records, PCC/FMAC-2
- Admeasurer Examination File, PCC/MRPA-1
- Appeals, Grievances, Complaints, and Assistance Records, PCC/PB-2
- Biographical Data, PCC/ADSA-1
- Canal Protection Division Incident Report Files, PCC/GSCP-2
- Canal Commission Awards and Service Contracts Control Records, PCC/FMAC-7
- Cash Audit Files, PCC/FMGA-1
- Cash Collection Agents and Subagents, PCC/FMAC-6
- Claims Files, PCC/FMAK-1
- Delegation of Authority for Procurement, PCC/FMAC-5
- Directory of Forwarding Addresses, PCC/AMRM-5
- Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC/PR-1
- Embezzlements, Burglaries, and Cash Shortages, PCC/FMAC-1
- Emergency Preparedness Records (Civil Defense/Emergency Management, PCC/GSCE-1
- Employee Benefits Records, PCC/PR-2
- Employees' and Dependents' Travel Orders, PCC/AMTR-1
- Equal Employment Opportunity Complaint File, PCC/EO-2
- General Files of the Panama Canal Commission, AMRM-1
- Grievances, Appeals, and Adverse Actions Records, PCC/IR-2
- Housing Complaints File, PCC/GSCS-2
- Housing Files, PCC/GSCS-1
- ID Card and Documentation Control System, PCC/AMSA-1
- Incentive Awards Program Files, PCC/PR-9
- Industrial Accident Prevention Supervisor/Unit Awards Files, PCC/PR-12

- Injury Compensation Payroll Records, PCC/FMAP-3
- Internal Revenue Service Notice of Levy Files, PCC/FMTR-2
- Land Utilization Records, PCC/AMSA-3
- Library Services Branch Registration Records, PCC/GSCL-1
- Marine Accident Reports and Investigations, PCC/MRBL-2
- Marine Accident Reference Cards, PCC/MRNV-1
- Marine License Files, PCC/MRBL-1
- Master Name File, PCC/GSPL-10
- Merit System Recruiting, Examining, and Placement Records, PCC/PB-1
- News Morgue Records, PCC/PA-1
- Occupational Health Records, PCC/PR-10
- Office of Personnel Management Systems Applicable to the Panama Canal Commission: (1) General Personnel Records (Official Personnel Folder and records related thereto); (2) Retirement, Life Insurance, and Health Benefits Records Systems; (3) Ethics in Government Financial Disclosure Records, OPM/GOVT-4; (4) Confidential Statements of Employment and Financial Interest, OPM/GOVT-8. (See PCC/PR-8).
- Ombudsman Investigation Files, PCC/OM-1
- Operating Unit Employment Inquiry Files, PCC/OPR-2
- Operating Unit Personnel Records, PCC/OPR-1
- Panama Canal Commission Board of Directors Biographical and Correspondence Files, PCC/WO/AE-2
- Payroll Deductions, PCC/FMAP/AC-4
- Payroll Master File for Panama Canal Commission Employees, PCC/FMAP-1
- Personal Data Records, PCC/PR-3
- Personnel Investigation Records, PCC/PB-3
- Personnel Management System, PCC/PR-4
- Personnel Reference Unit Files, PCC/PR-7
- Pilot Workload Statistics, PCC/MRNV-2
- Plumbing and Welding License Files, PCC/ECCN-1
- Quarterly Report of Employee Union Dues Deductions, PCC/IR-1
- Racial/National Origin Category Data, PCC/EO-1
- Racial/National Origin Code Records, PCC/PR-11
- Recruiting and Placement Records, PCC/PR-5
- Resident Advisory Committee Files, PCC/OM-2
- 20/30/40-Year Safety Key Awards Files, PCC/PR-13
- Suspension of Check Cashing Privileges Files, PCC/FMTR-3

Telephone Exchange Directory, PCC/
ECLE-1
Termination of Employment Actions
Records, PCC/FMTR-1
Training and Employee Development
Records, PCC/PR-8
Trust Fund Records, PCC/FMAC-3
Unnegotiated Checks Over One Year
Old, PCC/FMAC-9

**Prefatory Statement of General Routine
Uses (35 CFR Part 10, Appendix A)**

Information about an individual which is maintained in any system of records under the control of the Panama Canal Commission is subject to disclosure, as a routine use of such information, to any of the following persons or agencies under the circumstances described:

1. Information indicating a violation or potential violation of law (whether civil, criminal, or regulatory in nature, and whether involving a statute or regulation or a rule, or order issued pursuant thereto) may be referred to the federal, state, local, foreign, or international agency charged with investigating or prosecuting such violations or charged with implementing or enforcing the particular statute, or regulations, rule or order, which is pertinent thereto.

2. Information which has a bearing on matters which may be in dispute may be disclosed in the course of presenting evidence or argument to a court or administrative tribunal, a judicial official, or counsel for a party in connection with litigation or administrative proceedings in which the agency, or its officers or employees, are or may become involved.

3. Information may be provided to persons or agencies from whom information is solicited, to the extent necessary to elicit facts which may be relevant to a financial audit or an agency decision to hire or retain an employee, issue a security clearance, award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

4. Information may be disclosed to a federal agency, in response to its request in a particular case or in a category of cases, in connection with that agency's (a) decision in a personnel matter; (b) financial audits and accounting; (c) issuance of a security clearance; (d) investigation of an individual employed or formerly employed by the Panama Canal Commission (or its predecessors); or (e) decision to award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

5. Information may be supplied in response to an inquiry from a Member of Congress on behalf of an individual or, at any stage of the legislative

coordination and clearance process, to the Office of Management and Budget in connection with the review of private relief legislation.

6. Information which has a bearing on the qualifications of professional personnel (such as architects, attorneys, engineers, medical practitioners, pilots, and teachers) who have been employed by the agency or have had professional dealings with the agency may be provided to the appropriate authorities such as professional licensing and certifying boards and grievance committees.

7. To the extent necessary for implementation of the Panama Canal Treaty of 1977 and related agreements, information may, upon approval by the Agency Records Officer (Chief, Administrative Services Division) or that official's designee, be disclosed to officials of the Government of the Republic of Panama and to U.S. Government agencies which, under the Treaty, assumed functions formerly performed by the Panama Canal Company or the Canal Zone Government.

PCC/WO/AE-2

SYSTEM NAME:

Panama Canal Commission Board of Directors Biographical and Correspondence Files, PCC/WO/AE-2.

SYSTEM LOCATION:

Office of Executive Administration, Administration Building, Balboa Heights, Republic of Panama; and Office of the Secretary, 312 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and present members of the Panama Canal Commission Board of Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in Office of Executive Administration contain names and address, newspaper clippings, general biographical information, minutes of Board meetings, and official correspondence between Commission officials and Board members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3612 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in Office of the Secretary disclosed to Executive agencies, to

members of Congress and to news media for press releases. See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name of board member.

SAFEGUARDS:

Lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER (S) AND ADDRESS:

Director, Office of Executive Administration, Panama Canal Commission, APO Miami 34011; Assistant to the Secretary, Panama Canal Commission, 312 Penn. Bldg., 425 13th St., N.W. Washington, D.C. 20004.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Managers or the Agency Records Officer, Administration Building, Balboa Heights, R. P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to any of the addresses designated in Notification Procedures, preceding.

CONTESTING RECORDS PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information obtained from the individual, public media and protocol sources.

PCC/ADSA-1

SYSTEM NAME:

Biographical Data, PCC/ADSA-1

SYSTEM LOCATION:

Office of the Staff Assistant Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Administrator, Deputy Administrator, Administrator's staff, and members of their families; Board of Directors; local military and Diplomatic Corps officials; visiting officials including Congressional and high ranking military personnel; Secretary of the Army and members of his staff; local Panama Canal

Commission employees; local businessmen and officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on individuals including names, identification numbers, dates of birth, number of children and their names, education, honors bestowed, telephone numbers, addresses, job titles, marital status, citizenship, employing unit photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611 and 3614 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General biographical data may be provided to interested members of Congress, diplomatic corps, public media, etc., consistent with official protocol functions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Standard 8 by 10 1/2 inch paper.

RETRIEVABILITY:

Filed and indexed by name.

SAFEGUARDS:

Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained indefinitely. Forwarded to Agency Records Center for disposition according to established procedures and where applicable to libraries of the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Assistant Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

PCC/AMRM-1

SYSTEM NAME:

General Files of the Panama Canal Commission, PCC/AMRM-1

SYSTEM LOCATION:

Records Management Branch, Panama Canal Commission, Administration Building, Balboa Heights, Republic of Panama

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subject of correspondence or who correspond with the Office of the Administrator and staff offices on a variety of subjects related to the operation, maintenance, and protection of the Panama Canal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files retrievable by reference to individuals include records on subjects such as eligibility to purchase goods and services, and use Canal facilities; Congressional inquiries about or on behalf of individuals; certificates of good conduct; contracts with individuals, and inquiries and answers on Canal operations, laws and regulations pertaining to the Panama Canal Commission and policies related thereto, generally. System also includes inactive records on subjects such as eligibility to engage in private business; licenses and permits in connection with utilization of land, water, resources and facilities; biographical data on former Governors of the Canal Zone; reports of Court dispositions of cases; and Coroner reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 44 U.S.C. 3101 and 3102.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders or on backers and card indexes.

RETRIEVABILITY:

Filed by subject subdivided alphabetically by name, or file alphabetically by name only.

SAFEGUARDS:

Stored in metal file cabinets in file room locked when not in use in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Certificates of good conduct 6 months; eligibility files, 3 years after last entry; general inquiries and answers, 3 years. Other transfer to Agency Records Center after 8 years and retained permanently. General files prior to 1935 have been accessioned by the National Archives of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, Canal officials, and information from records.

PCC/AMRM-5

SYSTEM NAME:

Directory of Forwarding Addresses, PCC/AMRM-5.

SYSTEM LOCATION:

Mail System offices at Bldg. 446, Albrook, and Bldg. 8040, Margarita, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Canal Zone Post Office boxholders; former Commission employees who have given notice of change of address.

CATEGORIES OF RECORDS IN THE SYSTEM:

Former Boxholder's name, employee identification number, former and current mailing addresses; and the names of persons other than the boxholder authorized to receive mail at the assigned box. Former Commission employee's name, employee identification number, former APO box number, and forwarding address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3741 (Supp. III 1979); and Article III and Annex of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Cards in Kardex file.

RETRIEVABILITY:

Filed alphabetically.

SAFEGUARDS:

Maintained in metal Kardex file drawers, in facility locked when not in use.

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained until no longer needed, then retired to agency storage facility for eventual disposition in accordance with applicable retention schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building Balboa Heights R.P. Rules are published in 35 CFR Part 10.

RECORDS ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals whose addresses appear in the system.

PCC/AMSA-1**SYSTEM NAME:**

ID Card and Documentation Control System PCC/AMSA-1

SYSTEM LOCATION:

Employee and Cargo Documentation Section, Bldg. 5140, Diablo, Republic of Panama; Cristobal Administration Bldg., Cristobal, R.P.; and Data Processing Division, Administration Building, Balboa Heights, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees, contractors, dependents, annuitants, visitors of Commission employees, and other persons the PCC is responsible for in administering the agency's identification, purchase authority, or other type documentation programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in connection with applications for photo-identification and/or purchase authority cards; subsystem in connection with applications for U.S. Government Vehicle Operator's identification and Material Handling card; subsystem in connection with application for exoneration of customs duty to import goods into the Republic of Panama; and subsystem in connection with administrative investigations on persons reported to be, or suspected of involvement in activities which are violations of treaty provisions governing identification documentation and importation, purchase, use, transfer of goods or services, including but not limited to transfer of duty free goods and services into the Republic of Panama without proper Panama customs clearances; shoplifting in military retail facilities; and abuse of APO mailing privileges. Records include: Applicant's name, identifying number, social security number, home address, postal address, birthdate, citizenship, employment status and/or employing unit, position title, marital status, purchase authority status, medical privilege status, work, and home telephone number. Name, date of birth, relationship, physical impairments and citizenship of dependents of applicant, and history of identification cards issued.

Subsystem containing photomat cards reflecting card holder's name, sponsor's name, date of birth of card holder, social security number, identification number, citizenship, employing agency or agency retired from, separation date, card expiration date, residence address and card control number.

Types of identification cards maintained by this office include, but are not limited to, Form 737, Photo ID privilege card for U.S. citizen and eligible third-country national employees; Form 738, Photo ID card for dependents of U.S. citizens and eligible third-country national employees; Form 739, Photo ID for non-U.S. citizen employees; Form 740, Photo ID for contractor employees and their dependents; Form 748, Annuitant ID card; Form 691, Application for Visitors Card; Form 1680, Recreational Facilities

Identification; Form 5295, Resident Identification; Form 37, Application for Official Government Driver's License; Form 332, Material Handling Equipment Operator's License; Form 46, U.S. Government Motor Vehicle Operator's ID card. Computer listings reflecting name, identification number, tenure, duty station, social security number, leave balance, gross pay and social security payments to the Government of Panama, of active Panama Canal Commission employees eligible for medical benefits. Name, identification number, passport number, date of birth, birthplace, nationality of Panama Canal Commission employees and their dependents who have been issued official U.S. passports. For persons who have been issued visitor identification cards, photocopies of their passport, tourist card, and their sponsor's Commission identification card are maintained.

Subsystem containing records in connection with abuse of documentation reflecting name, number, address, place of employment, case numbers, charge or violation, administrative action taken and name of investigator. Other information as may be uncovered by investigating officers, including the name, dates and places of violations, names of accessories, etc.

Subsystem containing applications for exoneration of customs duty reflecting name, identity number, citizenship, residence, place of employment, signature, and commodity description.

Subsystem reflecting applications for U.S. Government vehicle operators and material handling IDs reflecting application forms containing name, identification number, position, date of birth, place of birth, citizenship, color of hair, color of eyes, height, weight, employment information, qualification statements. Letters or revocation, suspension, or cancellation, and/or medical evaluation material. Computer-produced list of current license-holders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Articles III and VIII of the Panama Canal Treaty of 1977; and Articles XIII, XIV and XVI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977; 5 CFR Part 930, Subpart A; Panama Canal Personnel Manual, Chapter 930; 40 U.S.C. 491.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to officials of the U.S.

Embassy, U.S. Armed Forces and the Government of Panama, with a need to know. Disclosure as required to U.S. military component investigators, and Panamanian Customs officials having an interest in such information in connection with law enforcement or regulatory procedures. See also general routine uses in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, standard photomat cards and paper records. Cards, logbooks (chronological), case reports and supporting documentation maintained by the Employee and Cargo Documentation Section which are accessible by the cardex system. Paper records in file folders; computer printouts; magnetic disks.

RETRIEVABILITY:

Accessible by name, application number; identification number; and case number on cardex forms. Backup data, including case reports accessed by cardex designators, otherwise filed by investigator's name.

SAFEGUARDS:

Paper records maintained in lockable file cabinets and card file drawers. Magnetic disks stored in locked room when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records related to violations and abuse of documentation, destroyed after 10 years. Exoneration records destroyed after 3 years. General photo ID card, purchase authority records, and passport records destroyed six years after inactive, cancelled, or termination of employee.

Motor vehicle ID, application forms, and related records destroyed 3 years after expiration of license or termination of employee or other rescission of authority. Computer printouts held up to three months after printing and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Staff and Administrative Support Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the addressees designated in notification procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individuals; employees; supervisors; U.S. military authorities and Government of Panama officials; U.S. Embassy; and Data Processing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in the subsystem concerning violations and abuse of documentation is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/AMSA-3

SYSTEM NAME:

Land Utilization Records, PCC/AMSA-3.

SYSTEM LOCATION:

Administrative Services Division, Panama Canal Commission, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have been issued revocable licenses to occupy or use tracts of land in the Canal area for residential, commercial, agricultural, recreational or boat repair purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records showing the status of land licenses issued containing information such as the following:

Name of licensee, street and postal address, date of birth, citizenship, identification number, type of employment, photographs, signature, dependent information, police records, and letters of complaint (if any). Also contains signed copies of licenses, boundary information, area maps, rental rates, census reports, and types of structures on the site and conditions of licensing and date of revocation, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; and Article IV of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to such agencies as the Bureau of Census, Office of Personnel Management and the Internal Revenue Service. Information may also be disclosed to local U.S. military officials when such licenses are located adjacent to or within areas used by the military. Information may also be disclosed to Government of Panama officials. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

10 by 12 inch file folders, and cardex files.

RETRIEVABILITY:

Filed by name, recovered manually.

SAFEGUARDS:

Records maintained in lockable file. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained as a permanent record.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Staff and Administrative Support Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

PCC/AMTR-1

SYSTEM NAME:

Employees and Dependents Travel Orders, PCC/AMTR-1.

SYSTEM LOCATION:

Transportation Branch, Building 5140, Diablo Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and designated dependents of Panama Canal Commission and other agencies whose travel arrangements are performed by the Transportation Branch of the Panama Canal Commission

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain traveler's names, relationship to employee, identification number, occupation, dates and places of birth, origin and destination of travel as well as other pertinent travel information required to complete United States Government Bills of Lading.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701-42 and 5924, and such other authorities as are cited in 572.1-1 and 1-2, PCPM; 22 U.S.C. 3611, 3647 and 3671 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

U.S. Government agencies, commercial carriers, U.S. and foreign customs, Immigration and diplomatic personnel, and others with a need to know; and for use in adjudicating claims relating to employee travel. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders and index cards.

RETRIEVABILITY:

Indexed by employee's name and travel order numbers.

SAFEGUARDS:

Records maintained in file cabinets. Office is locked and protected by security alarms after office hours—access and use of records restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Branch, Panama Canal, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, employing unit, and by the Personnel Bureau, Panama Canal Commission as necessary.

PCC/ECLE-1**SYSTEM NAME:**

Telephone Exchange Directory, PCC/ECLE-1.

SYSTEM LOCATION:

Electrical Division, Building 69, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission telephone service subscribers, including persons or organizations requesting residential, office, and/or pay phone installations, directory listing, repair services, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employee identification and/or customer number, of all persons and organizations having listed and unlisted telephone numbers. Dates of installation, work order numbers, types of equipment and numbers of installation, location, etc. are also included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and Annex thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system is used to compile listings used to produce the Panama Canal Commission Telephone Directory (available to the public), answer requests for telephone directory assistance etc. Telephone numbers which are requested to be kept unlisted, while a part of the system, are maintained under lock and key. Such numbers are only divulged to the party to whom they pertain, and only upon positive face-to-face identification. Information from this system may also be used to provide assistance to INTEL for the collection of outstanding charges for long distance services. For other routine uses see general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Information maintained on printed cards, diskettes, and word processing equipment.

RETRIEVABILITY:

Filed by name and telephone district.

SAFEGUARDS:

Cards maintained in lockable revolving files.

RETENTION AND DISPOSAL:

Maintained for five years after individual cancels or terminates service, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Electrical Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of address designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From employee on whom record is maintained.

PCC/ECIN-1**SYSTEM NAME:**

Plumbing and Welding License Files, PCC/ECIN-1.

SYSTEM LOCATION:

(Plumbing License Files) Director's Office, Engineering and Construction Bureau, Administration Building, Balboa Heights, R.P.; (Welding License Files) Industrial Division, Building 5082, Mt.Hope, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have welding licenses on file with the Industrial Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

License numbers, name of licensee, date license issued, test results, category of license, name of certification board or examiner.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Parts 251 and 253.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

License information routinely released to contractors, employers, and license examining and review boards. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by type and number of license.

SAFEGUARDS:

Records maintained in file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

No retention and disposal schedule established. Actively maintained as long as licensee is known to be actively engaged in employment. Retained permanently for record purposes.

SYSTEM MANAGER(S) AND ADDRESS:

For plumbing license file, Director, Engineering and Construction Bureau, Panama Canal Commission, APO Miami 34011. For welding license file, Chief, Industrial Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Examining officials and licensee.

PCC/EO-1**SYSTEM NAME:**

Racial/National Origin Category Data, PCC/EO-1.

SYSTEM LOCATION:

Office of Equal Opportunity and Data Processing Division, Administration

Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

A racial/national origin designator, together with information in the payroll system of the Panama Canal Commission, including such information as name, employee identification number, date hired, roll and gang, position number, occupation, pay level, base rate, work week, social security code and number, residence, citizenship, sex, marital status, birth date, Federal service date, PCC service date and employee status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 554; 22 U.S.C. 3611 (Supp. III 1979); 42 U.S.C. 2000 e-16; E.O. 11478 of August 8, 1969; Articles III and X of the Panama Canal Treaty of 1977; the Statistical Policy Handbook, U.S. Department of Commerce, Office of Federal Statistical Policy and Standards, Directive 15; Uniform Guidelines on Employee Selection Procedures; 29 CFR 1607 et seq. (1982).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A. The System Manager is prohibited, by the provisions of 29 CFR 1613.302, from disclosing racial/national origin group data in the system except in the form of gross statistics (except insofar as an individual is entitled, under the Privacy Act, to access to information pertaining to him which is contained in the system.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tapes or discs, computer printouts and Panama Canal forms No. 2823, used for computer input.

RETRIEVABILITY:

By any or all of the categories of records in the system.

SAFEGUARDS:

Printouts containing names or other personal identities together with the racial/national origin designator code maintained in locked file cabinet and accessible only to the Director of the Office of Equal Opportunity or that official's designated representative.

Magnetic tapes stored in locked rooms when not in use; access and use restricted to authorized personnel. Printouts will be produced only upon written request from the Director of the Office of Equal Opportunity.

RETENTION AND DISPOSAL:

Printouts retained up to five years and then destroyed. Records on magnetic tape retained until six weeks after the end of the calendar year in which the employee terminates. Tapes and discs erased and reused. Panama Canal forms No. 2823 destroyed after racial/national origin group information entered in computer and checked for accuracy.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Opportunity, Office of Equal Opportunity, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the officials designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

Rules governing how an individual may request the amendment of any information about him in this system are published in 35 CFR 10.12.

RECORD SOURCE CATEGORIES:

Racial/national origin designator code: A visual identification of the employee's race and ethnic category made by the employee's supervisor for those employed as of June 30, 1977 and, for those entering service after June 10, 1977, by staff of the Employee Processing Unit of the Office of Personnel Administration, and for those employees entering service on January 1, 1981, voluntary self identification will be employed. All other data: Subject employee, personnel actions forms (SF 50), employing unit, time reports, computer-generated and manual calculations from varied input data.

PCC/EO-2**SYSTEM NAME:**

Equal Employment Opportunity Complaint File, PCC/EO-2.

SYSTEM LOCATION:

Office of Equal Opportunity, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment who complain of discrimination based on race, color, sex, age, religion, national origin, or physical and mental handicap.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Pre-complaint record, consisting of informal complaint, final report from the Equal Employment Opportunity Counselor, and related documents.

B. Investigative file, consisting of formal complaint; acceptance of formal complaint; sworn statements from complainant, witnesses, and alleged discriminatory official(s), environmental survey for comparison purposes (depersonalized); and summary made by Investigator, and related documents.

C. Complaint file, consisting of proposed disposition of complaint, transcript of EEO hearing, hearing examiner's recommended decision, final decision by agency head, documents forwarded to the Office of Review and Appeals of the Equal Employment Opportunity Commission and the Commissioners, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2000e-18; 5 U.S.C. 554; E.O. 11478 of August 8, 1969; E.O. 11590 of April 23, 1971; 22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed to the Equal Employment Opportunity Commission in connection with their conducting a hearing or rendering a decision on an appeal of this agency's decision; and to the U.S. courts in connection with the filing of a civil action related to your complaints. (See also General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of complainant.

SAFEGUARDS:

Stored in locked file cabinets; office locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained in office for 2 years after final disposition of case and transferred to Agency Records Center for destruction 4 years after final disposition of case. Tapes of EEO hearings are erased and reused.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Equal Opportunity, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager. See Chapter 713 of Panama Canal Personnel Manual (PCPM 713).

RECORD ACCESS PROCEDURES:

Requests should be addressed to the System Manager. Investigatory records are not released until investigation has been completed. Hearing records are not released until final decision has been made.

CONTESTING RECORD PROCEDURES:

See Panama Canal Personnel Manual 713.

RECORDS SOURCE CATEGORIES:

Complainant; individuals involved in complaint; other witnesses; investigator; examiner; and officials making determinations in the case.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in agency's regulations. See 35 CFR 10.22.

PCC/FMAX-1**SYSTEM NAME:**

Embezzlements, Burglaries, and Cash Shortages, PCC/FMAC-1.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission employees and former employees under investigation for embezzlements, burglaries, and cash shortages.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records collected and maintained in connection with investigations of embezzlements, burglaries, and cash shortages, such as, police reports, audit

reports, statements by individuals involved and their employers, decisions made about liability and responsibility, statements of actions taken to recover, and court decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 502-6, 1341-58, 1381-93, 76 A Stat. 428-29, 458-63; 5 U.S.C. 5511-12; 22 U.S.C. 3611 and 3721 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to the General Accounting Office for decision on responsibility for losses sustained and method of recovery or forgiveness and to the Office of Personnel Management for recovery from retirement annuities or contributions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R. P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Employers, agents, investigators, witnesses, and the courts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/FMAC-2**SYSTEM NAME:**

Accounts Receivable Records, PCC/FMAC-2.

SYSTEM LOCATION:

Agents Accounts Branch, Bldg. 365, Ancon, Republic of Panama; Panama Canal Commission, 4400 Dauphine St., New Orleans, Louisiana; and Data Processing Division, Administration Building, Balboa Heights, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals billed by the former Canal agencies for services and purchases, and individuals billed by the Panama Canal Commission for services, housing, etc. Included are: all former employees of the Canal agencies, and all present and former employees of the Commission, employees and active duty personnel of U.S. military commands, employees of other U.S. Government agencies, including U.S. Embassy and State Department personnel located in the Republic of Panama, Civil Service annuitants and all other persons having charges or unpaid balances payable to the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to support and effect customer billings, collections, and credit standing, including customer listings and data files (name, address, account number and balance, roll and gang, history of debit and credit transactions, etc.), charge account applications, transaction detail and analysis and statistical accumulations, active and inactive credit accounts, schedules of advance payments and security deposits, and account written off. Information relates to such charges as former retail store and storehouse sales, hospital services, other services provided by the former Canal agencies, and housing, electricity, etc., currently provided by the Commission to DOD personnel and other individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 5511-14; 22 U.S.C. 3721 (Supp. III 1979); 31 U.S.C. 65 et seq. and 951-3; 42 U.S.C. 2651-3; 44

U.S.C. 3101; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to General Accounting Office for audit and collection assistance; Department of Justice for collection assistance; Internal Revenue Service for determination of tax liability; Veterans Administration for its administration of laws pertaining to veterans; and other U.S. Government organizations, private employers, labor unions, lending and credit institutions, foreign consulates and embassies, foreign governments, insurance carriers, attorneys, courts, and executors of estates for collection assistance, credit information, offset of accounts receivable against amounts due customers, and possible litigation. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in folders, index cards; magnetic tapes/disks and punched cards; computer printouts; 16 mm rolls of silver halide microfilm.

RETRIEVABILITY:

Paper records and microfilm retrievable alphabetically by name; information retrieved from computer and microfilm by customer/account number.

SAFEGUARDS:

Paper records filed in locked and unlocked metal file cabinets, shell files, tub files, desks, and table tops in building locked when not in use. Magnetic tapes/disks and punched cards filed in locked rooms when not in use. Two microfilm silver copies made simultaneously. One security copy stored in Treasurer's Vault in locked fireproof film file cabinet. Second copy used for retrieval of information and is stored in a fireproof, film file cabinet, which is locked when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records destroyed six years and three months after account closed, except those pertaining to accounts written off (destroyed after fifteen years) and customer listings (destroyed when superseded by new listings). Information retained on computer for one year after closing of account. Microfilm retain six years and three

months. Request pending to destroy paper copies which have been microfilmed in three years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Units providing chargeable services, billing offices, collection agents, subject individuals, officials authorized to forgive debts and to authorize adjustments of existing charges, and offices making inquiries or to which inquiries are directed.

PCC/FMAC-3**SYSTEM NAME:**

Trust Fund Records, PCC/FMAC-3.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Estates escheated to the former Canal Zone Government by court order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained on funds held for persons incapable of handling their own affairs. The records show the beneficiary's name, amounts received and earned, dates received and earned, account and receipt.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611, 3721 (Supp. III 1979); 31 U.S.C. 65 et seq.; Articles III and XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of information is authorized to the Public Administrator, for use in the performance of duties. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Fund administrators and agent cashiers.

**PCC/FMAC-4 (See PCC/FMAP/AC-4)
PCC/FMAC-5****SYSTEM NAME:**

Delegation of Authority for Procurement, PCC/FMAC-5.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission personnel authorized to procure and/or approve payments, and personnel of the District Court and other government agencies that approve payments and are made by the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to show individuals and positions authorized to procure goods or services and approve disbursements. Records contain such information as name; organization; title; type of authority; dollar limitations; payment authorization and limitations; letters of additions, deletions and revisions; and sample signatures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); 31 U.S.C. 65 et seq.; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to officials of the District Court and other government agencies for which the Panama Canal Commission makes disbursements. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Cards and papers in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 10 years after authorization cancelled or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Officials of the Canal agencies and subject individuals.

PCC/FMAC-6**SYSTEM NAME:**

Cash Collection Agents and Subagents, PCC/FMAC-6.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees responsible for handling cash.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to identify personnel responsible for cash, their location, the authorized amount of their cash banks, and limitations as to the use of the banks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3721 (Supp. III 1979); 31 U.S.C. 65 et seq.; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to insurance companies for bonding purposes. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Paper records

RETRIEVABILITY:

Filed by agent cashier number and retrievable by name.

SAFEGUARDS:

Stored in locked desks in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed one year after superseded.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Administrative Officers of operating divisions, Personnel Bureau records, and the Treasurer.

PCC/FMAC-7**SYSTEM NAME:**

Canal Commission Awards and Service Contracts Control Records, PCC/FMAC-7.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and organizations that have personal service contracts and sale agreements with the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control records on Canal Commission Awards and service contracts showing transaction history, payment history, history of orders placed against awards, modifications to initial agreement, amount contracted for, and undelivered orders placed against awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; Article XI of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to contractors in reviewing the status of their accounts, the General Accounting Office and the Office of Management and Budget in the performance of their functions, and the District Court and other Government agencies for which the Panama Canal Commission makes disbursements. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Cards.

RETRIEVABILITY:

Filed alphabetically by name and cross-reference to contract and award numbers.

SAFEGUARDS:

Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 6 years and 3 months after final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents, Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Contracting officers, budget officers, disbursement records, and contractors.

PCC/FMAC-8**SYSTEM NAME:**

Accounts Payable Disbursement Records, PCC/FMAC-8.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama. New Orleans Office, Panama Canal Commission, 4400 Dauphine Street, New Orleans, Louisiana.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons to whom payments have been made by the former Canal agencies and the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to show payments from accounts of the former Canal agencies and the Commission including such documentation as purchase orders, vendors invoices, payment authorizations and approvals, check follow copies, and accounting classifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611, 3721 (Supp. III 1979); 31 U.S.C. 65 et seq.; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to freight carriers and rate making institutions in connection with the determination of rates, other Federal agencies gathering statistical information, contracting officers, banks with which the Commission maintains checking accounts, and the District Court and other Government organizations for

which the Panama Canal Commission disburses funds. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in folders and individual forms. Microfilmed on 16 mm rolls of silver halide film.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Paper records stored in metal file cabinets in building locked when not in use. Two silver halide rolls of microfilm made simultaneously. One security copy filed in Treasurer's Vault in locked fireproof film file cabinet. Second copy kept in Agents Accounts Branch for retrieval of information and stored in locked metal, fireproof film file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper copies and microfilm destroyed 6 years and 3 months after the period of the account.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURES:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Procurement Officer, contracting officer, officials authorized to incur liabilities and approve payments disbursed by the Panama Canal Commission, and subject individuals.

PCC/FMAC-9**SYSTEM NAME:**

Unnegotiated Checks Over One Year Old, PCC/FMAC-9.

SYSTEM LOCATION:

Agents Accounts Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons issued Panama Canal Company and Commission checks for which there is no record of their having been cashed for over one year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained on unnegotiated checks over one year old used to investigate claims for funds, determine if funds are available which can be offset against accounts receivable, and investigate alleged liabilities. Records contain information such as payee name, identification number, check number, check date, name of bank drawn on, amount of check, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611, 3721 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to individuals and organizations affected by the nonnegotiation of the check. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Cards and papers in file folders.

RETRIEVABILITY:

Filed alphabetically by name of payee.

SAFEGUARDS:

Filed in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 10 years after date of issue, except retain summary lists of unpaid checks.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Disbursements system, payees, and other persons concerned.

PCC/FMAK-1**SYSTEM NAME:**

Claims Files, PCC/FMAK-1.

SYSTEM LOCATION:

Claims Branch, Building 38, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making or filing claims against the former Canal agencies, and the Commission; and/or persons and companies who are subjects of claims by the former Canal agencies, and the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents needed to audit and settle claims for pay and allowances, uncollectible debts, amounts due estates of deceased employees, travel expense reimbursement, personal injury or death (including injury occurring in the performance of duty), and personal property loss and/or damage. The records consist of documentation of the circumstances giving rise to the claim and basis of the claim; claimant's or individual's name, names and relationship of immediate family, address, identification number, occupation, date of birth; when, where and how the loss of or damage to property occurred; when and how individual was injured, nature and extent of injury, medical treatment, diagnosis and prognosis; payroll information; travel orders and other travel information, investigative, police, fire, autopsy, accident and medical reports, and various other materials placed into the record to perfect the claim and relating to the actions, decisions, or determinations made by the Agency or claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 5581 et seq.; 5 U.S.C. 5701 et seq.; 5 U.S.C. 8101 et seq.; 22 U.S.C. 3611 and 3721 (Supp. III); 31 U.S.C. 240-243; 31 U.S.C. 951-953; 46 U.S.C. 1300 et seq.—Bill of Lading Contract of Carriage; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information or a record from this system may be furnished to and information acquired from federal, state, local or foreign agencies, the claimant and other parties of interest in connection with the audit and settlement of claims and demands by or against the former Canal agencies, and the Commission, such as the following:

1. Physicians and medical facilities for the purpose of medical treatment, examination, opinions and evaluations of claimants.
 2. Insurance companies in connection with claims for or against their insured under subrogation rights or in connection with the bonding of employees of the former Canal agencies, and the Commission.
 3. Lawyers representing claimants or the agency.
 4. Labor unions representing claimants.
 5. Steamship agencies and/or their legal representatives for furnishing services or adjusting cargo and other claims from the former Canal agencies, and the Commission or other claimants.
 6. Contractors who furnish services to the Panama Canal Commission such as the packing, crating, and transportation of household goods and personal effects of employees under recruitment and repatriation.
 7. Consultants who furnish services to the Panama Canal Commission, i.e., doctors, engineers, management firms, etc.
 8. Transportation companies such as airlines, steamship companies, railroads, buses, and car rental agencies who furnish services to the Panama Canal Commission.
 9. National Safety Council for safety purposes.
 10. Department of Labor for advice on a particular case and appeals to the Employees' Compensation Appeals Board.
 11. Social Security Administration for verification of earnings record of beneficiaries under the Federal Employees' Compensation Act.
 12. Office of Personnel Management for furnishing record of compensation payments to beneficiaries under the Federal Employees' Compensation Act.
 13. Department of Justice for the defense or prosecution of cases on behalf of the agency.
- See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Paper records maintained in file folders.

RETRIEVABILITY:

Filed alphabetically by name of claimant, etc.

SAFEGUARDS:

Records maintained in lockable file cabinets in office locked other than during office hours. Access and use of records limited to authorized personnel only.

RETENTION AND DISPOSAL:

Disposal not authorized. Retention period pending further discussion with GSA/NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Claims Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Claimants, officials of Panama Canal Commission, other government officials, physicians, medical facilities, private individuals and companies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.22.

PCC/FMAP-1**SYSTEM NAME:**

Payroll Master File for Panama Canal Commission Employees, PCC/FMAP-1.

SYSTEM LOCATION:

Payroll Branch, Building 365, Ancon, Republic of Panama; and Data Processing Division, Administration Building, Balboa Heights, R.P.; and New

Orleans Office, Panama Canal Commission, 4400 Dauphine Street, New Orleans, Louisiana.

CATEGORIES OF RECORDS IN THE SYSTEM:

Present and former employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master payroll system consisting of payroll-related or employment-related information necessary to compute gross and net pay, retirement credit, leave balances, overtime, etc., and to account for payments. Includes such information as name, employee identification number, rate number, rate of pay deductions, date hired, where hired, roll and gang, position number, occupation, pay level, base rate, frozen or saved rate, tropical differential code, annual premium compensation, security classification, step due date, labor distribution accounts, work week, retirement code, tenure, rehired annuitant, part-time hours, social security code and number, FEHBA plan, FEGLI income tax data, Fair Labor Standards Act code, medical identification card, residence, citizenship, sex, marital status, veterans preference, physical examination, suspended leave, employee address, birth date, Federal service date, Canal service date, travel leave, check distribution code, employee status, and Combined Federal Campaign pledges.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 55; 22 U.S.C. 3611 and 3721 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

Information may be disclosed to the following agencies and organizations, in connection with their authorized functions: Office of Personnel Management; Internal Revenue Service; Social Security Agency; General Accounting Office; U.S. military agencies; state unemployment compensation offices; city, county, and state tax offices, employee credit union; banks; labor unions; insurance carriers; and Combined Federal Campaign. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape/disks, punched cards, computer printouts, and microfilm of printout.

RETRIEVABILITY:

Retrievable by employee's name, identification number, and pay rate code.

SAFEGUARDS:

Paper record and microfilm stored in building locked when not in use. Magnetic tape/disks and punched cards filed in locked rooms when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records or microfilm destroyed sixty years after individual's first day of employment, provided individual has been separated from service for five years. Terminated employees are carried on the computer until six weeks after the end of the calendar year in which they terminate.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employee, personnel action form (SF-50), employing unit, time reports, and computer-generated and manual calculations from varied input data.

PCC/FMAP-3**SYSTEM NAME:**

Injury Compensation Payroll Records, PCC/FMAP-3.

SYSTEM LOCATION:

Payroll Branch, Panama Canal Commission, Bldg. 365, Ancon; Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries under the Federal Employees Compensation Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to account for payments of awards and as the basis for a variety of reports on payments of injury compensation, containing

information on beneficiaries, such as name, identification number, address, amount of payment, amount of insurance premiums, and miscellaneous hospital bills.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 8101 et seq.; 22 U.S.C. 3611 and 3658 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Submission of reports to Office of Personnel Management and insurance carriers for use in their functions related to the Federal Employees Compensation Act. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Journals and cards.

RETRIEVABILITY:

Filed by identification number and retrievable by name.

SAFEGUARDS:

Stored in shelf or tub files in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Branch, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Panama Canal Commission Personnel Bureau and Claims Branch.

PCC/FMAP/AC-4

SYSTEM NAME:

Payroll Deductions, PCC/FMAP/AC-4.

SYSTEM LOCATION:

Payroll Branch, Building 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and retired employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained by the Payroll Branch as part of the Payroll Master File for Panama Canal Commission employees and used also by Agents Accounts Branch as part of the Accounts Receivable Records System For accounts collectible by payroll deduction. Records contain individual's gross pay, net pay, and payroll deduction detail and support data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5511-27; 22 U.S.C. 3611 and 3645 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure is authorized to insurance carriers in connection with payments of health insurance benefits. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, ledgers, and papers in file folders.

RETRIEVABILITY:

Filed and retrievable alphabetically by name and by identification number.

SAFEGUARDS:

Stored in metal file cabinets and ledger buckets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed 4 years after fiscal year involved.

SYSTEM MANAGER(S) AND ADDRESS:

For Payroll Master File use; Chief, Payroll Branch, Accounting Division, Panama Canal Commission, APO Miami 34011. For accounts receivable use; Chief, Agents Accounts Branch, Accounting Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration

Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Billing units and subject individuals.

PCC/FMGA-1

SYSTEM NAME:

Cash Audit Files, PCC/FMGA-1.

SYSTEM LOCATION:

General Audit Division, Building 6530, Corozal, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission collecting agents whose accounts are audited by the General Audit Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of cash audits to evaluate internal controls over cash and determine whether the custodian is carrying out his responsibilities with respect to Government property and to identify weaknesses in cash controls and to make necessary changes in those controls. In case of cash shortages, records are used to determine amount recoverable from agent. Records contain information such as the identifying agent number, employee's name, employing unit, and employee's accountability at the time the audit was performed. In instances where cash shortages are found, the records will also contain information on the recovery of these amounts from the agents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3721 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Payee records in file folders.

RETRIEVABILITY:

Filed by fiscal year and agent number audited. Retrievable by name.

SAFEGUARDS:

Stored in locked file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by burning after ten years.

SYSTEM MANAGER(S) AND ADDRESS:

General Auditor, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, auditors, and employees of Agents Accounts Branch.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures of access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/FMTR-1**SYSTEM NAME:**

Termination of Employment Actions Records, PCC/FMTR-1.

SYSTEM LOCATION:

Treasurer's Office, Building 287, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Panama Canal Commission terminating their employment with this agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, identification number, position and grade, post office address, house number and town, office and home telephone number, date of termination, future mailing address, nature of termination, reason for termination, disposition of final pay, date of travel, transportation request, members of family with whom traveling, final destination, destination of

household effects, signature of employee, employee's position number, roll and gang, whether recruited from states and whether replacement is required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611, 3652 and 3654 (Supp. III 1979); 44 U.S.C. 3101; article III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

8 by 10½ printed form 194-T.

RETRIEVABILITY:

Indexed by name and identification number.

SAFEGUARDS:

Records maintained in locked file. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Treasurer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From employee and employing Unit, Division, or Bureau.

PCC/FMTR-2**SYSTEM NAME:**

Internal Revenue Service Notice of Levy Files, PCC/FMTR-2.

SYSTEM LOCATION:

Treasurer's Office, Building 287, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Panama Canal Commission whose salaries are being levied by the U.S. Internal Revenue Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, address and social security number, amount of Federal income tax owed to Internal Revenue Service, tax period ended, date and amount of assessment, unpaid balance of assessment and statutory additions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 64, Internal Revenue Code of 1954; 22 U.S.C. 3611 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose to the Internal Revenue Service that the employee has been notified of his or her indebtedness, and to collect amounts owed and forward same to Internal Revenue Service to satisfy levy. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Printed form, 8 by 10½ inches.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records maintained in locked file. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed when 3 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Treasurer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Buildings, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Internal Revenue Service, Panama Canal Commission payroll records and the individual on whom record is maintained.

PCC/FMTR-3**SYSTEM NAME:**

Suspension of Check Cashing Privileges Files, PCC/FMTR-3.

SYSTEM LOCATION:

Treasurer's Office, Building 287, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have cashed unnegotiable checks, and persons who request cancellation or suspension of their own check-cashing privilege.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to assist in attempts to recover losses from bad checks and to aid in the determination of whether a person's checks are acceptable or whether credit may be extended to a person. Records may show the individual's name, social security number (optional) and identification number (if any), employer, telephone number, dates the checks were returned, dates of checks, number of checks returned, and monetary value of each check.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3721 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Listings disclosed to U.S. Government check-cashing facilities in the Canal area, including Army, Navy, and Air Force Exchanges. Information may be disclosed to commercial banks, credit agencies, labor unions, and employers consistent with collection practices. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Cards and listings.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Stored in locked file in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Lists are destroyed when superseded by new lists. Cards are destroyed when no longer required for control purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Treasurer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Banks or clearing houses to which checks are sent for negotiation and the subject individual.

PCC/GSCE-1**SYSTEM NAME:**

Emergency Preparedness Records (Civil Defense/Emergency Management), PCC/GSCE-1.

SYSTEM LOCATION:

Various locations in the Commission as may be designated by the Agency Records Officer, Personnel Director, or other appropriate officials.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons to whom, and by whom, emergency services would be rendered in times of emergency or natural disaster.

CATEGORIES OF RECORDS IN THE SYSTEM:

As may be required, the names, addresses, ages, employment, citizenship, next of kin and other information needed to identify persons who may provide, or required, temporary housing assistance, medical care, etc., in times of emergency or natural disaster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977; E.O. 11490 of October 28, 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Forms in file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained until revised or no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Emergency Preparedness Officer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual, employer and, Housing and Personnel Bureau records as required.

PCC/GSCL-1**SYSTEM NAME:**

Library Services Branch Registration Record, PCC/GSCL-1.

SYSTEM LOCATION:

Library Services Branch, Bldg. 0610, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals authorized to borrow material from Library.

CATEGORIES OF RECORDS IN THE SYSTEM:

Borrower's name, identification number or Serial number, mailing address, citizenship, dependents, employer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 22 U.S.C. 3611 (Supp. III 1979); and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file cabinets of forms.

RETRIEVABILITY:

By borrower's name and card number.

SAFEGUARDS:

Records are maintained in locked file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed one year after borrowing privilege has been cancelled. Destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Library Services Branch, Clerk Typist, Panama Canal Commission Library-Museum, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual on whom record is maintained.

PCC/GSCP-2

SYSTEM NAME:

Canal Protection Division Incident Report Files, PCC/GSCP-2.

SYSTEM LOCATION:

Canal Protection Division Pacific and Atlantic Area Chiefs' Offices, at Building 729, Balboa, Republic of Panama and Bldg. 40, Gatun R.P. respectively.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or have been subjects of investigation by Canal Protection Division personnel, including those detained and those who have committed, or are alleged to have committed, violations of laws or

regulations in areas protected by the Canal Protection Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports, index cards and logbooks containing information such as subject's name identification number, occupation and employing unit and, when a subject has been barred from vital areas, a notation to that effect; date and time of incident and report; name of person making the report; information concerning the incident or detention; and witnesses or victims' names, identification numbers and employing units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; and Article III, paragraph 8, of the Agreement in the Implementation of Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A. Information in connection with actual or potential violations of the security of areas guarded by the Canal Protection Division may also be disclosed to intelligence units or agencies of the United States Government including the State the Department and Department of Defense, and officials of the Government of Panama.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8½ by 11 inches and index cards.

RETRIEVABILITY:

Alphabetical card file of names of subjects gives cross-reference to incident reports filed in numerical order.

SAFEGUARDS:

Active files maintained in file cabinets in Area Chiefs' offices. File cabinets locked when not in use. Inactive files maintained at Agency Records Center, a building locked when not in use. Access to files and filing areas restricted to authorized personnel.

RETENTION AND DISPOSAL:

Activity reports retained at Area Chiefs' offices for two years, subsequently held at Agency Records Center for three more year, then destroyed. Index cards retained for up to ten years after date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Canal Protection Division, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of the Privacy Act of 1974, 5 U.S.C. 552a, and from the procedures for access and contest set forth in the agency's regulations, See 35 CFR 10.21 and 10.22

PCC/GSCS-1

SYSTEM NAME:

Housing Files, PCC/GSCS-1.

SYSTEM LOCATION:

Housing Offices, Community Services Division, Balboa Heights and Margarita, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons residing in Panama Canal Commission quarters and in housing maintained by religious, commercial and charitable organizations in the Canal area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Assignment and occupancy of Panama Canal Commission quarters, including information on assignee's name, eligibility, service date, identification number, address, family, size, and citizenship; name of spouse and dependents; dates of occupancy; rental and other related information; persons allowed to reside or visit with assignees; investigations of misconduct in quarters; and reports of violations of quarters regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and Articles III and VI of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statements or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed three years after occupants' termination of service.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Community Services Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager of the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, official personnel files, entry permits, dependency determinations, housing personnel, maintenance personnel, neighbors, and officials of other organizations maintaining housing in the Canal Area.

PCC/GSCS-2**SYSTEM NAME:**

Housing Complaints File, PCC/GSCS-2.

SYSTEM LOCATION:

General Services Bureau, General Services Building, No. 729 Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Occupants of Panama Canal Commission quarters whose cases have been referred to the Quarters Retention Committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, investigations, testimonies, hearings, and decisions bearing on an occupant's eligibility to retain Panama Canal Commission quarters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; and Articles III and VI of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by burning or shredding five years after occupant is no longer eligible for residence in the Commission housing.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, General Services Bureau, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals; complainants investigatory personnel, including police and customs officials; officials of the Canal agencies; witnesses; Quarters Retention Committee; and court officials and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/GSCX-1**SYSTEM NAME:**

Administrative Reports, PCC/GSCX-1.

SYSTEM LOCATION:

Support Service Branch, Pacific Area Office Bldg, 729 Balboa, Republic of Panama; and Atlantic Area Office Bldg, 8040 Margarita, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees, their dependents, and other eligible persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on individuals who have been provided assistance by or have requested assistance from the Support Services Branch, or designees of the U.S. Representative to the Coordinating Committee, as a result of having been arrested by or having had some other manner of involvement with authorities of the Government of Panama. Also records of shoplifting cases or other misconduct referred to the Support Services Director by either the U.S. military or Government of Panama law enforcement authorities for review for the purpose of counselling and/or administrative action to be carried out by the appropriate Commission officials. Copies of records of the disposition of cases involving abuse of purchase or importation privileges for reference purposes.

Records may include: Name of person report is about, identification number, citizenship, date of birth, residence, home and office telephone numbers, occupation and address. Information may include descriptive information concerning various offenses, arrests, and incidents, including witnesses and other persons involved, and may include copies of reports prepared by U.S. military and Government of Panama law enforcement authorities, and Panamanian court documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611, 3622 (Supp. III 1979); Articles III, V, and IX of the Panama Canal Treaty of 1977; Articles XVI and XIX and Annex C of the Agreement in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

May be released to U.S. military law enforcement agencies, the U.S. Embassy, and Government of Panama law enforcement authorities as necessary to

report arrests, assist employees or assist in investigations. See also the general routine uses in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Typed reports, printed forms 8 x 10½ inches, computer printouts, magnetic tapes, and log books.

RETRIEVABILITY:

By name of person assisted or primarily about.

SAFEGUARDS:

Active files maintained in locked file cabinets or in safes when not in use; computer timesharing data accessible through use of code names and numbers, restricted to authorized personnel.

RETENTION AND DISPOSAL:

Reports will be held for six years and then destroyed. Computer timesharing data will be expunged simultaneously.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Support Services Branch, Community Services Division, General Service Bureau, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORDS PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual or from reports from U.S. military or Government of Panama authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material obtained from or related to the law enforcement sources of the U.S. military or Government of Panama authorities, of records created which would reveal the contents or substance of such records, or would reveal the identity of confidential sources, is exempt from certain subsections of 5 U.S.C 552a and from the procedures for access and contest set forth in the Agency's

regulations. See 35 CFR Part 10.22. Certain reports in the system may be classified under Executive Order 12356, National Security Information.

PCC/IR-1

SYSTEM NAME:

Quarterly Report of Employee Union Dues Deductions, PCC/IR-1.

SYSTEM LOCATION:

Office of Industrial Relations, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Panama Canal Commission employees who pay union dues through payroll deductions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, identification number and dues deduction amounts. Payroll information cross-referenced with payroll dues deduction requests received from unions and individual employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5525 and 7115; 22 U.S.C. 3611 and 3701; Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printout provided upon request by the Data Processing Division, Panama Canal Commission.

RETRIEVABILITY:

Reported by employee identification number and name.

SAFEGUARDS:

Maintained in locked cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed every three months upon receipt of updated quarterly listings.

SYSTEM MANAGER(S) AND ADDRESS:

Industrial Relations Officer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency

Records Office, Administration Building, Balboa Heights, R.P.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The employee's payroll dues deduction request.

PCC/IR-2

SYSTEM NAME:

Grievances, Appeals, and Adverse Actions Records, PCC/IR-2.

SYSTEM LOCATION:

Office of Industrial Relations, Adverse Actions Section, Bldg. 0610, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Panama Canal Commission who have filed a grievance, appealed a disciplinary action to the agency or an adverse action to the agency or the Office of Personnel Management, or submitted to the agency or the Panama Canal Board of Appeals a position classification appeal, insofar as personal information has been incorporated into the position classification file.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files and indexes on employee grievances and adverse or disciplinary action appeals containing the formal grievance or appeal; background, supporting, and investigatory information; record of hearing, when conducted; decision or determination; and related documents. Information of a personal nature which may have been submitted in conjunction with a position classification review or appeal procedure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, 5 CFR 752, 754, 771; and Chapters 71 and 75; 22 U.S.C. 3611, 3671 (Supp. III 1979); Articles III and X of Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in the file folders, index cards.

RETRIEVABILITY:

Filed alphabetically by name of employee or by an identification number.

SAFEGUARDS:

Stored in metal file cabinets and desks in rooms locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Grievance records disposed of 3 years after closing of the case. Adverse actions records disposed of 4 years after closing of the case. Disposal is by shredding or burning. Index cards showing status of action on current cases are destroyed when cases are completed. Exceptions: Some case files of a precedential nature are retained beyond retention period for study and reference.

SYSTEM MANAGER(S) AND ADDRESS:

Industrial Relations Officer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the Systems Manager regarding the existence of such records pertaining to them. Individuals should provide to the Systems Manager their name, date of birth, identification number, and the approximate date and kind of action taken by the agency when making inquiries about records.

RECORD ACCESS PROCEDURES:

Requests should be addressed to the Systems Manager.

CONTESTING RECORD PROCEDURES:

The contest, amendment, or correction of an appeal or grievance record is permitted during the prosecution of the appeal or grievance by the individual to whom the record pertains. For contest after case has been closed, see rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; officials of the Canal agencies, Office of Personnel Management, and Board of Appeals; witnesses; official documents related to the appeal or grievance; hearing examiners; and

others involved in the grievance or appeal procedure.

PCC/MRBL-1**SYSTEM NAME:**

Marine License Files, PCC/MRBL-1.

SYSTEM LOCATION:

Board of Local Inspectors, Bldg. 5140, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All permanent employees of the Panama Canal Commission in positions for which a Panama Canal marine license is required. Subsystem include individual applications and examination papers filed in license file, Records Section, Records Management Branch, Administration Building.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, identification number, employing unit, work area, size and type of license, competence of applicant, examination grades, promotions, salaries, license serial number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3778 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Book shelf for license stubs, file cabinet for file folders with correspondence and card file for license cards.

RETRIEVABILITY:

Indexed by name; by license serial number.

SAFEGUARDS:

File folders in lockable file cabinet. Cards and license stubs available for unit personnel screening. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retain 5 years after termination of employee and then transfer to FRC-Atlanta. Destroy 55 years after first entry in records.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of Local Inspectors, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual; Proctors for examinations; Port Captains, examination graders; Board of Local Inspectors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedure for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/MRBL-2**SYSTEM NAME:**

Marine Accident Reports and Investigations, PCC/MRBL-2.

SYSTEM LOCATION:

Board of Local Inspectors, Bldg. 5140, Diablo, Republic of Panama, and Data Processing Division, Administration Bldg., Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Panama Canal Commission pilots involved in marine accidents during transit operations; and persons injured in marine accidents during transit operations (since 1960).

CATEGORIES OF RECORDS IN THE SYSTEM:

Findings of marine accidents that are investigated include: Pilot's name, case number, vessel description (name, type, length, beam), date, time and location of accident, type of accident (grounding, collision, sinking, injury, etc.), direction vessel was traveling, damage type and [dollar estimate, fault or no fault, transcript of hearing held by the Board of Local Inspectors name of injured parties, medical report on injured parties, and other information which may be pertinent to the Board's

investigation. Administrative reports prepared by Navigation Division for marine accidents not investigated include: Pilot's name, report number, date and time of accident, vessel description (name, type, length, and beam), accident location, direction vessel was traveling, accident type, signed release (if provided by vessel making no claim).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3777-3778 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Parts 115 and 117.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The final published report of findings of an investigation is available to the public. Information about an accident under investigation may be disclosed to parties having a legitimate interest therein, such as owners or operators of vessels, insurance underwriters, legal counsel. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer tapes and disks, paper printouts, logs, charts, cassette tapes, paper files, transcripts of Board proceedings with original exhibits and appendices, cassette tapes, and shorthand notes.

RETRIEVABILITY:

Pilot's name code, case number, and most other data elements in the system.

SAFEGUARDS:

On-line access restricted to a limited number of authorized personnel who use a confidential identifying code and access code. One person has been designated to maintain control of all input documents and issuance of report information. All paper records and computer tapes/disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

No retention schedule established. Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Board of Local Inspectors, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records

Officer, Panama Canal Commission, APO Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals involved in accident, administrative reports from Marine Transit Operations Division personnel, investigations by the Board.

PCC/MRNV-1

SYSTEM NAME:

Admeasurer Examination File, PCC/MRNV-1.

SYSTEM LOCATION:

Admeasurement Office, Bldg. 28, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Boarding Inspectors, Admeasurer assistants, and Admeasurers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Examinations, answer sheets, scoring sheets, evaluation sheets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Proclamation 2248, August 28, 1937, continued in force by virtue of Sec. 19 of Act, October 18, 1962, 76A Stat. 1,700; 22 U.S.C. 3811 (Supp. III 1979); 35 CFR 133.32 and 135.441; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine uses paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed upon employee termination.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Admeasurement, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/MRNV-1

SYSTEM NAME:

Marine Accident Reference Cards, PCC/MRNV-1.

SYSTEM LOCATION:

Navigation Division, 2nd floor, Building 28, Balboa Industrial Area, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission. Pilots employed by the Navigation Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, identification number, date of birth, dates of promotion, and ship accident data; including the ship's name, description, date of occurrence and fault or no fault of employee involved. When a ship incident does not require a Board of Local Inspector's investigation, an administrative report noting the date, ship's name and description is included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3777-3778 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Part 117.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper cards and sheets.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Kept in lockable file cabinet or desk. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

No retention schedule established. Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Navigation Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Chairman, Board of Local Inspectors, Deputy for Support Operations.

PCC/MRNV-2**SYSTEM NAME:**

Pilot Workload Statistics, PCC/MRNV-2.

SYSTEM LOCATION:

Navigation Division, Transit Operations, Marine Traffic Control Center, Bldg. 910, La Boca, Republic of Panama; and Data Processing Division, Administration Building, Balboa Heights, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal pilots.

CATEGORIES OF RECORDS IN THE SYSTEM:

A pilot master file and information for producing reports on the workload of the pilot force. The master file contains information such as pilot's name, identification number, mailing address, home telephone number, residence, education level, professional licensing data, and officer and maritime experience. Also included is such Panama Canal Commission employment information as employee status, pilot's home district, qualification and group numbers, seniority number and date, and termination dates and reasons. Reports produced include, for each pilot, such information as daily details of transits, hours worked, travel hours, and available time.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3811 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Part 105.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tape and punched cards; computer printouts; computer input forms.

RETRIEVABILITY:

By name of pilot.

SAFEGUARDS:

Computer printouts and input forms kept in lockable cabinets in rooms locked when not in use. Magnetic tapes kept in locked rooms when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Input forms kept at Marine Traffic Control Center up to three months then sent to Agency Records Center, where retained for three years and then destroyed. Pilot master file purged and updated weekly; workload data retained on magnetic tape indefinitely. Computer printouts retained up to one year at Transit Operations Center, then sent to Agency Records Center, where retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Navigation Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the system Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Pilots.

PCC/OM-1**SYSTEM NAME:**

Ombudsman Investigation Files, PCC/OM-1.

SYSTEM LOCATION:

Office of the Ombudsman, Building 37, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Employees and former employees, and dependents of the Panama Canal Commission, Department of Defense, Smithsonian Tropical Research Institute, Federal Aviation Administration, and any other U.S. Government agency operating prior to October 1, 1979 in the former Canal Zone, who have submitted complaints, grievances, requests, or suggestions to the Ombudsman.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's or dependent's name, identifying number, residence, citizenship, employing unit, mailing address, description or history of problem, facts and observations of investigation, and other materials placed into the record to complete the case file and to document the actions, decisions, findings, or recommendations of the Ombudsman.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3623 (Supp. III 1979); Article III of the Panama Canal Treaty of 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be disclosed to other U.S. Government agencies or Government of Panama officials as necessary to investigate the matter under review by the Ombudsman. See also the general routine uses in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders; and logs.

RETRIEVABILITY:

Filed by case number; reference to log enables retrieval by individual's name.

SAFEGUARDS:

Records maintained in locked security filing cabinet or safe in building which is locked after duty hours. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained 5 years after final disposition of case, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records

Officer, Panama Canal Commission, AOP Miami 34011. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to either of addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information is obtained from the complainant/suggestor, and from various other sources in the course of investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/OM-2

SYSTEM NAME:

Resident Advisory Committee Files, PCC/OM-2.

SYSTEM LOCATION:

Residents' Advisory Committee Liaison, Gatun Community Center, Bldg. 206, Gatun, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Residents' Advisory Committee Officers; Panama Canal Commission employees and officials; local officials; officers of local organizations; official visitors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Telephone numbers; addresses; photographs; stenographic transcriptions of Residents' Advisory Committee meetings, recordings, speeches, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To establish appointment schedules, contact protocol counterparts in other agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Standard 8 by 10½ inch paper, index cards.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained indefinitely. Forwarded to Agency Records Center for disposition according to established procedures, and where applicable to libraries and the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Ombudsman, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

PCC/OPR-1

SYSTEM NAME:

Operating Unit Personnel Records, PCC/OPR-1.

SYSTEM LOCATION:

May be maintained in Section, Branch, Division, Independent Unit, Staff Office, Bureau or other employing unit to which employee is assigned.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and present employees with category of full-time permanent, part-time permanent, full-time temporary, part-time temporary, and intermittent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained by operating officials and used in administering employees and organizational segments under their technical and administrative control. They include office copies of documents kept in the official personnel

folder and documents pertaining to the administration of individual employees which are not appropriate for inclusion in the official personnel folder. The records may contain information such as: Employee's name, Panama Canal Commission identification number; mail address; home address and telephone number; social security number (optional); birth date; marital status; position number and title; position descriptions; employment history; educational qualifications; professional qualifications; performance review and evaluation; including date and rating; training and management development records, including types of courses taken and completion dates; special assignments; counseling interview record; award data; commendations; oral admonishments; disciplinary, adverse, and other personnel actions; grievances; leave and travel records, including official business travel vouchers; accident or injury records; attendance and absenteeism records; relief assignment records; job equipment checkout listings; U.S. Government vehicle and equipment operators license records; work, overtime and shift schedules; timekeeping records; tuition refund agreements; key and equipment inventory control listings; potential retirement date listings; native and foreign languages; blood donor information; copies of W-4, employee withholding statements; names, addresses and telephone numbers of next of kin for notification in emergency situations; participation in civic, welfare, recreational and union activities; eligibility for tropical differential.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611 (Supp. III 1979); 44 U.S.C. 3101; Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To have as ready reference for use in compiling training reports required by the Office of Personnel Management; referrals to promotion boards; in responding to inquiries from professional and medical societies, bar associations, prospective employers, employment agencies, etc., concerning personal characteristics and qualifications, employment background, job performance and advancement potential, etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper files maintained in file folders stored in desk drawers or filing cabinets, records also entered and stored in word processing equipment and on magnetic disks utilized with word processing equipment.

RETRIEVABILITY:

Employee name, identification number, or position number.

SAFEGUARDS:

Paper records maintained in lockable file cabinets or supervisor's desk. Magnetic disks and word processing equipment kept in locked rooms when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records reviewed at end of calendar year and documents which have been superseded or are no longer applicable are to be destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Head of Section, Branch, Division, Independent Unit, Staff Office, Bureau of other employing unit where employee works.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual to whom information applies; personnel actions; performance review or personnel evaluation reports; letters of commendation or reprimand; travel orders; college transcripts; training records; and other related papers.

PCC/OPR-2**SYSTEM NAME:**

Operating Unit Employment Inquiry Files, PCC/OPR-2.

SYSTEM LOCATION:

May be maintained in Section, Branch, Division, Independent Unit, Staff Office, Bureau or other unit

receiving informal inquiries or requests for employment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the public and employees of other units or agencies who anticipate, or are in the process of applying for jobs with the Panama Canal Commission unit maintaining the record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained by operating officials to whom applicants have applied directly for employment. The records may contain copies of SF-171, application for Federal employment, showing applicant's name, address, telephone number, social security number, employment experience, school transcripts, educational, professional or skilled craft history and background, native or foreign languages, other skills, awards or special commendations, references, statements from previous employers, resumes, etc. May also contain record of interviews, if any, name of interviewer, and evaluation of applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Paper records in file folders stored in desk drawers of file cabinets.

RETRIEVABILITY:

Filed alphabetically by name of applicant.

SAFEGUARDS:

Maintained in lockable file cabinet or operating unit official's desk. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records may be sent to Panama Area Personnel Board for determination of applicant's eligibility and consideration for employment under the Canal Zone Merit System (and the Panama Canal Employment System when it replaces the Canal Zone Merit System, pursuant to the Panama Canal Act of 1979); directly for consideration of vacancy is

excluded from Canal Zone Merit System (and the Panama Canal Employment System) returned to applicant; or destroyed twelve months after initial inquiry.

SYSTEM MANAGER(S) AND ADDRESS:

Official in Section, Branch, Division, Independent Unit, Staff Office or Bureau maintaining such records.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORDS ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual to whom information applies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations as part of systems PCC/PB-1 or, if position is exempt from Canal Zone Merit System, (and the Panama Canal Employment System), PCC/PR-5.

PCC/PA-1**SYSTEM NAME:**

News Morgue Records, PCC/PA-1.

SYSTEM LOCATION:

Office of Public Affairs, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Newsworthy and potentially newsworthy individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained as a ready reference from which to obtain background information for news stories and articles about individuals for publication in house organs and news media. Records include biographical sketches, press releases, media clippings, interview notes, and photographs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611; 44 U.S.C. 1108 and 3101; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to news media and other publishers for publication is authorized. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Index cards, individual forms, and paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of individual.

SAFEGUARDS:

Stored in file cabinets in building with around-the-clock guards. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Office of Public Affairs, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, individuals interviewed about subject individuals, and information published about subject individuals.

PCC/PB-1**SYSTEM NAME:**

Merit System Recruiting, Examining, and Placement Records, PCC/PB-1

SYSTEM LOCATION:

Panama Area Personnel Board, Bldg. 6531, Corozal, Republic of Panama, and Central Examining Office, Building 363,

Ancon, R.P., and personnel and other offices of Federal agencies in Republic of Panama authorized to make appointments to positions and to act for the Board by delegated authority.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals seeking eligibility for positions with Federal agencies in the Republic of Panama and current and former employees of Federal agencies in the Republic of Panama.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records compiled for determining an individual's suitability, qualifications, and ratings to establish status for eligibility for employment; for referring and placing individuals for employment, transfer, promotion, reassignment, and reappointment; and for providing statistical information for conducting personnel research and management studies. They contain information concerning education and training; employment history and earnings; appraisal of past performance by current and previous employers, educators, and personal references; convictions for offenses against the law; responses to test items and questionnaires; results of tests; rating sheets; appraisals of potential; honors, awards, or fellowships; military service and veterans preference; birthdate and birthplace; citizenship; identification numbers; legal residence; home addresses and telephone numbers; general suitability and medical fitness for Federal employment; applicant's conditions and preferences for employment; special qualifications; registers and certificates of eligibles; actions taken; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3652, 3654, 3661-3664 [Supp. III 1979]; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement of in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders, individual forms and cards, and computer printouts.

RETRIEVABILITY:

Filed or retrievable alphabetically by name of individual and by date of birth.

SAFEGUARDS:

Sensitive information is stored in locked metal file equipment and other records are stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Applications and supporting documents:

a. Transferred to employing agency when applicant is selected for permanent appointment.

b. Transferred to designated U.S. Civil Service Commission area office on transfer of eligibility.

c. Eligible applicants; Destroyed 10 years after termination of register.

d. Canceled or ineligible applicants; Destroyed two years after date register is established or upon termination of the register, whichever is earlier.

e. Vouchers and correspondence are filed with applications. Index Cards:

a. Permanent Examination Records Cards; Destroyed 10 years after termination of register.

b. Pending Record Cards are destroyed upon completion of processing and rating of applications.

Certificates of eligibles; Destroyed 2 years after date of certificate. Register of eligibles destroyed 10 years after termination of register Routine Examining Program Test Answer Sheets.

a. Eligibles answer sheets are destroyed after three years.

b. Ineligibles answer sheets are destroyed after six months.

Other records, permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Panama Area Personnel Board, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager, his delegate the Manager, Central Examining Office, Balboa Heights, R.P., or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Individual should provide name, date of birth, approximate date of record, and title of examination or announcement with which concerned. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to one of the addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10

RECORD SOURCE CATEGORIES:

Subject individuals, employers, schools, references, neighbors, associates, credit bureaus, law enforcement agencies, probation officials, prison officials, personnel managers, medical officers and records, government agencies, and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which would reveal the identity of confidential sources or is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures set forth in the agency's regulations. See 35 CFR 10.22.

PCC/PB-2**SYSTEM NAME:**

Appeals Grievances, Complaints, and Assistance Records, PCC/PB-2.

SYSTEM LOCATION:

Panama Area Personnel Board, Bldg. 6531, Corozal, Republic of Panama and Central Examining Office, Building 363, Ancon, R.P., and personnel and other offices of Federal agencies in the Republic of Panama authorized to make appointments to positions and act for the Board by delegated authority.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Federal employment and current and former Federal employees in the Republic of Panama who have appealed a qualification or rating or who have registered complaints or made requests for assistance on any phase of the operations of the board and the Central Examining Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to a decision, process, determination or reply made by the Board on an appeal, grievance, complaint, or request for assistance affecting an individual's consideration for employment through the Merit System, and used also to provide statistical information for conducting personnel research and management studies. The records consist of the initial appeal or complaint; letters or notices from and to the individual; records of hearings when conducted; documentation supporting a decision or determination; affidavits or statements; testimonies of witnesses; investigative reports; instructions to an agency about action to be taken to comply with decisions; related correspondence, opinions, and recommendations; and results of rating panels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3652, 3654, 3661-3664 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders and binders, and index cards.

RETRIEVABILITY:

Filed or retrievable alphabetically by name of individual and by date of birth.

SAFEGUARDS:

Stored in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Panama Area Personnel Board, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Individual should provide name, date of birth, and approximate date and kind of action taken. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals; agency and Board officials; affidavits of employees; testimonies of witnesses; documents in file related to the appeal, grievance, complaint, or request for assistance; and correspondence from organizations or persons with pertinent knowledge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from

the procedures set forth in the agency's regulations. See 35 CFR 10.22.

PCC/PB-3**SYSTEM NAME:**

Personnel Investigation Records, PCC/PB-3.

SYSTEM LOCATION:

Panama Area Personnel Board, Bldg. 6531, Corozal, Republic of Panama, and Central Examining Office, Building 363, Ancon, R.P., and personnel and other offices of Federal agencies in the Republic of Panama authorized to make appointments to positions and to act for the Board by delegated authority.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former applicants for employment in the Federal service and current and former Federal employees in the Republic of Panama.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative records compiled to evaluate applications for employment and to provide statistical information for conducting personnel research and management studies. They contain information regarding an individual's physical and mental health, character, conduct, and behavior in the community where the individual has lived; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the overall qualifications of an individual for a specific position; reports from law enforcement or corrective/parole agencies, former employers, educational institutions, and medical officers and institutions; veterans' preference claims for veterans' wives, widows, widowers, and mothers; lists of persons barred from military installations and pier areas; lists of police checks; police records; and penitentiary pre-discharge reports, parole officers' postdischarge statements, and wardens' postdischarge statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3652, 3654, 3661-3664 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and individual forms and cards.

RETRIEVABILITY:

Filed or retrievable alphabetically by name of individual and by date of birth.

SAFEGUARDS:

Stored in locked file equipment in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Lists of persons barred from military installations and piers are destroyed when the bar or restriction is lifted. Penitentiary pre-discharge reports, parole officer and warden statements are transferred to:

1. The application file when a decision is made to permit the individual to compete for Federal employment.

2. To the Suitability Investigations Index Card (Personal Data Card) when a decision is made to suspend the individual from competition for Federal employment.

Panama Canal Commission or United States police records and check lists are destroyed when the data is transferred to the Suitability Investigation Index Card (Personal Data Card) subsequent to receipt. Police records received from the Republic of Panama which are owned by the individual are returned to the owner after transfer of the data to the Suitability Investigation Index Card (Personal Data Card). Statements from the individual and from other sources are transferred to the application file when the individual is cleared for Federal employment. Suitability Investigation Index Cards (Personal Data Cards) and other records are destroyed upon death, retirement or at age 70 of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Panama Area Personnel Board, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager, his delegate, the Manager, Central Examining Office, Balboa Heights, or the Agency Records Officer, Administration Building, Balboa Heights. Individual should provide name, date of birth, and the approximate date and kind of action taken. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to one of the addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, employers, schools, references, neighbors, associates, credit bureaus, law enforcement agencies, probation officials, prison officials, personnel managers, medical officers and records, government agencies, and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/PR-1

SYSTEM LOCATION:

Personnel Operations Division, Bld. 5553, Diablo, Republic of Panama, and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama.

SYSTEM NAME:

Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC/PR-1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disability Relief annuitants and surviving widows; Civil Service Retirement annuitants; employees who died while in service; survivors of deceased employees and annuitants; and employees and annuitants enrolled in the Supplementary Life Insurance Program sponsored by the Group Insurance Board (Panama Canal Area).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information used in the administration of the Cash Relief Act of July 8, 1937, as amended, and in the application of related policies on medical treatment and care, annuitants' group life insurance, and the eligibility of widows of deceased annuitants for annuities.

Reference files from which information or statistical data may be furnished quickly on employees who retired under the Civil Service Retirement Act, employees who died while in service, and survivors who submitted applications or claims for

death benefits and unpaid compensation.

Identification of employees and annuitants enrolled in the Group Supplementary Life Insurance Program and their beneficiaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapters 83 and 87; 22 U.S.C. 3658, 3681-3683 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, and individual forms, and magnetic tapes and disks, and computer printouts.

RETRIEVABILITY:

Filed alphabetically by name or filed by identification number.

SAFEGUARDS:

Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel. A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A.71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on line access, with authorization limited in accordance with user-entered confidential identifying code and access code; A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Index cards on persons designated to act as the agents of Disability Relief

annuitants are destroyed when annuitant dies. Other records: Permanent. Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputting information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, official personnel files, and medical and welfare personnel.

PCC/PR-2

SYSTEM NAME:

Employee Benefits Records, PCC/PR-2.

SYSTEM LOCATION:

Personnel Operations Division, Bldg. 366, Ancon, Republic of Panama, and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees and their dependents or other members of their household.

CATEGORIES OF RECORDS IN THE SYSTEM:

Determinations of employees' eligibility for, or entitlement to, the tropical differential, home leave and repatriation travel, Commission housing and other employee benefits. Determination of an individual's status as dependent or member of household of

employee to establish his or her eligibility for residence in Commission housing, medical treatment, education, purchase authority, and transportation benefits. These records are maintained in addition to and interfiled with the records in Official Personnel Folders belonging to the Office of Personnel Management. See PCC/PR-8.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701-42 and 5942; 22 U.S.C. 3641-3658 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These paper records are maintained in addition to and interfiled with the records in Official Personnel Folders belonging to the Office of Personnel Management, and magnetic tapes and disks, and computer printouts. See PCC/PR-8.

RETRIEVABILITY:

Filed alphabetically by name of employee.

SAFEGUARDS:

Stored in metal file cabinets in buildings locked when not in use. Access and use are restricted to authorized personnel. A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A.71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and access code. A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports,

tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Paper records in file folders retained for three years and then destroyed. Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputting information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of the addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employees and officials of the Canal agencies.

PCC/PR-3

SYSTEM NAME:

Personal Data Records, PCC/PR-3.

SYSTEM LOCATION:

Personnel Operations Divisions, Bldg. 366, Ancon, Republic of Panama, and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, dependents of employees, and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal data maintained for reference and statistical purposes, such as employment history of U.S. citizen employees of Canal agencies and Panama Area Personnel Board; identification of U.S. citizens who would

be evacuated from residence in the event of civil disturbance or natural disaster; identification of employees who are earning a special or retained rate of pay which must be adjusted manually; documentation of employees' leave-without-pay to determine periods for within-grade step advancement, conversion to career status, or completion of probationary period; documentation of eligibility for medical services at U.S. Armed Forces hospitals; identification of reemployed Civil Service annuitants; identification of employees who are retired members of the U.S. Armed Forces; authorizations for disposition of pay; and indexes of employees for counseling on retirement, and disciplinary actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to court officials for the purpose of compiling jury duty rosters. See also General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards; lists; and individual forms, and magnetic tapes and disks, and computer printouts.

RETRIEVABILITY:

Filed alphabetically by name of employee of filed by identification number.

SAFEGUARDS:

Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel. A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A-71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and access code. A

special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Paper records, manually maintained: At the end of the entry, add: Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputting information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years. Employment history cards are retained permanently. Legal dependent and leave-without-pay records are transferred to official personnel folder upon employee's separation from service. Other records are destroyed when they are no longer pertinent to the employee's current status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information be obtained from System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employees and officials of the Canal agencies.

PCC/PR-4

SYSTEM NAME:

Personnel Management System, PCC/PR-4.

SYSTEM LOCATION:

Office of Personnel Administration, Panama Canal Commission, Administration Building, Balboa Heights, and Ancon, Republic of Panama; and Management Information Systems, Panama Canal Commission, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current employees of the Panama Canal Commission in permanent and temporary positions. Data on terminated employees will be kept on the automated data base for two years after termination date.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee records include name, PCC identification number, birthdate, U.S. Social Security number, Republic of Panama Social Security number, Republic of Panama cedula number, citizenship, bi-national status, veterans preference code, Vietnam veteran status, position number, pay level (wage category, level, grade, and step), salary, sex, blood type, marital status, former name, spouse's PCC identification number, number of dependents, mailing address, pay rate determination status, physical exam requirements, pay basis, annual premium compensation, differential type and amount, step increase due date, tenure code, tenure conversion date, target pay level, occupation code, work week status, roll and gang, outstanding performance rating, status of employment, eligibility for repatriation, eligibility for home leave, APRTE (actual place of residence at the time of employment), educational level, date of degree, academic discipline, qualifications by occupation code, RIF code, qualifying date, outstanding award code and date, previous pay level for employees that were RIFed, RPL and PPL codes, rehired annuitant indicator, FEHBA plan, FEGLI information, eligibility for early retirement indicator, retirement plan code, rotation date, on/off Isthmus hire code, PCC constructed service time, constructed federal service time leave type, entry-in-force status code, constructed FLSA coverage code, service date for retired military employees, effective date of the employee's current grade, last held occupation code and position, promotional occupation code and pay level, starting occupation code and pay level, target occupation and pay level and developmental position identifier, promotion due date, due date for promotion to target grade, probation

ending date, beginning date for retirement deduction, position title and functional classification of employee's position.

The position records in the new system include: labor cost distribution data such as primary and secondary account numbers and chargeable percentages; developmental position data such as starting and target pay levels, and occupation codes; position related data including the position title, functional classification code, the functional title code; and supervisory position code; position control data such as manpower number and date of manpower authorization; and pay related data including current pay rates, timing code, and unit pay rates.

The employee service history records contain data on all Requests for Personnel Actions (RPA's) processed during the last three years. Data maintained in this file includes: employee IP, effective date of the action, nature of action code, process date and pay-related data such as pay rates, pay level, work week, and position data.

Training history records provide a detail of employee training including: completed course data such as course code and description, date of course, purpose, cost, duty and non-duty hours, and course grade, training requirements by job responsibility level and official PCC training data is also maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. Chapters 35, 41, 45, 55, 57, 83, 87; 22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be:

a. Disclosed to the following agencies and organizations, in connection with their authorized functions: Office of Personnel Management; Merit Systems Protection Board; Internal Revenue Service; Social Security Administration; General Accounting Office; U.S. military agencies; state unemployment compensation offices; city, county, and state tax offices; employee credit unions; banks; insurance carriers; employee and professional organizations; and Combined Federal Campaign.

b. Disclosed to officials of labor organizations when relevant and necessary to their duties concerning personnel policies, practices, and matters affecting working conditions.

c. Used to promote the incentive awards program through the local news media.

d. Disclosed to prospective employers or other organizations, at the request of the individual.

e. Used in the selection process by the agency in connection with appointments, transfers, promotions or qualifications determinations. To the extent relevant and necessary, it will be furnished upon request to other agencies for the same purpose.

f. Used to provide statistical reports to Congress, U.S. Government agencies, the Government of Panama, and the public on characteristics of the Federal work force.

g. Used in the production of summary descriptive statistics and analytical studies; may also be used to respond to general requests for statistical information (without personal identifier) under FOIA; or to locate individuals for personnel research or other personnel research functions.

h. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular NO. A-19.

i. Disclosed in accordance with the general routine uses listed in the "Prefatory Statement of General Routine Uses" published at 45 FR 85256 and in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and disks; computer printouts; and paper records.

RETRIEVABILITY:

By employee identification number, by name, position number and code, and occupation code. Personal information on individuals can also be accessed indirectly by use of almost any data element in the system.

SAFEGUARDS:

A combination of standard physical security measures, appropriate management information practices, and computer system/network security controls are used to protect these records. The system's design incorporates the stringent safeguards required by Office of Management and Budget (OMB) Circular A-71. Transmittal No. 1. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in

accordance with user-entered confidential identifying code and access code. A special coordinating group in the Personnel Operations division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically on a daily, weekly, monthly basis, and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputting information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports only produced annually or biannually may be kept up to three years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011, or Administration Building, Balboa Heights, Republic of Panama.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011, or Administration Building, Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the officials designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

Rules governing how an individual may request the amendment of any information about him in this system are published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employee; Requests for Personnel Action forms; Official Personnel Folders, Incentive Award Files; the agency payroll master file; Office of Health and Safety records; and computer-generated and manual calculations from varied input data.

PCC/PR-5**SYSTEM NAME:**

Recruiting and Placement Records,
PCC/PR-5.

SYSTEM LOCATION:

Personnel Operations Division, Bldg.
366, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for
employment or are employed with the
Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for employment and
records related thereto; overseas
recruitment processing records; special
placement and program records, such as
records on the excluded appointments of
mentally retarded applicants, the
appointment of handicapped persons,
the student assistant program, the
upward mobility program, and the
worker-trainee program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3641-3654, 3671, 3672 (Supp.
III 1979); Articles III and X of the
Panama Canal Treaty of 1977; E.O.
11478, August 8, 1969; 42 U.S.C. 2000e-
16; E.O. 11171, August 18, 1964; 29 U.S.C.
791.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in
prefatory statement or in 35 CFR Part 10,
Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folder, index
cards, lists, and individual forms.

RETRIEVABILITY:

Filed alphabetically by name of
subject individual or by an identification
number.

SAFEGUARDS:

Stored in metal file cabinets in
building locked when not in use. Access
and use are restricted to authorized
personnel.

RETENTION AND DISPOSAL:

Applications for employment and
records related thereto are transferred
to recruitment folder if applicant is
selected for employment from overseas.
When applicant is employed,
documentation is transferred to Official
Personnel Folder. Applications are
destroyed if applicants fail to update in

one year from date of acknowledgment
of application. U.S. recruitment data
cards are retained indefinitely for
statistical purposes. Miscellaneous
correspondence and listings pertaining
to employees under recruitment are
destroyed after two years. Vouchers
from references listed by applicant are
destroyed after one year. Individual
special placement and program records
are destroyed when employee
terminates or individual's participation
in program ends.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel
Administration, Panama Canal
Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the
Systems Manager or the Agency
Records Officer, Administration
Building, Balboa Heights, R.P. Rules are
published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to
either of the addressees designated in
Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals, medical
personnel, police officials, officials of
the Canal agencies, schools attended by
applicant, and individuals listed as
references by applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which
would reveal the identity of confidential
sources is exempt from certain
subsections of 5 U.S.C. 552a and from
the procedures for access and contest
set forth in the agency's regulations. See
35 CFR 10.22.

PCC/PR-6**SYSTEM NAME:**

Training and Employee Development
Records, PCC/PR-67.

SYSTEM LOCATION:

Human Resources Development Staff,
Office of Personnel Administration,
Bldg. 0602, Balboa Heights, Republic of
Panama, and Management Information
Systems, Administration Building,
Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the
Canal and other Federal agencies on the
Isthmus who have participated in
training or development programs

sponsored or conducted by the Canal
agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on training and development
of employees under a variety of
programs such as apprentice program;
the tuition refund program; and various
executive, managerial, supervisory,
administrative, Spanish and English
language, technical, and professional
training and development programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4101-18; E.O. 11348 of April
20, 1967; E.O. 11171, August 18, 1964; 22
U.S.C. 3611 (Supp. III 1979); Articles III
and X of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Use paragraphs
in prefatory statement or in 35 CFR Part
10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file holders, cards,
and individual forms, and magnetic
tapes and disks, and computer printouts.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Stored in metal file cabinets in
building locked when not in use. Access
and use are restricted to authorized
personnel. A combination of standard
physical security measures, appropriate
management information practices, and
computer system/network security
controls are used to protect these
records. The stringent safeguards
required by Office of Management and
Budget (OMB) Circular A-71,
Transmittal No. 1 are applied.
Safeguards include: batch controls;
computer processing controls; access to
both hard copy documents and
computer files restricted to authorized
personnel; restricted on-line access,
with authorization limited in accordance
with user-entered confidential
identifying code and access code. A
special coordinating group in the
Personnel Operations Division called
the Personnel Data Control Center has
been designated by the system manager
to maintain control of all input
documents and issuance of report
information. Printouts are produced
automatically and upon written request
from the system manager. Reports,

tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Paper records manually maintained: At the end of the entry, add: "Records on active employees in the automated data base are retained as long as they are employed. Paper forms used for inputting information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years. Apprentice enrollment and grade records are retained permanently. Other records are retained for three years after termination of the session of the program in which the trainee was enrolled, except summary records for management development program are maintained until employee terminates or is dropped from the program.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Request should be addressed to either of the addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individual, official personnel records, instructors, agency officials, program officials, and Veterans Administration.

PCC/PR-7

SYSTEM NAME:

Personnel Reference Unit Files, PCC/PR-7.

SYSTEM LOCATION:

Personnel Reference Unit, Office of Personnel Administration, Bldg. 729, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history statements, security clearance, results of background investigations, and documents containing information obtained under a pledge of confidentiality.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450; E.O. 10865; Part 60.14, Sub Chapter B of Chapter 1, Title 35 CFR; PCPM Chapters 732 and 736; 22 U.S.C. 3811 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, 8 by 10½ inches, microfilm.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroy 20 years after date of last action.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations, See 35 CFR 10.21.

PCC/PR-8

SYSTEM NAME:

Systems of records noticed by the Office of Personnel Management and applicable to the Panama Canal Commission, as follows:

(1) General Personnel Records (Official Personnel Folder and records related thereto).*

(2) Retirement, Life Insurance, and Health Benefits Records Systems.

(3) Ethics in Government Financial Disclosure Records, OPM/GOVT-4.

(4) Confidential Statements of Employment and Financial Interest, OPM/GOVT-8.

*As an exception to standard practice on retention of out-of-service Official Personnel Folders, the Canal agencies are authorized to retain the Official Personnel Folders of their former non-U.S. citizen employees for two years, thereafter they are sent to the National Personnel Records Center in St. Louis, Missouri (35 CFR 253-292). Some of these former employees now may be U.S. citizens or resident aliens of the United States who are granted access to the records under provisions of the Privacy Act. Questions from such individuals regarding notification procedures, access, and contest in connection with these records should be addressed to the Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011, who is the Systems Manager, or to the Agency Records Officer, Administration Building, Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

PCC/PR-9

SYSTEM NAME:

Incentive Awards Program Files, PCC/PR-9.

SYSTEM LOCATION:

Incentive Awards Office, Bldg. 5553, Diablo Heights, Republic of Panama, and Management Information Systems, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of Panama Canal Commission who have filed suggestions or received honorary awards under the Incentive Awards Program since 1954. Supervisors of suggesters since 1974. Career Service awards since 1973.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, identifying number, grade, occupation, employing unit, type of career service award and date granted, suggestion number, rejection or approval date, amount awarded, card control number. Supervisor's name, employing unit, number of suggestions submitted by his employees, amount awarded, and savings to the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501 et seq.; 22 U.S.C. 3611 (Supp. III 1979) and Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system of records may be used to: (a) prepare reports for the Office of Personnel Management; (b) promote the awards program through the local news media; and (c) respond to inquiries from labor unions, award recipients, employee and professional organizations.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

3 by 5 inch cards; suggestion forms; related documents, and magnetic tapes and disks, and computer printouts.

RETRIEVABILITY:

Filed or indexed by name.

SAFEGUARDS:

Records maintained in metal card files and lockable metal filing cabinets. Access and use are restricted to authorized personnel. A combination of standard physical security measures, appropriate management information practices and computer system/network security controls are used to protect these records. The stringent safeguards required by Office of Management and Budget (OMB) Circular A-71, Transmittal No. 1 are applied. Safeguards include: batch controls; computer processing controls; access to both hard copy documents and computer files restricted to authorized personnel; restricted on-line access, with authorization limited in accordance with user-entered confidential identifying code and access code. A special coordinating group in the Personnel Operations Division called the Personnel Data Control Center has been designated by the system manager to maintain control of all input documents and issuance of report information. Printouts are produced automatically and upon written request from the system manager. Reports, tapes, and disks are kept in a locked cabinet or secure area when not in use.

RETENTION AND DISPOSAL:

Paper records manually maintained. At the end of the entry, add: "Records on active employees in the automated data base are retained as long as they

are employed. Paper forms used for inputting information into the computer system are maintained for one year. Records on terminated employees are retained for two years and then are deleted from magnetic tapes or disks. Tapes and disks are erased and reused. Printouts of various reports will be kept as long as needed, for example, weekly reports are destroyed when the weekly update is produced. Some reports produced annually or biannually may be kept up to three years. Held three years after employee's termination and then destroyed by fire.

SYSTEM MANAGER(S) AND ADDRESS:

Incentive Awards Secretary, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R. P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From suggestion forms prepared by employees to whom the record pertains and from honorary award recommendations submitted by authorized management officials, and from monthly computer listings showing due date of service awards.

PCC/PR-10**SYSTEM NAME:**

Occupational Health Records, PCC/PR-10.

SYSTEM LOCATION:

Occupational Health Division, Bldg. 721, Balboa, Republic of Panama; and at Occupational Health Centers in Balboa (Bldg. 10), Miraflores (Bldg. 11), Pedro Miguel (Bldg. 6), Gamboa (Bldg. 63), Mt. Hope (Bldg. 5106), Gatun (Bldg. 122), Coco Solo Army Hospital (Building 8906), Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Panama Canal Commission

CATEGORIES OF RECORDS IN THE SYSTEM:

Pre-employment and periodic physical examinations; medical examinations to determine continuing fitness for duty consistent with job qualifications and requirements. Documentation of medical

treatment received by an individual on an outpatient basis from hospitals, clinics, occupational health centers, and other health facilities. Also may contain abstracts in inpatient hospitalizations, information on communicable diseases, or information on participation in alcohol rehabilitation program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 1175 and 1180 (1976 and Supp. III 1976); 22 U.S.C. 3611 (Supp. III 1979); 42 U.S.C. 4561; Article III of the Panama Canal Treaty of 1977 and Annex thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that does not relate to alcohol or drug abuse may be released from these records to the extent needed as follows: To the Communicable Disease Center, Atlanta, Georgia, other Federal agencies, or Government of Panama health officials. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders, individual forms, and cards.

RETRIEVABILITY:

Records of cross-reference index cards providing access to records are filed alphabetically by name.

SAFEGUARDS:

Stored in metal file cabinets in buildings locked when not in use, or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained until employee terminates employment with the agency. Thereafter retired to the Agency Records Center for disposition in accordance with Federal retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Occupational Health Division, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained as appropriate from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011.

Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of the officials designated in Notification Procedure, preceding. Procedure for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.9.

RECORD SOURCE CATEGORIES:

The individual to whom the occupational health record pertains, attending physicians and allied health personnel involved in the individual's treatment.

PCC/PR-11**SYSTEM NAME:**

Racial/National Origin Code Records, PCC/PR-11.

SYSTEM LOCATION:

Personnel Operations Division, Panama Canal Commission, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizen employees of the Canal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lists of accessions of U.S. citizen employees containing a racial/national origin designator code submitted to Office of Personnel Management (OPM), error lists from OPM, and transcript form and/or SF 50 (or equivalent) submitted to OPM to correct errors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7204, E.O. 11478 of August 8, 1969; 22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977; 29 CFR 1613.301 and 1613.302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Forms, sheets of paper, and computer runs.

RETRIEVABILITY:

Lists of accessions filed by employee identification number; computer runs and SF 50, filed alphabetically by name; and monthly report of Office of Personnel Management and update transcript form filed by Social Security Number.

SAFEGUARDS:

Stored in a locked a steel desk in a building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Monthly report of Office of Personnel Management and error listing for that month are destroyed six months after error listing is received. Correction to monthly error listing destroyed after error list for following month is received and corrected.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is maintained and used solely for statistical reports and is not used in making any nonstatistical determinations about identifiable individuals. It is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC/PR-12**SYSTEM NAME:**

Industrial Accident Prevention Supervisor/Unit Awards File, PCC/PR-12.

SYSTEM LOCATION:

Safety Division, Building 721, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commission supervisors classified in high hazard positions who have completed a year of supervision without a disabling injury incurred to himself or his unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Supervisor's name, Division, Bureau, identification number and Unit Supervised, year supervised.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902; 22 U.S.C. 3611 (Supp. III 1979); 29 U.S.C. 668; 33 U.S.C. 941(b)(1) and (b)(4); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

5 by 8 inch cards.

RETRIEVABILITY:

Filed by Bureau-Division, indexed by name.

SAFEGUARDS:

Records maintained in filing drawers. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained while employee is in a hazardous-supervisory capacity.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Safety Division, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Supervisor/Unit records.

PCC/PR-13**SYSTEM NAME:**

20/30/40 Year Safety Key Awards Files. PCC/PR-13.

SYSTEM LOCATION:

Safety Division, Building 721, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commission employees classified in a high hazard position who have completed their 20-30-40 years of service with no disabling injury. Records are also maintained of employees in low hazard positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, identification number, roll and gang, functional code, occupational service code, service date and number of years of employment. Subsystem stamp containing date of last disabling injury (if any) and employee's position hazard code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902, 8101 et seq.; 22 U.S.C. 3611 (Supp. III 1979); 29 U.S.C. 668; PCPM Chapter 452; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Computer strip size 12½ by 3½ inches.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Held until termination, destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Safety Division, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Employees on whom record is maintained.

Title Listing of Inactive Panama Canal Commission Systems of Records

Advance Authorizations to Enter the Canal Zone, PCC-CZG/ADRM-2
 Arrest Record File, PCC/GSPL-13
 Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2
 Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1
 Case Investigations, PCC-CZG/CAPS-2
 Cash Register Receipt Shortages, PCC-CZG/FVGA-2

Civil and Amateur Radio Operator and Station License Files, PCC-CZG/CALS-4

Complaints Against Policemen File, PCC/GSPL-15

Contractor Employee Payroll Records, PCC/ECCN-2

Convict Files, PCC/GSPL-4

Driver's License Investigatory File, PCC-CZG/CALS-7

Driver's License Revocation Lists, PCC-CZG/CAPL-20

Employee Application for Outside Employment, PCC/AMSA-2

Expert and Consultant Records, PCC/GSSP-1

Fingerprint File, PCC/GSPL-7

Fishing Pass Application File, PCC-CZG/CALS-3

Health, Medical, Dental, and Veterinary Records Systems, PCC-CZG/HL-1

Hunting Permit Application File, PCC-CZG/CALS-2

Immigration Detention Orders, PCC-CZG/CAUC-12

Inmate Trust Fund File, PCC-CZG/CAPL-14

Law Enforcement Case Report Files, PCC/GSPL-16

Master Name File, PCC/GSPL-10

Medical Administration System-Exempt, PCC-CZG/HL-2

Medical Administration System-Nonexempt, PCC-CZG/HL-3

Motor Vehicle and Motorboat Registration and Operator's License Files, PCC-CZG/CALS-8

Official Permits to Have or Carry Firearms, PCC-CZG/CALS-11

Payroll System for Vessel Employees, PCC/FM-2

Philatelic Program, PCC-CZG/CAPS-5

Police Photo Files, PCC/GSPL-6

Postal Claims and Inquiries, PCC/AMRM-6

Presentence and Pre-Parole Investigation Reports, PCC/AEPR-2

Prisoner Property Record, PCC/GSPL-18

Prisoner Record Cards, PCC/GSPL-5

Probation and Parole Unit Child Custody Reports, PCC/AEPR-3

Probation and Parole Unit Statistical File, PCC/AEPR-3

Purchase Authority Cards, PCC-CZG/ADGS-1

Records of Births, Deaths, and Marriages That Occurred in the Former Canal Zone, PCC/AMSE-3

Refugee Records, PCC-CZG/SC-4

Runners, Peddlers, and Solicitors.

Application and License Files, PCC-CZG/CALS-10

Traffic Accident Reports, PCC/GSPL-18

U.S. Immigration and Naturalization Service, U.S. Citizenship Certificate

Application and Appointment Records, PCC-CZG/CACU-10

Vehicle Registration for RP Series License Plates, PCC-CZG/CACU-9

Vessel Employee Records, PCC/GSSS-1
 Visa Records, PCC-CZG/GE-1 (STATE-39)

PCC-CZG/ADGS-1**SYSTEM NAME:**

Purchase Authority Cards, PCC-CZG/ADGS-1

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of private companies, organizations, and certain other government agencies, and other individuals that qualify for purchase authority.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, employment status, residence, mailing address, purchase-authority status, marital status, citizenship, age, names and ages of dependents, and history of identification cards issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article III, 1936 General Treaty of Friendship and Cooperation, 53 Stat. 1807; Articles XI and XII, 1955 Treaty of Mutual Understanding and Cooperation 6 U.S.T. 2273; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to court officials for the purpose of compiling jury duty rosters. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Printed forms, 8 by 10½ inches.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Minimum of 5 years after individual ceases to qualify for purchase authority. Shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individuals.

PCC/CZG/ADRM-2**SYSTEM NAME:**

Advance Authorizations to Enter the Canal Zone, PCC-CZG/ADRM-2

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals issued advance authorization to enter the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Advance authorizations to enter the Canal Zone and related papers, such as extensions to stay and changes in Canal Zone immigration status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 841, 76A Stat. 32; E.O. 11305; 35 CFR 59.22-3; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records on backers.

RETRIEVABILITY:

Filed alphabetically by name of entrant.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

After 2 years, transferred to Agency Records Center; then destroyed after 2 more years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Sponsors of entrant.

PCC/AEPR-1**SYSTEM NAME:**

Probation and Parole Unit Child Custody Reports, PCC/AEPR-1.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parent or custodian of minor child when custody of the child is contested.

CATEGORIES OF RECORDS IN THE SYSTEM:

All background information available to the Probation and Parole Officer that would be helpful in determining appropriate custody of the child.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Judicial request under 7 Panama Canal Code 2807 or 8 Panama Canal Code 338, 76A Stat. 647, 689; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to officials of U.S. District Court for the District of the Canal Zone. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Reports 8 by 10½ inches.

RETRIEVABILITY:

Alphabetized.

SAFEGUARDS:

Records maintained in Records Center building that is locked when not in use. Access and use restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21.

PCC/AEPR-2**SYSTEM NAME:**

Presentence and Pre-Parole Investigation Reports, PCC/AEPR-2.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons convicted of crimes and referred to the Probation and Parole Unit for investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

All background information available to the Probation Officer, including full identity of the person and his family, police history, employment history, financial status, military history, and details of the offense in which the person was involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3651-53, 3655; 6 Panama Canal Code 4491-92, 6621-25 (76A Stat. 533, 558); 22 U.S.C. 3831 and 3852 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to officials of U.S. District Court for the District of the Canal Zone and Administrative Office of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Typed reports and printed forms 8 by 10½ inches.

RETRIEVABILITY:

Indexed by name and kept in alphabetized individual jackets.

SAFEGUARDS:

Records maintained in Records Center building that is locked when not in use. Access and use restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21.

PCC/AEPR-3

SYSTEM NAME:

Probation and Parole Unit Statistical File, PCC/AEPR-3.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons convicted of crimes and referred to the Probation and Parole Unit for investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, age, residence, category of crime and Court disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3831 and 3852 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977; and Federal Probation Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to officials of the U.S. District Court for the District of the Canal Zone and Administrative Office of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed form 5 by 8 inches.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records maintained in Records Center building that is locked when not in use. Access and use restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the Procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21.

PCC/AMRM-6

SYSTEM NAME:

Postal Claims and Inquiries, PCC/AMRM-6.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons requesting tracing of undelivered mail or parcels, or presenting claims for loss or damaged of registered mail or insured parcel post.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record contains the information necessary to properly examine, prepare, process and adjudicate claims for loss or damage of registered mail or insured parcel post or tracing of ordinary articles, including: names and addresses of senders and addressees, date of mailing, description of article's value, the registration, insured, or certified number or description of an unnumbered ordinary article, purpose of claim, post office disposition and any other pertinent information relating to the claim or inquiry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3741 (Supp. III 1979), and Article III and Annex of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referred to Foreign Postal Administrations or law enforcement agencies when applicable. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual file folders.

RETRIEVABILITY:

Filed alphabetically by name of addressee.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The sender, addressee, and, as applicable, the Postal Service or Administration officials of the country of origin or destination.

RETENTION AND DISPOSAL:

Destroyed two years after disposition of claims.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

PCC/AMSE-3

SYSTEM NAME:

Records of Births, Deaths, and Marriages that occurred in the former Canal Zone, PCC/AMSE-3.

SYSTEM LOCATION:

Employee and Cargo Documentation Section, Building 5140, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who were born and their parents, individuals who died, individuals who were married, parents

who experienced fetal deaths, in the former Canal Zone, and/or in a U.S. Government Hospital in the Republic of Panama, from 1904 to September 30, 1979.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and characteristics of the individuals associated with each event (i.e., birth, death, stillbirth, marriage, delayed registration, legitimacy, adoption) such as dates of birth, death, marriage, age, sex, color or race; relationship of individuals; occupation; residence and/or mailing address; place of birth, death, marriage; marital status; legitimacy; adoption; delayed registration; citizenship. Stillbirth and death records also contain medical information relating to cause of death. System also contains records concerning legitimacy, adoptions, delayed birth registration; birth and death registry books dating back to 1904; reference indexes and card files containing name, date of event and certificate or registry number. Certificates for each birth and death are serially numbered and indexed by month.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

1. Upon written request to Federal Agencies and other organizations responsible by statute or other competent authority for programs to which the information is pertinent, such as the Social Security Administration, National Center for Health Statistics, components of the U.S. Armed Forces.
2. To officials of other agencies, foreign governments, in connection with adoptions and other social service programs.
3. To law enforcement officials when such disclosure is essential for investigations.
4. U.S. Embassy upon request, usually for issuing visas.
5. Civilian Personnel Offices, Retirement Branch, and Agents Accounts Branch (new deaths).
6. Parents or legal guardians, or next of kin, if the agency's Vital Statistics Registrar is satisfied that the applicant has a direct and legitimate interest in the matter recorded or that the information therein contained is necessary for the determination of personal or property rights.
7. Records concerning adoption or legitimation may be opened only upon the demand of the person involved or the adopted person if of legal age or by an order of the Court.
8. See also the general routine uses in prefatory statement or listed in 35 CFR part 10, Appendix A. Authority for maintenance of the system: 7 P.C.C. 578;

8 P.C.C. 4, 5, 6, and 8, and 335, 387; 78A Stat. 571, 672, 689, 691, and 88 Stat. 1417; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and related agreements.

STORAGE:

Paper certificates in 5-drawer filing cabinet; 3 x 5 index cards; registry books, microfilm. All certificates for births, deaths, and marriages are on microfilm. All index cards for births and deaths are also on microfilm.

RETRIEVABILITY:

By name, date of birth, date of death, date or marriage, and number of certificate.

SAFEGUARDS:

Records kept in locked cabinets in a room which is locked after duty hours. Access is restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER:

Chief, Staff and Admin. Support Branch, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Parents of subject of the birth certificate, individual applicant, physicians, hospital charts, next of kin, neighbors or relatives.

PCC/AMSA-2

SYSTEM NAME:

Employee Application for Outside Employment, PCC/AMSA-2.

SYSTEM LOCATION:

Administrative Services Division, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees who have applied for permission to engage in outside employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, name of outside employer, location of outside employment, number of hours employed weekly, nature of work performed, beginning and ending dates of outside employment, and conditions placed on employee concerning outside employment permission. Also may include letters from the Government of Panama stating there is no objection to the proposed employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 and 3622 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977; E.O. 11222 of May 8, 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to Internal Revenue Service and government of Panama officials upon request to inform them which employees engage in outside employment. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed form 8 by 10½ inches.

RETRIEVABILITY:

Filed by expiration date. Separate index maintained by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Minimum of 5 years after expiration of permit. Disposed of by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual to whom application pertains.

PCC-CZG/BRAE-1**SYSTEM NAME:**

Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and inactive individuals certified as Engineers-In-Training (EIT) or registered as Professional Engineer (PE) or Architect (RA) in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete applications detailing personal history, educational record and references and record of professional practice; reference letters from individuals, verification letters from schools, State Boards, National Council of Engineering Examiners (NCEE)/National Council of Architectural Registration Boards (NCARB), etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 CFR 69(A) and 2 C.Z.G. 1171-75; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to National Council of Engineering Examiners (NCEE), National Council of Architectural Registration Boards (NCARB) and all State Board jurisdictions in connection with Publication of Roster, 35 CFR 69.141. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folder 8½ by 11 inches.

RETRIEVABILITY:

Alphabetically by status of certification and registration.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent retention proposed to NARS; pending approval.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual applicant, personal references, NCEE, NCARB, State Boards.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identify of confidential sources, or is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC-CZG/BRAE-2**SYSTEM NAME:**

Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All certified Engineers-in-Training (EIT) and registered Professional Engineers (PE) and Architects (RA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Numerical listing of Engineers-in-Training, Professional Engineers and Architects by number, name and methods or registration

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 CFR 69 and 2 C.Z.C. 1171-75 76-A Stat. 40-41; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For routine use by the Board and for preparation of the annual report (35 CFR 69.232); and the Roster (35 CFR 69.141); Board members, Executive Secretary to the Board, and each architect and professional engineer and architect-in-training and engineer-in-training and other persons upon request as set forth in 35 CFR 69.144. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

8½ by 11 inch papers in file folders.

RETRIEVABILITY:

Numerically by certification/registration number; cross referenced by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent retention proposed to NARS; pending approval.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR, Part 10.

RECORD SOURCE CATEGORIES:

From applicant and other sources.

PCC/CZG/CACU-9**SYSTEM NAME:**

Vehicle Registration for RP-Series License Plates, PCC-CZG/CACU-9.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Government employees, military personnel and dependents resident in Panama but entitled to Canal Zone duty free entry of vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, number, citizenship, personal description, address, and vehicle description.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 CFR Part 57; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Cards—3 by 5 inches.

RETRIEVABILITY:

Name and number.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained for 5 years after close of calendar year in which records were created, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg. Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From individual applicant.

PCC-CZG/CACU-10**SYSTEM NAME:**

U.S. Immigration and Naturalization Service U.S. Citizenship Certificate

Application and Appointment Records, PCC-CAG/CACU-10.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons born outside the United States who are requesting United States citizenship certificates issued by the Immigration and Naturalization Service pursuant to one or more of the statutes referred to in the authority portion of this notice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to applications for certificates of citizenship; index cards containing the applicant's name and address, the date the application was received locally, and the certificate number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 u.s.c. 1101 note, 1443-4, 1451-4; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine use includes the transmittal of the application and accompanying documents to the U.S. Immigration and Naturalization Service for processing. See also general routine use paragraphs in prefatory statement or in CFR part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

8 by 10½ application form and paper certificates and documents; 3 by 5 inch file cards.

RETRIEVABILITY:

Name and address.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by paper shredder at end of useful life.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees as designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains.

PCC/CZG/CACU-12**SYSTEM NAME:**

Immigration Detention Orders, PCC-CZG/CACU-12.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Stowaways, deserters, crewmembers and passengers in violation of Canal Zone Immigration Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, number, date and place of birth, nationality, and facts relating to issuance or enforcement of the detention order.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 841-3, 76A Stat. 32; 22 U.S.C. 3611 (Supp. III 1979); article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routinely sent to local law enforcement officials as necessary to direct the apprehension, detention and repatriation of such persons. Information may also be disclosed to commercial carriers when such persons were passengers or crewmen/employees of a shipping company, airline, etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folder.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained for two years then burned.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch,
Panama Canal Commission, Records
Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURES:

Information may be obtained from the
System Manager or the Agency Records
Officer, Admin. Bldg., Balboa Heights,
Republic of Panama. Rules are
published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to
either of addressees designated in
Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From ship's documents and/or
individual.

PCC-CZG/CALS-2**SYSTEM NAME:**

Hunting Permit Application File, PCC-
CZG/CALS-2

SYSTEM LOCATION:

Agency Records Center, Building 42-
D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All applicants and holders of permits
to engage in hunting in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, place of
employment, rank, photograph,
signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C.
2573, 76A Stat. 495; 22 U.S.C. 3611 (Supp.
III 1979); Article III of the Panama Canal
Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in
prefatory statement or in 35 CFR Part 10,
Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

8½ by 10 inch printed form and 3 by 7
inch card.

RETRIEVABILITY:

Recovered manually.

SAFEGUARDS:

Access and use are restricted to
authorized personnel.

RETENTION AND DISPOSAL:

Retained three years after expiration
and thereafter forwarded to the Panama
Canal Company Agency Records Center
for disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch,
Panama Canal Commission, Records
Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the
System Manager or the Agency Records
Officer, Admin. Bldg., Balboa Heights,
Republic of Panama. Rules are
published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to
either of addresses designated in
Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is
maintained.

PCC-CZG/CALS-3**SYSTEM NAME:**

Fishing Pass Application File, PCC-
CZG/CALS-3.

SYSTEM LOCATION:

Agency Records Center, Building 42-
D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons applying for, or holding
valid Canal Zone fishing passes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, street and postal address,
date of birth, citizenship, occupation,
identification number, place of
employment and signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1491, 76A Stat. 50; 22 U.S.C.
3611 (Supp. III 1979); Article III of the
Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in
prefatory statement or in 35 CFR Part 10,
Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

8½ by 10 inch printed form and 3 by 7
inch card.

RETRIEVABILITY:

Filed by pass number and name,
recovered manually.

SAFEGUARDS:

Access and use are restricted to
authorized personnel

RETENTION AND DISPOSAL:

Forwarded to Agency Records Center
three years after expiration of license.

SYSTEM MANAGER(S) AND ADDRESS:

Agency Records Officer, Panama
Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the
Agency Records Officer, Admin., Bldg.,
Balboa Heights, Republic of Panama.
Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to
addressee designated in Notification
Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is
maintained.

PCC-CZG/CALS-4**SYSTEM NAME:**

Civil and Amateur Radio Operator
and Station License files, PCC-CZG/
CALS-4.

SYSTEM LOCATION:

Agency Records Center, Building 42-
D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons applying for, or issued
Canal Zone Amateur, Citizen's Band
and maritime Mobile Radio Operator
and/or Station Licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of licensee or applicant, street
and postal address, date of birth,
citizenship, operator's qualification test
scores and statements, phone number,
station location, call sign, organization
or affiliation. Also includes similar
information on other persons who may
be regularly operating radios licensed to
other individuals, such as student or
guest operators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 31-33, 76A Stat. 7; 22 U.S.C.
3611 (Supp. III 1979); Article III of the
Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed upon request to the Federal Communications Commission, local U.S. military frequency control coordinators, Government, State and local radio licensing authorities. Information may also be disclosed to licensing agencies of foreign governments where the applicant is claiming reciprocal licensing privileges in order to obtain a Canal Zone or foreign radio operator's license. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Printed forms, questionnaires and cards.

RETRIEVABILITY:

Filed by name, call sign or license number.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Call sign logbook retained as a permanent record. Other materials retained for five years after expiration of the license.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Agency Records Officer, Admin. Bldg. Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and the Federal Communications Commission.

PCC-CZG/CALS-7**SYSTEM NAME:**

Driver's License Investigatory File, PCC-CZG/CALS-7.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have had their Canal Zone license or privilege to operate motor vehicles in the Canal Zone revoked, suspended, cancelled, or have a medical problem related to driving.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, street and postal address, date of birth, citizenship, identification number, color of hair, color of eyes, height, weight, type and place of employment, grade or rank, qualification statements, photographs, and legal documents pertaining to arrests, court actions, hearings and/or related investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1001, 76A Stat. 37; 22 U.S.C. 3811 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to the U.S. Department of Transportation, State licensing agencies, courts and others having a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

8½ by 10 inch file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retain record until operator dies or license is restored. Restored license material retained for the life of the license record. Non-renewed license records transferred to Agency Records Center, retained for ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC-CZG/CALS-8**SYSTEM NAME:**

Motor Vehicle and Motorboat Registration and Operator's License File, PCC-CZG/CALS-8.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons registering motor vehicles, motorcycles, trailers, motorboats, etc., with the License Section, Ancon, Canal Zone. Persons who have been issued, or applied for, licenses or permits to operate motor vehicles, boats, etc. in the Canal Zone, or in Canal Zone waters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Owner/operator information normally includes the following: Name, identification number, home address, post office Box, date of birth, citizenship, height, weight, hair color. Certificate of Eligibility for active-duty members of U.S. Armed Forces who take advantage of special registration rates provided by law for such classes of persons. Information on the vehicle or craft includes engine number, manufacturer, model and color, license plate or registration number, and date of inspection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1001, 76A Stat. 37; 2 C.Z.C. 1331 and 1358-9, 76A Stat. 46-48; 22 U.S.C. 3811 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

As necessary, vehicle and boat operator and registration information may be provided to:

1. Law enforcement agencies, court officials, and local military commands in connection with the investigation of violations of highway and vehicle regulations and the identification and apprehension of criminals;
2. Local air and sea rescue coordinators and local yacht clubs when a boat is overdue;
3. Officials of the Republic of Panama in connection with law enforcement and regulatory procedures;
4. Hospitals and dispensaries treating traffic accident victims;
5. The U.S. Department of Transportation, state licensing agencies, and other agencies to the extent of their need.

See also the general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application for—forms, and related documentation; photomat cards; magnetic tapes/disks and punched cards; and computer printouts.

RETRIEVABILITY:

Retrievable by registration number; license plate number; operator/owner's name and identifying number.

SAFEGUARDS:

Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records other than computer printouts retained for three years after expiration of current license, then transferred to Agency Records Center; disposed of at end of ten-year retention period. Computer-produced reports destroyed when updated reports are issued.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Canal Commission Records, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records officer Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, and/or military command if the applicant is an active member of U.S. Armed Forces.

PCC-CZG/CALS-10

SYSTEM NAME:

Runners, Peddlers, and Solicitors—Application and License Files, PCC-CZG/CALS-10.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons applying for, or issued licenses to act as runners, peddlers, and solicitors (Definitions of these terms set forth in 35 CFR 63.1).

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, street and postal address, date of birth, parents' names, citizenship, Sanitation certificate (if required), and facts of employment or affiliation with commercial concerns being represented. Also contains information as to color of hair, color of eyes, weight, height, cedula number, etc., needed for identification purposes when applying for licenses authorizing access to certain vital installations in the Canal Zone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1441, 76A Stat. 49; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Local U.S. military authorities, and others responsible for the prevention of crime or the apprehension of criminals. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8 by 11 inches.

RETRIEVABILITY:

Filed by license number, retrieved manually.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Disposed of three years after expiration of license, excluding records retained for security reasons.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, police, employer.

PCC-CZG/CALS-11

SYSTEM NAME:

Official Permits to Have or Carry Firearms, PCC-CZG/CALS-11

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who apply for, or are issued official permits to have or carry firearms in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, citizenship, identification number, place of employment, weapon serial number and description, and other information as may be required by the licensing officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C. 2572-3, 76A Stat. 495; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed or referred routinely to Law enforcement agencies; courts, military agencies of the U.S. Government. See also general

routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms, correspondence, 3 by 7 inch cards.

RETRIEVABILITY:

Filed by name of permit holder.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records routinely disposed of three years after expiration of permit. Certain records may be retained longer to record the circumstances leading to a revocation or cancellation of a permit.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

System Manager or the information may be obtained from the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, police officials, and at times the applicant's employer if certification is required that the permit may be essential for personal safety, etc.

PCC-CZG/CAPL-14

SYSTEM NAME:

Inmate Trust Fund File, PCC-CZG/CAPL-14.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons actively serving sentences in the Canal Zone Penitentiary who are enrolled in the Inmate Trust Fund program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inmate's name, convict number, date of debit or credit to his account and the account balance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 C.Z.C. 6501-7, 76A Stat. 555-6; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed as required to courts, probation, parole and pardon board officials, federal penal institutions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8 by 10 1/2 inches.

RETRIEVABILITY:

By convict number.

SAFEGUARDS:

Delete. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

After discharge of inmate, these records were filed in convict record and transferred with record to Agency Records Center for storage. Scheduled for destruction December 31, 1999.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR, Part 10.

RECORD SOURCE CATEGORIES:

From inmate and Trust Fund Officer.

PCC-CZG/CAPL-20

SYSTEM NAME:

Driver's License Revocation Lists, PCC-CZG/CAPL-20.

SYSTEM LOCATION:

Agency Records Center, Building

42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have had their driving privileges revoked in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identifying number, residence, date of revocation, photograph and police number, and copy of order revoking driving privileges issued by the License Section.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1001-3, 76A Stat. 7, 37; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed form 8 by 10 inches.

RETRIEVABILITY:

Filed by date received, cross-referenced by name of driver.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed once revocation is suspended.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Police reports, license files.

PCC-CZG/CAPS-2**SYSTEM NAME:**

Case Investigations, PCC-CZG/
CAPS-2.

SYSTEM LOCATION:

Agency Records Center, Building 42-
D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in, witnesses to, or suspected of activities related offenses involving narcotics, obscene literature, fraud, prohibited mail matter, rifling of mails, tampering of mail boxes, theft of mail, threatening letters, theft of money orders, theft of postal keys, vandalism of mail boxes, wrong payment of money orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, dates and facts of case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1131-32, 76A Stat. 38-39; 6 CZC, 2001, 76A Stat. 481; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in folders.

RETRIEVABILITY:

Filed by Case number, name of individual and/or offense or irregularity.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch,
Panama Canal Commission, Records
Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addresses as designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals, employees, witnesses, law enforcement agencies, courts, postal patrons, U.S. and Foreign Postal Administrations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential source is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC-CZG/CAPS-5**SYSTEM NAME:**

Philatelic Program, PCC-CZG/CAPS-5.

SYSTEM LOCATION:

Agency Records Center, Building 42-
D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Stamp collectors and others making inquiries of a philatelic nature.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record normally contains correspondence showing the names and addresses of persons ordering stamps, first day covers, etc. through the philatelic program. Records of, the date and amount of payment, items shipped, and related information is also contained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 1031-1143, 76A Stat. 38.40; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Individual file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed two years after file becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch,
Panama Canal Commission, Records
Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

PCC/ECCN-2**SYSTEM NAME:**

Contractor Employee Payroll Records.
PCC/ECCN-2.

SYSTEM LOCATION:

Construction Management Branch,
Bldg. 29-X, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of contractors working on Panama Canal Commission contracts when such employees are working in the Canal area and being paid hourly wages.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contract number, contractor, employee's name, cedula number, hourly rate of pay, hours worked, total hours worked, total amount paid and other information as required to assure contractor's compliance with the Hours and Safety Standards Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); 40 U.S.C. 327 et seq.; Article III of the Panama Canal Treaty of 1977, and Articles IX and XI of the Agreements in Implementation of Article III of the Panama Canal Treaty.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

US Department of Labor, US Court of Claims, US Army Corps of Engineers Board of Contract Appeals; insurance companies (sureties), GOP Department of Labor, US Embassy and others as required to assure contractor's compliance with above Acts regarding minimum wage, and maximum daily and weekly hours of work. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders.

RETRIEVABILITY:

Individual pay data and hours of work retrieved chronologically by date.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained by contracting officer for one year after final payment of contract, then transferred to Agency Records Center. Destroyed three years later unless claim pending.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Provided by the contractor.

PCC/FMAP-2.**SYSTEM NAME:**

Payroll System for Vessel Employees, PCC/FMAP-2.

SYSTEM LOCATION:

Payroll Branch, Panama Canal Commission, Bldg. 365, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former vessel employees on Panama Canal Commission steamships.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to accumulate pay-related data, calculate pay, and account for payments former to crew members of Commission steamships, including such information as name, Social Security number, article number, rate, and position title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611 and 3721 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In connection with their authorized functions, disclosure is authorized to the Office of Personnel Management; Internal Revenue Service, Federal Social Security Administration; municipal county and state tax offices in the United States, employee credit unions, financial institutions, labor unions, insurance carriers, state unemployment compensation offices. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Journals and cards, and 16 mm rolls of silver halide microfilm.

RETRIEVABILITY:

Filed by Social Security number and retrievable by name.

SAFEGUARDS:

Stored in building locked when not in use. Two microfilm silver copies made simultaneously. One security copy stored in Treasurer's Vault in locked, fireproof, film file cabinet. Second copy used for retrieval of information and is stored in a fireproof, film file cabinet, which is locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Paper records and microfilm destroyed sixty years after first day of employment of vessel employee by Panama Canal Commission.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individual and ship's purser, and captain.

PCC-CZG/FVGA-2**SYSTEM NAME:**

Cash Register Receipt Shortages, PCC-CZG/FVGA-2.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who experience cash register shortages.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained to determine potential weakness in cash controls and may be referred to in routine cash audits or as the basis for a cash audit. Records contain information such as employee's name, cash register number, retail unit, date and amount of cash shortage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 65, 66, 76A Stat. 11; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Forms in file folders.

RETRIEVABILITY:

Filed by retail area in chronological sequence. Retrievable by employee name.

SAFEGUARDS:

Stored in locked file cabinets in building locked when not in use. Access

and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by shredding after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Agency Records Officer, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Agency Records Officer, Admin. Bldg. Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to addressee designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Retail unit managers.

PCC-CZG/GE-1 (STATE-39)

SYSTEM NAME:

Visa records, PCC-CZG/GE-1 (STATE-39).

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for visas aliens who may be eligible to receive visas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Visa applications accompanied by documents such as birth certificates, marriage certificates, spouses' birth certificates, affidavits of support, police records, and medical examinations; letters from interested parties; and communications between the Visa Office and the Visa Office, Department of State, consulates, other U.S. Government agencies, international organizations, and foreign missions regarding the eligibility, issuance, revalidation, and extension of visas.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1101-1503; see in particular 8 U.S.C. 1101(a)(9); 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from these records may be released to the Visa Office, Department of State, other U.S. consular

offices, and the Immigration and Naturalization Service to coordinate the issuance of visas; to other government agencies that have statutory or other lawful authority to maintain such information; and to interested parties inquiring as to the statute of a particular case. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, cards, and individual forms.

RETRIEVABILITY:

Filed alphabetically by name of applicant.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retention of these records varies from one year to an indefinite period of time, depending upon the specific type of record involved. They are retired or destroyed in accordance with published schedules of the Department of State.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addresses in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual; members of Congress; the public interested in the visa applicant's case; Department of State and other U.S. Government agencies; U.S. Consular offices; foreign missions; international organizations; and local sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (h), and (i), and (f) by the Department of State. See 22 CFR 6a.6 (i), and (j)(1)-3.

PCC/GSPL-1

SYSTEM NAME:

Law Enforcement Case Report Files, PCC/GSPL-1.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or have been subjects of police investigations, including persons who have committed crimes or are alleged to have committed crimes; persons witnessing or reporting criminal activities; missing persons; and persons filing official complaints about the conduct of other persons when such conduct is not a violation of law.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's and/or suspect's name, witness' or witnesses' names, complainant's name, identification or cedula number, residence, birth date, age, sex, citizenship, occupation, employer, date and time of incident, name of the investigating/arresting officer, investigative facts concerning the case. Subsystem contains subject's name, identification number, residence, birth date, age, sex, citizenship, photograph number, fingerprint classification date and time of incident, location of case report, and notations of arrests and outstanding warrants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 3701-44, 76A Stat. 503-5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to law enforcement agencies, court officials, and local military commands as necessary to assist in the apprehension and identification of criminals, and to conduct investigations related thereto. See also general routine use paragraphs in prefatory statement or in 35 FR Part 10 Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8½ by 11 inches; computer printouts; magnetic tape; punch cards; logbooks; and index cards.

RETRIEVABILITY:

Logbooks and index cards permit retrieval of case report by name of

arrestee, complainant, or person about whom complaint has been made. Information on computer not retrievable by personal identifier.

SAFEGUARDS:

Inactive files maintained in Agency Records Center, a building locked when not in use. Case files in Agency Records Center normally released only to designated Commission Support Services Branch officials. Magnetic tapes stored in locked rooms when not in use. Access to and use of all records restricted to authorized personnel.

RETENTION AND DISPOSAL:

Held for seven years at Agency Records Center, and then destroyed. Case information and arrest records on magnetic tape automatically expunged five years after date of report unless longer retention specifically requested. Computer produced reports retained at Support Services Branch up to ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSPL-4**SYSTEM NAME:**

Convict Files, PCC/GSPL-4.

SYSTEM LOCATION:

Agency Records Center, Bldg. 42-D, Diablo, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have been sentenced and have served any length of time in the Panama Canal Commission Penitentiary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Convict's number, name, fingerprint classification, entrance and discharge dates, charge against convict, residence, citizenship, names of family, and related personal information. Also has history record of stay in penitentiary, disciplinary comments, brief case history of arrest and conviction, other pertinent information concerning case involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 6501-7, 76A Stat. 555-6; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide historical data and reference information, regarding release, parole, probation, pardon, and other pertinent data on former and present inmates of the Panama Canal Commission penal facilities; to police, courts, and investigatory agencies, with a legitimate interest in such information. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Printed forms and typed pages.

RETRIEVABILITY:

Filed by convict number.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Original records maintained indefinitely in the Agency Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSPL-5**SYSTEM NAME:**

Prisoner Record Cards, PCC/GSPL-5.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have been arrested by the Panama Canal Commission Police.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's name, identifying number, residence, birth date, age, citizenship,

occupation, employer, date and time of arrest, arresting officer, sex, convict number, alias, arrest charge, name of complainant, final disposition received, and brief account of activities while individual was incarcerated.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code; 22 U.S.C. 3831 and 3852 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to law enforcement agencies, courts, and investigatory agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A-8.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Printed forms, 8 by 10 inches and micro-film cassettes.

RETRIEVABILITY:

Filed by name of prisoner, and date of arrest.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained indefinitely, no disposition schedule in effect.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See CFR 10.21 and 10.22.

CC/GSPL-6.**SYSTEM NAME:**

Police Photo Files, PCC/GSPL-6.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have been arrested, booked, and photographed by the Panama Canal Commission Police.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's photo number, height, date of arrest, and the district in which the arrest occurred.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 3701-44, 76A Stat. 503-5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed to civilian and military investigative and law enforcement department of the U.S. Government, and Government of Panama courts, and other parties, including eye-witnesses to crimes as required to assist in identification of known or alleged criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

3 by 5 inch photographs.

RETRIEVABILITY:

By photo number, and by number entered on the arrest record.

SAFEGUARDS:

Maintained in Agency Records Center, a building locked when not in use. Access and use are restricted to authorized personnel only.

RETENTION AND DISPOSAL:

Indefinitely. No disposition schedule established.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSPL-7**SYSTEM NAME:**

Fingerprint File, PCC/GSPL-7

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons having been fingerprinted by, or whose prints have been provided to the Panama Canal Commission Police in the process of authorized law enforcement activities in the Canal Zone.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subject's name, occupation, age, fingerprint classification, offense or reason for printing, actual prints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 3701-44, 76A Stat. 503-5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosed upon request to other law enforcement agencies and to courts consistent with the identification and/or apprehension of criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Printed forms 4 by 6 inches.

RETRIEVABILITY:

By fingerprint classification.

SAFEGUARDS:

Maintained in Agency Records Center, a building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSPL-10**SYSTEM NAME:**

Master Name File, PCC/GSPL-10.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been arrested; reported offenses to the police; been involved in an incident coming to the attention of the Panama Canal Commission Police; been reported missing; and, persons who have outstanding warrants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identifying number, residence, birth date, citizenship, occupation, employer, photograph number, fingerprint classification, convict number, alias, sex, type of warrant, violations of law committed, date and time of the arrest/incident, investigating/arresting officer, notations about the arrest/incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 3701-44, 76A Stat. 503-5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to investigatory agencies and law enforcement agencies as required to assist in the apprehension and/or identification of known or alleged criminals, to prevent crime, locate witnesses etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

3 by 5 inch cards, including reference cards to the fingerprint files.

RETRIEVABILITY:

Filed by name of person.

SAFEGUARDS:

Maintained in Agency Records Center, a building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained indefinitely on persons who have been arrested and prosecuted for a felony. All others destroyed by burning ten years after reported incident.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21 and 10.22.

PCC/GSPL-13**SYSTEM NAME:**

Arrest Record File, PCC/GSPL-13.

SYSTEM LOCATION:

Support Services Branch, Building 729, Balboa, R.P.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have been arrested, fingerprinted, photographed for violations of law. Also includes those persons required to appear in Magistrates Court for traffic violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, alias, age, birth date, marital status, color, sex, felony or misdemeanor charge, type of arrest, convict number, photograph number, nationality, residence, occupation, employer, drivers license number, identifying numbers, complainant, location of arrest, court dates and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 1691-1716, 3701-44, 76A Stat. 474-6, 503-5; 22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide statistical data, to identify criminal offenders, and to index such information for use by law enforcement agencies, courts, consular and diplomatic officials and others with a valid need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Printed cards 4 by 6 inches and microfilm cassettes.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in locked Kard-Veyer (rotary file) and locked micro-film file

cabinet. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained indefinitely, no disposition schedule established.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Support Services Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated on Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Compiled from individual arrest reports, from person arrested, and from identifying case report serial numbers.

PCC/GSPL-15**SYSTEM NAME:**

Complaints Against Policemen File, PCC/GSPL-15.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All police personnel about whom written complaints have been submitted from citizens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subjects's name, badge number, date and time of the complaint, facts of the complaint as stated by the complainant, officer's statement as to his actions, decision on complaint, actions taken by person investigating the complaint, results of the complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Original letter of complaint.

RETRIEVABILITY:

By name of subject-police officer.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Maintained indefinitely. No disposition schedule established.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Request should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From person making complaint; from employee; witnesses; investigating officer(s).

PCC/GSPL-16**SYSTEM NAME:**

Traffic Accident Reports, PCC/GSPL-16

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in traffic accidents occurring in the Canal area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Driver's name, identifying number, license number, residence, birth date, age, sex, citizenship, occupation, employer, address of employer, description of vehicle or vehicles involved, name, address and telephone number of owner of vehicle, violations committed, notations of court proceedings and dispositions, investigating officer's name, and facts and observations of the investigation. Subsystem contains driver's name,

identifying number or date of birth, and traffic accident number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3831 (Supp. III 1979); Article XI of the Panama Canal Treaty of 1977; 6 Panama Canal Code 1691.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routinely released to court officials, owners of vehicles, insurance companies, and law enforcement agencies with a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms 8½ by 11 inches; index cards; punch cards; magnetic tape; and computer-produced reports.

RETRIEVABILITY:

Accident reports filed by accident number and date, cross-indexed by name of driver. Information on magnetic tape not retrievable by personal identifier.

SAFEGUARDS:

Inactive files maintained in Agency Records Center, a building locked when not in use. Accident report files in Agency Records Center normally released only to designated Panama Canal Commission Police officials. Access to and use of all records restricted to authorized personnel.

RETENTION AND DISPOSAL:

Manual files destroyed five year after final disposition of case. Information on magnetic tape automatically expunged three years after date of report unless longer retention is specifically requested. Computer-produced reports retained at Support Services Branch up to ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Administration Building, Balboa Heights, R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Compiled from information provided by the vehicle operator, witnesses, and the investigating officer.

PCC/GSPL-18

SYSTEM NAME:

Prisoner Property Record, PCC/GSPL-18

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons whose personal property is held or seized by the police at the time of arrest or incarceration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the receipt number, prisoner's name, money, and other property seized or held; the name of the receiving officer, and the receipt for return of the property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 Panama Canal Code 4901-7, 76A Stat. 544-5; 22 U.S.C. 3831 and 3852 (Supp. III 1979); article XI of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms

RETRIEVABILITY:

Filed and retrieved by receipt number.

SAFEGUARDS:

Maintained in Agency Records Center, a building locked when not in use. Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Held 3 years after property is returned. Destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the Systems Manager or the Agency

Records Officer, Administration Building, Balboa Heights, R.P. Rules are Published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From prisoner, and officer completing the form.

PCC/GSSP-1

SYSTEM NAME:

Expert and Consultant Records, PCC/GSSP-1

SYSTEM LOCATION:

Chief, Purchasing and Contracts Branch, Storehouse Division, Panama Canal Commission, APO Miami 34011.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Experts and consultants procured by contract to furnish services to the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Curriculum vitae of individuals, copies of contracts and charges, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3109; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977 and Article XI of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or retrievable alphabetically by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroyed by shredding or burning six years after final payment.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch,
Panama Canal Commission, Records
Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the
Systems Manager or the Agency
Records Officer, Administration
Building, Balboa Heights, R.P. Rules are
published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to
either of addresses designated in
Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individual, references
provided by individual and peers; and
the component of the Canal Commission
requesting expert or consultant services.

PCC/GSSS-1**SYSTEM NAME:**

Vessel Employee Records, PCC/
GSSS-1.

SYSTEM LOCATION:

Logistical Support Branch, Bldg. 601-
5-A, Panama Canal Commission, 4400
Dauphine Street, New Orleans,
Louisiana 70146.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Formal crew members of the S.S.
Cristobal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal data on former
crewmembers of S.S. Cristobal,
including information on qualifications,
positions occupied, "Z" number, next of
kin, and adverse and disciplinary action
record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 22 U.S.C. 3611 (Supp. III
1979); 46 U.S.C. Chapter 18; Articles III
and X of the Panama Canal Treaty of
1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in
prefatory statement or in 35 CFR Part 10,
Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Cards.

RETRIEVABILITY:

Filed or retrievable alphabetically by
name.

SAFEGUARDS:

Stored in locked metal file cabinets in
building with around-the-clock guard.
Access and use are restricted to
authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Logistical Support Branch, Bldg.
601-5-A, Panama Canal Commission,
4400 Dauphine Street, New Orleans,
Louisiana 70146.

NOTIFICATION PROCEDURE:

Information may be obtained from the
System Manager or the Agency Records
Officer, Administration Building, Balboa
Heights, Republic of Panama. Rules are
published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to
either of addresses designated in
Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individual, supervisors, union
officials, and U.S. Coast Guard.

PCC-CZG/HL-1**SYSTEM NAME:**

Health, Medical, Dental, and
Veterinary Records Systems, PCC-CZG/
HL-1.

SYSTEM LOCATION:

Agency Records Center, Building 42-
D, Diablo, Republic of Panama; Federal
Records Center, East Point, Georgia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Canal agencies;
individuals in the service of and
sponsored by a U.S. Government agency
(U.S. Armed Forces, State Department,
Veterans Administration, U.S. Public
Health Service, Federal Aviation
Administration; Federal Highway
Administration; Smithsonian Institute);
retired U.S. Government employees;
district dentists and their employees;
concessionaires of the Canal
organization; Canal Zone land licensees;
Canal Zone religious, social, charitable,
and educational workers; U.S.
Government contractors and their
employees; Canal Zone commercial
company employers; and the
dependents of individuals in the
preceding categories who reside with

the individuals. Persons other than
dependents who are U.S. Government
authorized Canal Zone visitors or
residents; merchant seamen in transit
and unsponsored individuals from
ocean-going vessels; prisoners at the
Canal Zone Penitentiary; charity cases
sponsored by the Canal Zone United
Way and teaching cases; non-resident
private pay patients; and noneligible,
nonsponsored individuals receiving
emergency treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Qualification physical examinations;
Pre-employment, and periodic medical
examinations to determine fitness for
duty consistent with job qualifications
and requirements. Inpatient hospital
medical charts: All medical information
and records relating to an individual's
hospitalization. Outpatient medical
charts: Documentation of medical
treatment received by an individual on
an outpatient basis from hospital,
clinics, first aid stations, and other
health facilities. Also may contain
abstracts of inpatient hospitalizations.
Public health records: Information on
individuals in community health
programs for control of communicable
diseases, industrial health, school
health, quarantine, sanitation, and
environmental quality control. Mental
health records: All medical information
and records which pertain to an
individual's outpatient and/or inpatient
treatment for psychiatric services, drug
and alcohol rehabilitation, and other
social service or psychological support.
Dental care records: Information relating
to an individual's history of dental care
as documented in separate and distinct
dental care records. Animal care and
hospitalization records: Information
which pertains to the quarantine, care
and treatment of animals. Mortuary
service records: Information regarding
mortuary services furnished.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 911 and 912, 76A Stat. 36; 5
C.Z.C. 1631-56, 76A Stat. 353-360; 6
C.Z.C. 1101, 2, and 9, 76A Stat. 448 and
450; 6 C.Z.C. 4784, 76A Stat. 540; 21
U.S.C. 1171-5 and 1180; 42 U.S.C. 257
and 4561; P.L. 93-282; 22 U.S.C. 3611
(Supp. III 1979); Article III of the Panama
Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that does not relate to
alcohol or drug abuse may be released
from these records to the extent needed,
as follows:

1. To other Federal agencies and offices that are responsible by statute or other competent authority for Federal programs to which the records are pertinent, such as the components of the U.S. Armed Forces, the Social Security Administration, the Veterans Administration, the Civil Service Commission, retired military pay centers.

2. To the Communicable Disease Center, Atlanta, Georgia, and private contractors providing benefits under the auspices of the Canal or other Federal agencies.

3. To the police or other competent authority when the director of the hospital or other Health Bureau unit determines that prompt release of such information is essential for the apprehension of a criminal, protection of the patient, or protection of the public. Examples would be cases involving suspected child abuse, death from unnatural causes, or communicable disease.

Information may be released from these records to the extent needed, as follows:

1. To officials of other Federal agencies when requested in writing for purposes of determination of cause of death, compilation of vital statistics, management or financial audits or program evaluation, and approved scientific research in which patient identity will not be disclosed.

2. Respond to general requests for statistical information, under the Freedom of Information Act while maintaining individual anonymity.

3. To provide documentation to sponsoring agencies or other foreign governments as regards their patients consistent with the need-to-know rules of confidentiality, and procedural security in the release of information.

4. To provide basis for administrative and professional decisions regarding the coordination with U.S. foreign, and international health agencies in disease prevention and control, including information related to zoonotic and agricultural disease; inspection, surveillance, and control of food products; and intentional quarantine measures.

5. To medical personnel to the extent necessary to meet a bona fide emergency.

6. To a court of competent jurisdiction if authorized by an appropriate order granted after application showing good cause therefor.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, individual forms, and cards.

RETRIEVABILITY:

Records or cross-reference index cards providing access to records are filed alphabetically by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Physical examination records except for those held for transfer into official personnel folder destroyed after 6 years; hospital inpatient medical charts destroyed 25 years after patient's discharge from hospital; outpatient medical charts destroyed 6 years after year of last entry in file; medical x-ray and radiographic reports filed separately from medical charts destroyed after 8 years except for selected items held indefinitely for teaching or claims purposes; veterans; case files destroyed 6 years after date of last papers in folder; venereal disease charts filed separately from medical charts destroyed 6 years after last entry; mental health patient records destroyed 25 years after patient's discharge; animal patient records destroyed 6 years after last entry; patient index cards are permanent; program files are permanent; and duplicate records are destroyed after 3 years. (Note: Destruction suspended until further notice.)

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment inclusive dates, when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the addresses in Notification Procedures, preceding. Procedures for disclosure of information from the

medical records of the individual requesting access are set forth in 35 CFR 10.9.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; and information from sponsoring agencies.

PCC-CZG/HL-2

SYSTEM NAME:

Medical Administration System Exempt, PCC-CZG/HL-2.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; noneligible, nonsponsored individuals receiving emergency treatment; and children placed for adoption or in foster homes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medico-legal: Documentation and correspondence which relates to medical records and is obtained in the processing of blood alcohol and urine drug screening procedures, rape cases, injury and claim cases, deaths and other unusual incidences. Investigation

records: Detailed audits, special and routine investigations and inquiries regarding Health Bureau activities. Child abuse program: Files relating to the administrative and professional management of suspected and actual cases of child abuse. Social Services files: Files containing personal information resulting from case studies and social work counseling. Adoption program: Background information on social services management of pre-adoption home studies, child placement, counseling and follow-up actions. Foster home program: Personal data and background studies on persons interested in participation in the Foster Home Program. Complaints: Background information and investigative correspondence promulgated by complaints regarding medical care rendered. Utilization and peer review files: Sensitive information regarding the quality of care provided to patients, reasons for length of stay of patients, and other monitoring requirements as specified by accrediting agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 31-33, 911 and 912, 76A Stat. 7, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 541 and 4784, 76A Stat. 429 and 540; 8 C.Z.C. 381-7, 76A Stat. 690-1; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91-513, and 93-282; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released from these records to the extent needed, as follows:

1. To the Joint Commission for Accreditation of Hospitals for hospital accreditation.
2. To officials of other Governments and private organizations in the Canal Zone to coordinate the medical treatment of victims of child abuse and the provision of professional assistance for those involved in such cases.
3. To members of the community and other Government organizations who are serving on committees or are assigned to adoption, foster home, and other social service programs.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed or cross-referenced alphabetically by name.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of the addresses designated in Notification Procedures, preceding. Procedures for disclosure of information from the Medical records of the individual requesting access are set forth in 35 CFR 10.9.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; administrative, professional, and investigatory personnel and records; testimonies and statements of individuals concerned with case; court, police, and personnel records; and information from sponsoring agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.22.

PCC-CZG/HL-3

SYSTEM NAME:

Medical Administration System—Nonexempt, PCC-CZG/HL-3.

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Panama Canal Company and Canal Zone Government; individuals in the service of and sponsored by other U.S. Government agencies (U.S. Armed Forces, State Department; Veterans Administration; U.S. Public Health Service; Federal Aviation Administration; Federal Highway Administration; Smithsonian Tropical Research Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaries of the Canal Zone organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government-authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; and noneligible, non-sponsored individuals receiving emergency treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual registration, licensure, and certification records: Information maintained in connection with the monitoring of medical specialty training programs and certification of accreditation, including information on state and Canal Zone medical licenses held by individuals. Curriculum viates: Comprehensive information on qualifications and background of key Health Bureau employees and visiting consultants. Drug and controlled substances records: Administrative files maintained in accordance with regulations relating to the control of narcotics. Program accreditation and certification records: Correspondence and reports relating to the management and control of activities by the professional and administrative staff, including identification of deficiencies. Medical treatment indices: Records

maintained by patient, disease code, physician, patient age, patient length of stay, discharge, diagnoses, and operative procedures to meet requirements of the Joint Commission for Accreditation of Hospital. Hospitals billing and bill reduction and cancellation records: Billings to insurance companies and through Agents Accounts and Payroll Branches and information obtained to make determinations regarding the ability of individuals to pay for medical treatment. Housing exceptions records: Medical backup information used in evaluating formal written requests from employees for assignment for medical reasons to government housing for which they are otherwise ineligible. Fiscal accounting records: Information regarding medical treatment rendered and tariff charges, including patient invoices. Blood bank and donor records: Information specifying donors' blood types, addresses, telephone numbers, and blood donations. Locator records: Information on location, status, and assignments of patients and employees. Hospital population records: Listings of patient. Veterans Administration data: Information pertinent to the hospitalization and of Veteran Administration beneficiaries. Medical evaluation boards: Information on the composition and administration of medical evaluation boards. Aeromedical evacuation records: Information obtained for making determinations of the necessity of evacuating patients by air. Incident reports on such evacuations. Radiation exposure records: Data on individuals exposed to radiation. Community health and environmental reports. Medical Correspondence records.

The following portions of the system are on computer.

a. Hospital Census Program: Persons who are inpatients at Canal Zone medical facilities at the time the report is compiled. Includes the patient's name and/or name of sponsoring employee or agency; the patient's sex, marital status, religion, citizenship, residence, dates of admission, treatment and discharge.

b. Hospital Inpatient Billing and Statistical Information, including name of patient, name of employee/sponsor or sponsoring agency, employing unit, address, telephone number citizenship, insurance carrier, etc. of persons who are obtaining inpatient service at Canal Zone Government medical facilities.

c. Hospital Outpatient Billing Program: Information, including name of person receiving treatment during the period for which the report is compiled, the name of employee/sponsor or his sponsoring agency, employing unit, address,

citizenship, telephone number, insurance carrier, etc. of persons obtaining outpatient services at Canal Zone Government medical facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 31-33, 911 and 912 76A Stat. 7, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 1101, 2 and 9, 76A Stat. 448 and 450; 8 C.Z.C. 4784, 76A Stat. 540; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91-513, and 93-282; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information that does not relate to alcohol or drug abuse may be released from these records to the extent needed, as follows:

1. To Federal agencies and other organizations responsible by statute or other competent authority for programs to which the information is pertinent, such as components of the U.S. Armed Forces, the Social Security Administration, the Veterans Administration, the Civil Service Commission, retired military pay centers, and the Joint Commission for Accreditation of Hospitals;
2. To law enforcement officials when Health Bureau officials determine that such disclosure is essential for the apprehension of a criminal, protection of the patient, or protection of the public;
3. To insurance companies and sponsoring agencies, organizations, or foreign governments for the purpose of documenting treatment or billings;
4. To officials of other agencies, foreign governments, and private organizations in the Canal Zone in connection with treatment and professional assistance in child abuse cases and in connection with adoption, foster home, and other social service programs; and
5. To United States, foreign and international health officials and agencies, including the Communicable Disease Center, in connection with the reporting of human and animal communicable diseases.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; cards; individual forms; magnetic tape/disks and punched cards; and computer printouts.

RETRIEVABILITY:

Paper records or cross-reference index cards providing access to records are filed alphabetically by name. Information retrievable from computer by patient's or employee's number.

SAFEGUARDS:

Access and use restricted to authorized personnel.

RETENTION AND DISPOSAL:

Accounting and billing records destroyed after four years; blood donor cards, when donor no longer available or able to give blood; location records, when superseded; Veterans Administration beneficiaries, six years after date of last paper in folder; aeromedical evacuation records, after three years. Curriculum vitae and individual registration, licensure, and certification records: for civilians, destroyed 1 year after separation; for military, retained 7 years after departure, transferred to Agency Records Center for 3 additional years, then destroyed. Drug and controlled substances records destroyed after 2 years. Program accreditation and certification records retained at least 3 years. Medical correspondence records retained 10 years before transfer to Agency Records Center. Computer produced reports: Hospital Census Report destroyed when updated report issued; Hospital Inpatient and Statistical Report destroyed when updated report issued; Hospital Outpatient Billing Report retained for 2 months after processing by billing personnel. Other records permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg., Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Procedures for disclosure of information from the Medical records of the individual requesting access are set forth in 35 CFR 10.9.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, medical and other administrative records, physicians and allied health personnel, other offices of the Canal agencies, schools and colleges, certifying and accrediting officials, the United States Armed Forces and the Veterans Administration, and other hospitals, physicians, boards, and committees.

PCC-CZG/SC-4

SYSTEM NAME:

Refugee Records, PCC-CZG/SC-4

SYSTEM LOCATION:

Agency Records Center, Building 42-D, Diablo, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons granted temporary refuge in the Canal Zone because of civil disturbance or natural disaster or because they are seeking political asylum.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information about refugees and their families; documentation establishing refugee status, conduct agreements, housing arrangements, information on entry and departure, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

2 C.Z.C. 841, 76A Stat. 32; E.O. 11305; 22 U.S.C. 2601-5; E.O. 11077; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released from these records on a need-to-know basis to officials of the U.S. and foreign governments in connection with the rehabilitation or relocation of refugees. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name of refugee.

SAFEGUARDS:

Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records Management Branch, Panama Canal Commission, Records Management Branch, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Admin. Bldg. Balboa Heights, Republic of Panama. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Request should be addressed to either of addressees designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

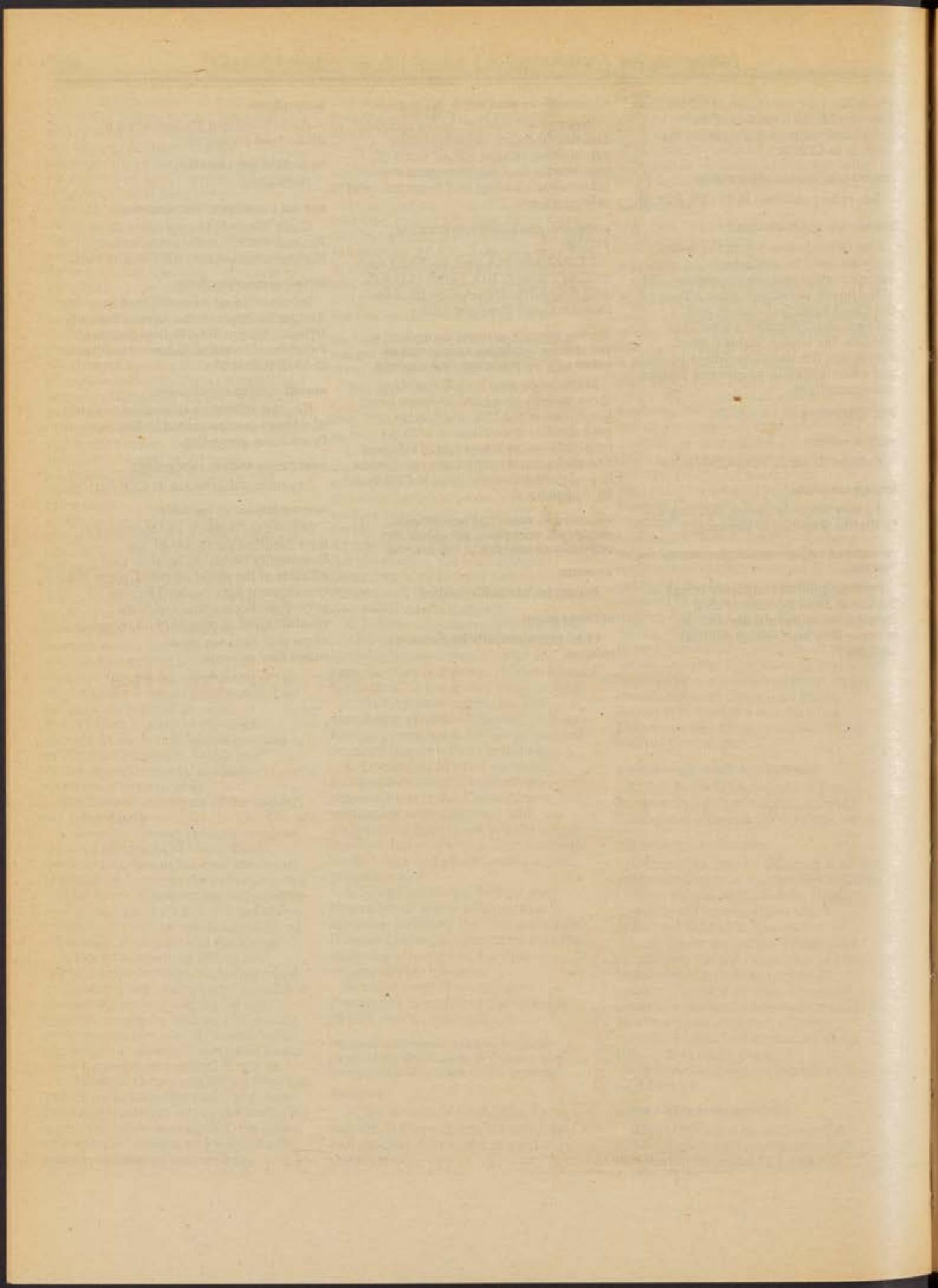
See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject individuals and members of their families; personnel of the Community Services Division, and officials of the canal agencies, other U.S. Government agencies and foreign governments concerned with the rehabilitation or relocation of refugees.

[FR Doc. 83-321 Filed 1-6-83; 8:45 am]

BILLING CODE 3640-01-M



federal register

**Friday
January 7, 1983**

Part IV

Department of the Interior

Minerals Management Service

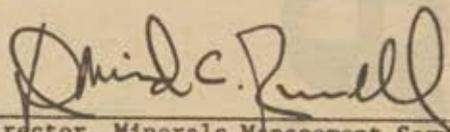
**Outer Continental Shelf, Central Gulf of
Mexico; Proposed Oil and Gas Lease
Sale No. 72**

Billing Code: 4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central Gulf of Mexico
Proposed Oil and Gas Lease Sale No. 72

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed notice of sale. The following is a proposed notice of sale for Sale No. 72 in the offshore waters of the Central Gulf of Mexico. This notice is hereby published as a matter of information to the public.

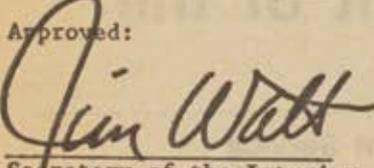


DEPUTY Director, Minerals Management Service
David C. Russell

JAN 3 1983

Date: _____

Approved: _____



Secretary of the Interior
Jim Watt

Proposed Notice of Sale
Outer Continental Shelf, Central Gulf of Mexico
Oil and Gas Lease Sale No. 72

4. **Bidding Systems.** All bids submitted at this sale must provide for a cash bonus in the amount of \$150 or more per acre or fraction thereof. All leases awarded for this sale will provide for a yearly rental payment of \$3 per acre or fraction thereof. The bidding systems to be utilized for this sale apply to blocks or bidding units as shown on the map entitled "Sale No. 72 - Central Gulf of Mexico Stipulations, Lease Terms and Bidding Systems," available from the Gulf of Mexico OCS Regional Office. Specific requirements of the various systems are as follows:

(a) **Bonus Bidding With a Fixed Sliding Scale Royalty.** Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates as follows:

When the quarterly value of production, adjusted for inflation, is less than or equal to \$20,873,434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$20,873,435 million, but less than or equal to \$37,740,054,115 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$R_j = b[\ln(V_j/S)]$$

where R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j
 $b = 7.0$

\ln = natural logarithm

V_j = the value of production in quarter j , adjusted for inflation, in millions of dollars

$S = 3.5$

When the adjusted quarterly value of production is equal to or greater than \$37,740,054,116 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, R_j , the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, V_j , in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar; for example, \$49,628,834 million.

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

1. **Authority.** This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of those regulations appeared in the Federal Register of June 16, 1982, at 47 FR 25967, and 26031. The revisions became effective on July 16, 1982, and will therefore apply to this sale.

2. **Filing of Bids.** Sealed bids will be received by the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 1301 North Causeway Boulevard, Metairie, Louisiana 70002. Bids may be delivered in person to the above address until 10:00 a.m., c.s.t., May 24, 1983. Because of new streamlining procedures, bids will not be accepted on May 25, 1983, the day of the sale, at the sale site specified in paragraph 6, below. Delivery by mail should be addressed to P.O. Box 7944, Metairie, Louisiana 70010. Bids received by the Regional Manager later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the Regional Manager prior to 10:00 a.m., c.s.t., May 24, 1983. Bids may not be withdrawn unless written withdrawal is received by the Regional Manager prior to 9:00 a.m., c.s.t., May 25, 1983. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale was published in the Federal Register, _____ FR

3. **Method of Bidding.** Tract numbers will not be used. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert sale number, map name(s), and block number(s)), not to be opened until 10:00 a.m., c.s.t., May 25, 1983," must be submitted for each block or prescribed bidding unit bid upon. For those blocks which must be bid on together as a bidding unit, all block numbers of blocks comprising the bidding unit must appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than all of the unleased portions of a block or bidding unit will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing. Partnerships also need to submit a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345%. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

*See paragraph 12 below.

Figure 1
Form of the Sliding Royalty Schedule

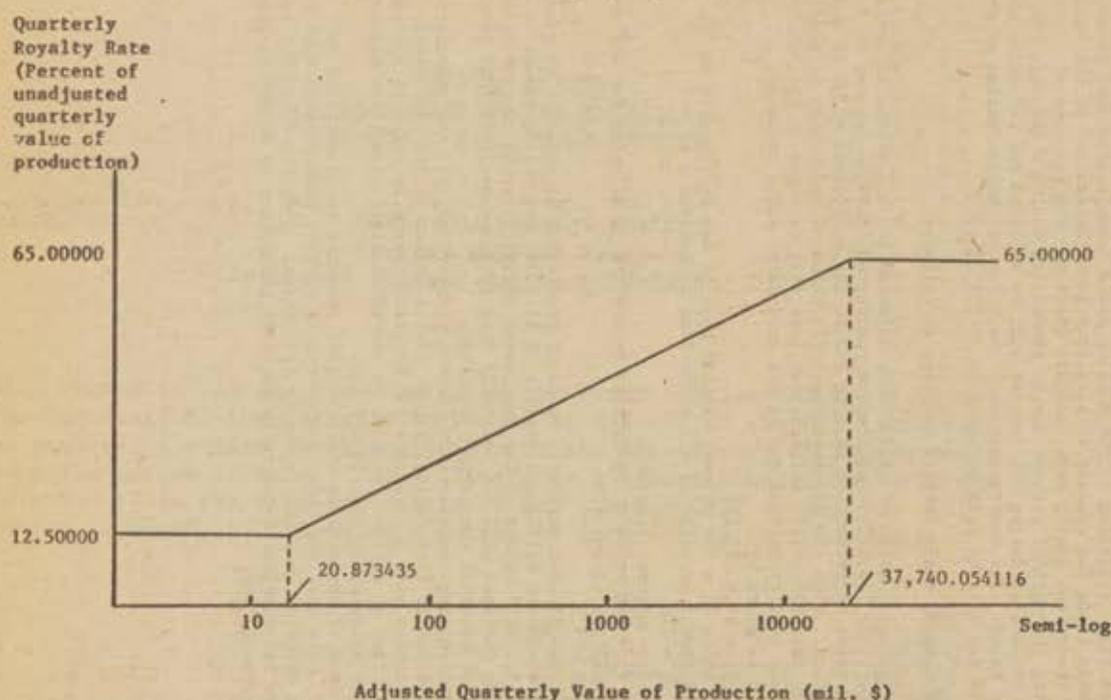


TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A)	(B)	(C)	(D)	(E)	(F)
Actual Value of Quarterly Production (Millions of Dollars)	GNP Fixed Weighted Price Index	Inflation Factor ¹	Adjusted Value of Quarterly Production ² (Vj, Millions of \$)	Percent Royalty Rate (Rj)	Royalty Payment ³ (Millions of Dollars)
10.000000	200.0	4/3	7.500000	12.50000	1.25000
30.000000	200.0	4/3	22.500000	13.02527	3.90758
90.000000	200.0	4/3	67.500000	20.71555	18.64400
270.000000	200.0	4/3	202.500000	28.40584	76.69577
810.000000	200.0	4/3	607.500000	36.09612	292.37857
10.000000	250.0	5/3	6.000000	12.50000	1.25000
30.000000	250.0	5/3	18.000000	12.50000	3.75000
90.000000	250.0	5/3	54.000000	19.15355	17.23820
270.000000	250.0	5/3	162.000000	26.84383	72.47834
810.000000	250.0	5/3	486.000000	34.53412	279.72637

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks or bidding units offered at this sale under this system must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent. All leases awarded under this system will provide for a minimum royalty payment of \$3 per acre or fraction thereof.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks or bidding units offered at this sale under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of \$3 per acre or fraction thereof.

(d) Bonus Bidding with a Fixed Net Profit Share. Bids on blocks or bidding units offered under this system must be submitted on a cash bonus basis with the fixed net profit share rate and the capital recovery factor indicated on the map entitled "Sale No. 72 - Central Gulf of Mexico, Stipulations, Lease Terms and Bidding Systems" as applicable to the block(s) bid upon. The net profit share payment shall be calculated according to regulations currently codified in 10 CFR 390 (originally promulgated by the Department of Energy, 45 FR 36784, May 30, 1980). The Department of the Interior is in the process of redesignating these regulations.

5. Equal Opportunity. Each bidder must have submitted by 10:00 a.m., c.s.t., May 24, 1983, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982), and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See Item 14, "Information to Bidders."

6. Bid Opening. Bids will be opened on May 25, 1983, beginning at 10:00 a.m., c.s.t., at the Louisiana Superdome, Gate "C", Hyatt Kamp Level, Rooms 3, 4, and 5, 1500 Poydras St., New Orleans, Louisiana. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, May 25, 1983, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder unless:

- the bidder has complied with all requirements of this notice and applicable regulations;
- the bid is the highest valid bid; and
- the amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of \$150 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this notice of sale, the OCS Lands Act, as amended, or applicable regulations, may be returned to the person submitting that bid by the Regional Manager, and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 30 CFR Subpart I within the time provided in 30 CFR 256.47, as amended. A modification of payments procedures for successful bidders appeared in the latest revision of the regulations discussed in paragraph 1, above. The changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Gulf of Mexico OCS Regional Office:

- Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for \$17.
- Outer Continental Shelf Official Protraction Diagrams:
 - NH 16-4 Mobile
 - NH 16-7 Viosca Knoll
 - NH 15-12 Dying Bank
 - NH 16-10 Mississippi Canyon
 - NG 15-3 Green Canyon
 - NG 16-1
 - NG 15-6 Walker Ridge
 - NC 16-4

These sell for \$2 each.

12. Description of the Areas Offered for Bids.

(a) Acreages of the following types of blocks offered for bid appear on the documents indicated. Acreages of full blocks and partial blocks occurring at the meeting of map borders appear on Leasing Maps and Official Protraction Diagrams (see paragraph 11, above). Acreages of split blocks on the Federal/State boundary appear on the set of drawings entitled "Split Blocks - Central Gulf of Mexico," available from the Gulf

(4) Central Gulf of Mexico Leased Lands:

Descriptions of Blocks Listed Represent All Federal Acreage Leased Unless Otherwise Noted

Subline Plus	West Cameron (continued)	West Cameron (continued)	West Cameron (continued)	West Cameron, South Addition (continued)	West Cameron, South Addition (continued)	West Cameron, South Addition (continued)
3	81	205				
5	83	206				
6	90	211				
7	91	212				
8	92	214				
9	94	215				
10	95	216				
11	96	222				
12	97	225				
13	101	229				
14	102	233				
15	106	236				
16	107	237				
	109	238				
	110	239				
	111	240				
	112	247				
	113	248				
	115	249				
	116	250				
	118	252				
	128	253				
	131	261				
	132	264				
	135	265				
	136	266				
	137	277				
	143	279				
	144	280				
	145	281				
	146	282				
	147	283				
	148	284				
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East Cameron (continued)	East Cameron South Addition (continued)	Vermilion (continued)	Vermilion (cont'd)	Vermilion South Addition (continued)	S. Marsh Island, North Addition (continued)	S. Marsh Island, South Addition (continued)	S. Marsh Island, South Addition (continued)	Eugene Island (continued)	Eugene Island (continued)	Eugene Island (continued)	Eugene Island South Addition (continued)	Ship Shoal (continued)
57	267	52	178 (cont'd)	256	229	33	150	231	231	231	320	61
58	270	54	NW1/4, SW1/4	297	230	41	155	237	237	237	320	62
63	272	56	179	297	230	48	155	237	237	237	320	63
64	272	57	182	302	(Landward of lease 0310 strip, line)	49	156	240	240	240	322	64 (W1/2)
65	273	58	190	303	303	50	157	242	242	242	322	64 (W1/2)
66	278	59	191	306	306	51	160	243	243	243	322	68
67	280	60	197	310	231	57	161	246	246	246	322	69
	281	61	201	311	232	58	162	247 (SW)	247 (SW)	247 (SW)	330	71 (W1/2)
	282	62	202	313	234	59	163	247 (SW)	247 (SW)	247 (SW)	331	71 (W1/2)
	283	63	213	315	235	60	164	247 (SW)	247 (SW)	247 (SW)	332	72
	284	64	213	315	235	61	165	247 (SW)	247 (SW)	247 (SW)	333	73
	285	65	213	315	235	62	166	247 (SW)	247 (SW)	247 (SW)	333	78
	286	66	214	318	236	63	167	247 (SW)	247 (SW)	247 (SW)	333	78
	287	67	215	320	237	64	168	247 (SW)	247 (SW)	247 (SW)	333	78
	288	68	217	323	238	65	169	247 (SW)	247 (SW)	247 (SW)	333	78
	289	69	217	323	238	66	170	247 (SW)	247 (SW)	247 (SW)	333	78
	290	70	217	323	238	67	171	247 (SW)	247 (SW)	247 (SW)	333	78
	291	71	(SW)	325	239	68	172	247 (SW)	247 (SW)	247 (SW)	333	78
	292	72	W1/2, SW1/4	325	239	69	173	247 (SW)	247 (SW)	247 (SW)	333	78
	293	73	218	326	240	70	174	247 (SW)	247 (SW)	247 (SW)	333	78
	294	74	218	326	240	71	175	247 (SW)	247 (SW)	247 (SW)	333	78
	295	75	218	326	240	72	176	247 (SW)	247 (SW)	247 (SW)	333	78
	296	76	(F1/2, SW1/4)	330	241	73	177	247 (SW)	247 (SW)	247 (SW)	333	78
	297	77	(F1/2, SW1/4)	330	241	74	178	247 (SW)	247 (SW)	247 (SW)	333	78
	298	78	(F1/2, SW1/4)	332	(Landward of lease 0310 strip, line)	75	179	247 (SW)	247 (SW)	247 (SW)	333	78
	299	79	221	336	242	76	180	247 (SW)	247 (SW)	247 (SW)	333	78
	300	80	222	337	243	77	181	247 (SW)	247 (SW)	247 (SW)	333	78
	301	81	225	338	244	78	182	247 (SW)	247 (SW)	247 (SW)	333	78
	302	82	225	338	244	79	183	247 (SW)	247 (SW)	247 (SW)	333	78
	303	83	225	338	244	80	184	247 (SW)	247 (SW)	247 (SW)	333	78
	304	84	225	338	244	81	185	247 (SW)	247 (SW)	247 (SW)	333	78
	305	85	225	338	244	82	186	247 (SW)	247 (SW)	247 (SW)	333	78
	306	86	225	338	244	83	187	247 (SW)	247 (SW)	247 (SW)	333	78
	307	87	225	338	244	84	188	247 (SW)	247 (SW)	247 (SW)	333	78
	308	88	225	338	244	85	189	247 (SW)	247 (SW)	247 (SW)	333	78
	309	89	225	338	244	86	190	247 (SW)	247 (SW)	247 (SW)	333	78
	310	90	225	338	244	87	191	247 (SW)	247 (SW)	247 (SW)	333	78
	311	91	225	338	244	88	192	247 (SW)	247 (SW)	247 (SW)	333	78
	312	92	225	338	244	89	193	247 (SW)	247 (SW)	247 (SW)	333	78
	313	93	225	338	244	90	194	247 (SW)	247 (SW)	247 (SW)	333	78
	314	94	225	338	244	91	195	247 (SW)	247 (SW)	247 (SW)	333	78
	315	95	225	338	244	92	196	247 (SW)	247 (SW)	247 (SW)	333	78
	316	96	225	338	244	93	197	247 (SW)	247 (SW)	247 (SW)	333	78
	317	97	225	338	244	94	198	247 (SW)	247 (SW)	247 (SW)	333	78
	318	98	225	338	244	95	199	247 (SW)	247 (SW)	247 (SW)	333	78
	319	99	225	338	244	96	200	247 (SW)	247 (SW)	247 (SW)	333	78
	320	100	225	338	244	97	201	247 (SW)	247 (SW)	247 (SW)	333	78
	321	101 (SW)	225	338	244	98	202	247 (SW)	247 (SW)	247 (SW)	333	78
	322	102	225	338	244	99	203	247 (SW)	247 (SW)	247 (SW)	333	78
	323	103	225	338	244	100	204	247 (SW)	247 (SW)	247 (SW)	333	78
	324	104	225	338	244	101	205	247 (SW)	247 (SW)	247 (SW)	333	78
	325	105	225	338	244	102	206	247 (SW)	247 (SW)	247 (SW)	333	78
	326	106	225	338	244	103	207	247 (SW)	247 (SW)	247 (SW)	333	78
	327	107	225	338	244	104	208	247 (SW)	247 (SW)	247 (SW)	333	78
	328	108	225	338	244	105	209	247 (SW)	247 (SW)	247 (SW)	333	78
	329	109	225	338	244	106	210	247 (SW)	247 (SW)	247 (SW)	333	78
	330	110	225	338	244	107	211	247 (SW)	247 (SW)	247 (SW)	333	78
	331	111	225	338	244	108	212	247 (SW)	247 (SW)	247 (SW)	333	78
	332	112	225	338	244	109	213	247 (SW)	247 (SW)	247 (SW)	333	78
	333	113	225	338	244	110	214	247 (SW)	247 (SW)	247 (SW)	333	78
	334	114	225	338	244	111	215	247 (SW)	247 (SW)	247 (SW)	333	78
	335	115	225	338	244	112	216	247 (SW)	247 (SW)	247 (SW)	333	78
	336	116	225	338	244	113	217	247 (SW)	247 (SW)	247 (SW)	333	78
	337	117	225	338	244	114	218	247 (SW)	247 (SW)	247 (SW)	333	78
	338	118	225	338	244	115	219	247 (SW)	247 (SW)	247 (SW)	333	78
	339	119 (NW)	225	338	244	116	220	247 (SW)	247 (SW)	247 (SW)	333	78
	340	120	225	338	244	117	221	247 (SW)	247 (SW)	247 (SW)	333	78
	341	121	225	338	244	118	222	247 (SW)	247 (SW)	247 (SW)	333	78
	342	122	225	338	244	119	223	247 (SW)	247 (SW)	247 (SW)	333	78
	343	123	225	338	244	120	224	247 (SW)	247 (SW)	247 (SW)	333	78
	344	124	225	338	244	121	225	247 (SW)	247 (SW)	247 (SW)	333	78
	345	125	225	338	244	122	226	247 (SW)	247 (SW)	247 (SW)	333	78
	346	126	225	338	244	123	227	247 (SW)	247 (SW)	247 (SW)	333	78
	347	127	225	338	244	124	228	247 (SW)	247 (SW)	247 (SW)	333	78
	348	128	225	338	244	125	229	247 (SW)	247 (SW)	247 (SW)	333	78
	349	129	225	338	244	126	230	247 (SW)	247 (SW)	247 (SW)	333	78
	350	130	225	338	244	127	231	247 (SW)	247 (SW)	247 (SW)	333	78
	351	131	225	338	244	128	232	247 (SW)	247 (SW)	247 (SW)	333	78
	352	132	225	338	244	129	233	247 (SW)	247 (SW)	247 (SW)	333	78
	353	133	225	338	244	130	234	247 (SW)	247 (SW)	247 (SW)	333	78
	354	134	225	338	244	131	235	247 (SW)	247 (SW)	247 (SW)	333	78
	355	135	225	338	244	132	236	247 (SW)	247 (SW)	247 (SW)	333	78
	356	136	225	338	244	133	237	247 (SW)	247 (SW)	247 (SW)	333	78
	357	137	225	338	244	134	238	247 (SW)	247 (SW)	247 (SW)	333	78
	358	138	225	338	244	135	239	247 (SW)	247 (SW)	247 (SW)	333	78
	359	139	225	338	244	136	240	247 (SW)	247 (SW)	247 (SW)	333	78
	360	140	225	338	244	137	241	247 (SW)	247 (SW)	247 (SW)	333	78
	361	141	225	338	244	138	242	247 (SW)	247 (SW)	247 (SW)	333	78
	362	142	225	338	244	139	243	247 (SW)	247 (SW)	247 (SW)	333	78
	363	143	225	338	244	140	244	247 (SW)	247 (SW)	247 (SW)	333	78
	364	144	225	338	244	141	245	247 (SW)	247 (SW)	247 (SW)	333	78
	365	145	225	338	244	142	246	247 (SW)	247 (SW)	247 (SW)	333	78
	366	146	225	338	244	143	247	247 (SW)	247 (SW)	247 (SW)	333	78
	367	147	225	338	244	144	248	247 (SW)	247 (SW)	247 (SW)	333	78
	368	148	225	338	244	145	249	247 (SW)	247 (SW)	247 (SW)	333	78
	369	149	225	338	244	146	250	247 (SW)	247 (SW)	247 (SW)	333	78
	370	150	225	338	244	147	251					

Ship Shoal (continued)	Ship Shoal, South Addition (continued)	South Timberlaker (continued)	South Pelto (continued)	Grand Isla, South Addition	West Delta (continued)	South Pass, South & East Addition (continued)	Main Pass (continued)	Main Pass, South & East Addition (continued)	Vivian Knoll	Mississippi Canyon (continued)
205		161	12	90	91	62	100	277	24	354
206	343	162	13	91	92	64	102	277	68	355
207	356	163	15	93	93	65	103	278	204	397
		164	18	94	94	66	104	288	249	398
209		165	19 (W/S)	95	95	67	(NW, N, SW)	289	250	398
210		166	20	96	96	68	106	290	251	399
211		169	21	96	96	69	(NW, N)	293	294	441
214		170	23	96	99	70	(NW, N)	296	295	485
215		171	24	96	100	71	(NW, N)	298	296	487
216		172	25	96	100	72	(NW, N)	299	817	663
217		173	25	96	102	73	(NW, N)	300	817	707
218		174	25	96	103	74	(NW, N)	301	817	751
219		175	25	96	104	75	(NW, N)	303		
222		176	25	96	105	77	(NW, N)	304		
223		177	25	96	107	78	(NW, N)	305		
224		182	25	96	109	79	(NW, N)	306		
225 (N)		183	25	96	117	80	(NW, N)	310		
229		184	25	96	118	81	(NW, N)	311		
230		185	25	96	119	82	(NW, N)	312		
232		186	25	96	120	83	(NW, N)	313		
233		188 (NW)	25	96	121	84	(NW, N)			
		189	25	96	122	85	(NW, N)			
		190	25	96	123	86	(NW, N)			
		192	25	96	124	87	(NW, N)			
		195	25	96	125	88	(NW, N)			
		196	25	96	126	89	(NW, N)			
		200	25	96	127	90	(NW, N)			
		203	25	96	128	91	(NW, N)			
		209	25	96	129	92	(NW, N)			
		217	25	96	130	93	(NW, N)			
		220	25	96	131	94	(NW, N)			
		225	25	96	132	95	(NW, N)			
		228	25	96	133	96	(NW, N)			
		231	25	96	134	97	(NW, N)			
		232	25	96	135	98	(NW, N)			
		234	25	96	136	99	(NW, N)			
		235	25	96	137	100	(NW, N)			
		236	25	96	138	101	(NW, N)			
		237	25	96	139	102	(NW, N)			
		240	25	96	140	103	(NW, N)			
		241	25	96	141	104	(NW, N)			
		242	25	96	142	105	(NW, N)			
		246	25	96	143	106	(NW, N)			
		247	25	96	144	107	(NW, N)			
		248	25	96	145	108	(NW, N)			
		249	25	96	146	109	(NW, N)			
		250	25	96	147	110	(NW, N)			
		251	25	96	148	111	(NW, N)			
		252	25	96	149	112	(NW, N)			
		253	25	96	150	113	(NW, N)			
		259	25	96	151	114	(NW, N)			
		266	25	96	152	115	(NW, N)			
		269	25	96	153	116	(NW, N)			
		270	25	96	154	117	(NW, N)			
		271	25	96	155	118	(NW, N)			
		272	25	96	156	119	(NW, N)			
		274	25	96	157	120	(NW, N)			
		278	25	96	158	121	(NW, N)			
		290	25	96	159	122	(NW, N)			
		291	25	96	160	123	(NW, N)			
		292	25	96	161	124	(NW, N)			
		293	25	96	162	125	(NW, N)			
		296	25	96	163	126	(NW, N)			
		302	25	96	164	127	(NW, N)			
		319	25	96	165	128	(NW, N)			
		320	25	96	166	129	(NW, N)			
		321	25	96	167	130	(NW, N)			
		322	25	96	168	131	(NW, N)			
		323	25	96	169	132	(NW, N)			
		332	25	96	170	133	(NW, N)			
					171	134	(NW, N)			
					172	135	(NW, N)			
					173	136	(NW, N)			
					174	137	(NW, N)			
					175	138	(NW, N)			
					176	139	(NW, N)			
					177	140	(NW, N)			
					178	141	(NW, N)			
					179	142	(NW, N)			
					180	143	(NW, N)			
					181	144	(NW, N)			
					182	145	(NW, N)			
					183	146	(NW, N)			
					184	147	(NW, N)			
					185	148	(NW, N)			
					186	149	(NW, N)			
					187	150	(NW, N)			
					188	151	(NW, N)			
					189	152	(NW, N)			
					190	153	(NW, N)			
					191	154	(NW, N)			
					192	155	(NW, N)			
					193	156	(NW, N)			
					194	157	(NW, N)			
					195	158	(NW, N)			
					196	159	(NW, N)			
					197	160	(NW, N)			
					198	161	(NW, N)			
					199	162	(NW, N)			
					200	163	(NW, N)			
					201	164	(NW, N)			
					202	165	(NW, N)			
					203	166	(NW, N)			
					204	167	(NW, N)			
					205	168	(NW, N)			
					206	169	(NW, N)			
					207	170	(NW, N)			
					208	171	(NW, N)			
					209	172	(NW, N)			
					210	173	(NW, N)			
					211	174	(NW, N)			
					212	175	(NW, N)			
					213	176	(NW, N)			
					214	177	(NW, N)			
					215	178	(NW, N)			
					216	179	(NW, N)			
					217	180	(NW, N)			
					218	181	(NW, N)			
					219	182	(NW, N)			
					220	183	(NW, N)			
					221	184	(NW, N)			
					222	185	(NW, N)			
					223	186	(NW, N)			
					224	187	(NW, N)			
					225	188	(NW, N)			
					226	189	(NW, N)			
					227	190	(NW, N)			
					228	191	(NW, N)			
					229	192	(NW, N)			
					230	193	(NW, N)			
					231	194	(NW, N)			
					232	195	(NW, N)			
					233	196	(NW, N)			
					234	197	(NW, N)			
					235	198	(NW, N)			
					236	199	(NW, N)			
					237	200	(NW, N)			
					238	201	(NW, N)			
					239	202	(NW, N)			
					240	203	(NW, N)			
					241	204	(NW, N)			
					242	205	(NW, N)			
					243	206	(NW, N)			
					244	207	(NW, N)			
					245	208	(NW, N)			
					246	209	(NW, N)			
					247	210	(NW, N)			
					248	211	(NW, N)			
					249	212	(NW, N)			
					250	213	(NW, N)			
					251	214	(NW, N)			

(14) Although currently released and shown on the OCS Official Protraction Diagram Mobile NR 14-4 (Appended October 10, 1972; Revised December 21, 1977), no bids will be accepted on the following blocks

Mobile—Blocks

629 through 633
671 through 679
681
686 through 688
718 through 720
722
729 through 732
765 through 768
809 through 816
818 through 820
825
860

13. Lease Terms and Stipulations. Lessees resulting from this sale will have initial terms as shown on the map entitled "Sale No. 72 - Central Gulf of Mexico Stipulations, Lease Terms and Bidding Systems," and will be on Form WMS-2005 (August 1982) (formerly Form 3300-1). Copies of the map and forms are available from the Gulf of Mexico OCS Regional Office.

(a) For leases resulting from this sale for blocks offered on a cash bonus basis with a fixed net profit share, Form WMS-2005 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5 Minimum Royalty. Hereby deleted.

Sec. 6 Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of _____ percent with a capital recovery factor, calculated pursuant to 10 CFR 390.

(b) For leases resulting from this sale for blocks offered on a cash bonus basis with a fixed sliding scale royalty, Form WMS-2005, will be amended as follows:

Sec. 6 Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to \$20,873,434 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than \$20,873,435 million, but less than or equal to \$37,740,054,115 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b [\ln (V_j/S)]$$

where

R_j = the percent royalty that is due and payable on the unadjusted amount or value of production in quarter j

$$b = 7.0$$

\ln = natural logarithm

V_j = the value of production in quarter j , adjusted for inflation, in millions of dollars

$$S = 3.5$$

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production from the lease area may be taken as a net profit share payment in amount, except as provided in section 15(d) of this lease; additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Bidders. (a) There is available from the Gulf of Mexico OCS Regional Office a set of drawings entitled "Split Blocks - Central Gulf of Mexico," depicting the State-Federal boundary, including the acreage on the Federal side of the line. For complete information on any of the subjects mentioned in this notice, including copies of the various documents identified as available from the Gulf of Mexico OCS Regional Office, prospective bidders should contact the Regional Supervisor for Leasing, Environment and Studies, at the address stated in paragraph 2, either in writing or by phone (504) 837-4720.

(b) Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended; or in connection with the Louisiana Offshore Oil Port (LOOP), for blocks 57 and 59, Grand Isle area. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4 (e) of the OCS Lands Act, as amended.

(c) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Bidders are advised that in accordance with Section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate, a royalty rate based on a sliding scale, or a net profit share payment.

(e) For those blocks identified as having lease terms with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to MMS either an exploration plan, where required, or a general statement of exploration intention prior to the end of the ninth lease year.

(f) Revisions of Department of Labor regulations on affirmative action requirements for government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42665 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form, Form NMS-2005 (August 1982), would be

When the adjusted quarterly value of production is equal to or greater than \$37,740,054.116 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 49.625834 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) The text and applicability of four stipulations that will be included in leases resulting from this sale are as shown on the map entitled "Sale No. 72 - Central Gulf of Mexico Stipulations, Lease Terms and Bidding Systems," available from the Gulf of Mexico OCS Regional Office. In those stipulations the term RM refers to the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service. In addition to those four stipulations, the following two stipulations will be included in leases resulting from this sale as indicated below:

Stipulation 5.

(To be included only in the leases resulting from this sale with the sliding scale royalty bidding system, as indicated on the map entitled "Sale No. 72 - Central Gulf of Mexico Stipulations, Lease Terms and Bidding Systems.")

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in section 15(d) of this lease; the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease.

Stipulation No. 6.

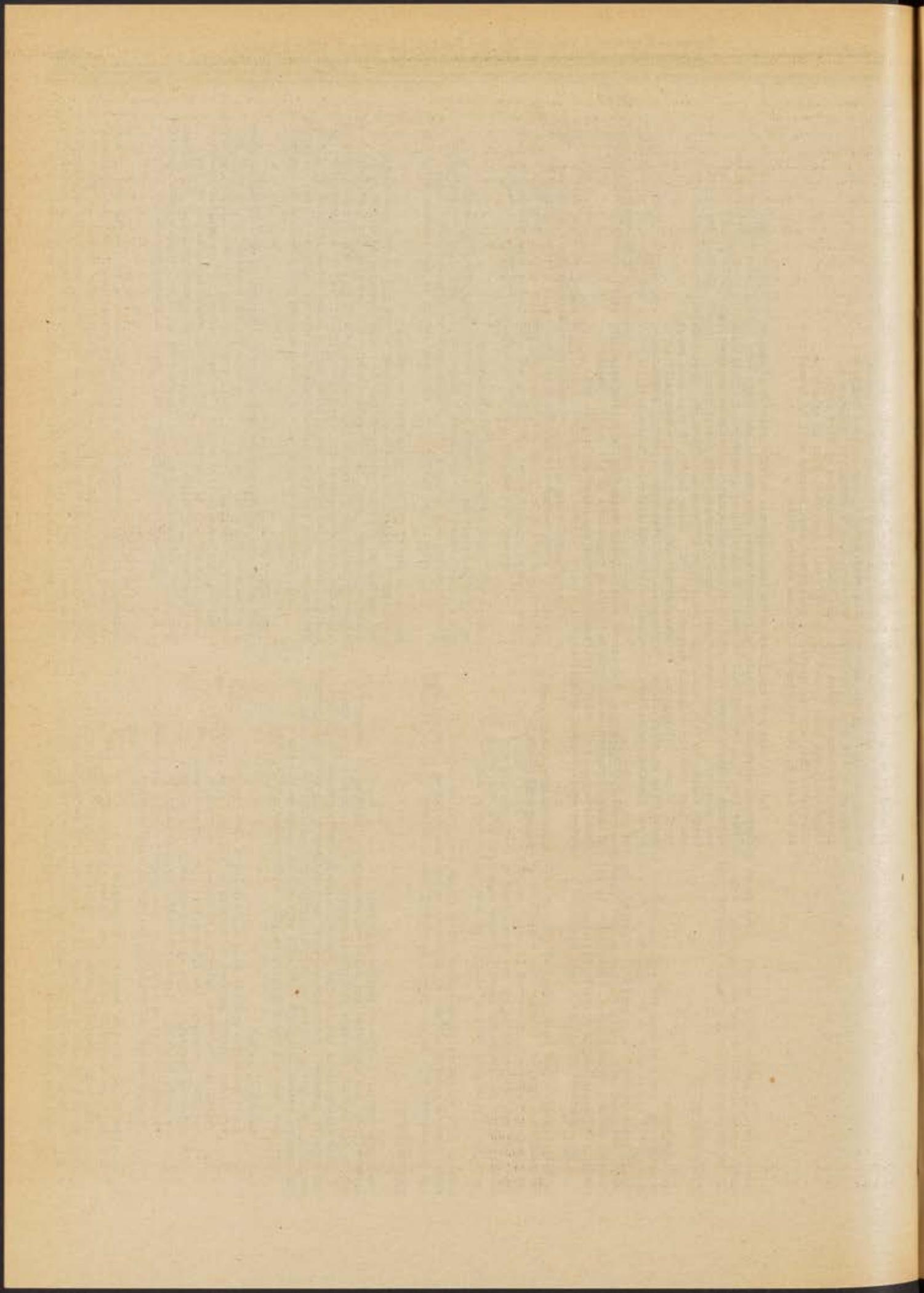
(To be included only in the leases resulting from this sale under the net profit share bidding system, as indicated on the map entitled "Sale No. 72 - Central Gulf of Mexico Stipulations, Lease Terms and Bidding Systems.")

deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(g) Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Mississippi Canyon area, shown on the map entitled "Sale No. 72 - Central Gulf of Mexico Stipulations, Lease Terms and Bidding Systems." These areas were used to dispose of ordnance of unknown composition and quantity. The westernmost area has not been used for over 15 years. Water depths in this area range from 185 to 675 meters. The easternmost area was last used for ordnance disposal in 1970. Water depths in this area range from 750 to 1,525 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

[FR Doc. 83-387 Filed 1-6-83; 8:45 am]
BILLING CODE 4310-MR-C



federal register

Friday
January 7, 1983

Part V

Environmental Protection Agency

**Procedures for Implementing the National
Environmental Protection Act; Interim
Final Rule and Proposed Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 6**

[FA-FRL 2097-8a]

Categorical Exclusion From EPA Procedures Implementing the National Environmental Policy Act**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Interim final rule revisions and extension to comment period.

SUMMARY: This document: (1) Extends the public comment period on amendments to EPA's Procedures Implementing the National Environmental Policy Act (NEPA) (40 CFR Part 6) as published in the *Federal Register* on March 8, 1982 (These amendments created a process for excluding certain categories of actions from the substantive environmental review requirements of EPA's NEPA procedures.); (2) revises the categories of actions eligible for exclusion and the criteria for not granting an exclusion in § 6.506; and (3) corrects a factual error in § 6.507 on the responsibility for preparation of a final environmental assessment. A related action involving additional changes to 40 CFR Part 6 is published elsewhere in this issue of the *Federal Register*.

DATES: Effective Date: Revisions to interim final rule effective January 7, 1983.

Comment Date: Comments on amendments to Categorical Exclusion from EPA Procedures Implementing the National Environmental Policy Act published in the *Federal Register* March 8, 1982 (47 FR 9827) and on the revisions and correction made herein must be received on or before February 7, 1983.

ADDRESS: Comments may be mailed to the Office of Federal Activities (A-104), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. Attention: Paul C. Cahill, Director.

FOR FURTHER INFORMATION CONTACT: John Gerba, Office of Federal Activities, telephone: (202) 382-5910.

SUPPLEMENTARY INFORMATION:**OMB Control Number**

2000-0422.

Background

An interim-final rule amending EPA's NEPA regulations to include categorical exclusion procedures, authorized by CEQ regulations (40 CFR 1508.4), was published on pp. 9827-9831 in the March 8, 1982 *Federal Register*. These procedures largely apply to the

environmental reviews of the Agency's Municipal Wastewater Treatment Construction Grants program and the National Pollution Discharge Elimination System (NPDES). EPA invited public comment on these procedures for 30 days ending April 7, 1982.

Since publication of the categorical exclusion procedures, several related regulatory actions have occurred. The EPA's Office of Water published amendments to its Construction Grants regulations (40 CFR Part 35) in the May 12, 1982 issue of the *Federal Register* which reference NEPA requirements. Also, in a separate document elsewhere in this issue of the *Federal Register*, the OFA has published proposed amendments to Subpart E of its NEPA regulations (40 CFR Part 6) "Environmental Review Procedures for the Wastewater Treatment Construction Grants Program", which incorporate many of the interim final categorical exclusion amendments. In response to these regulatory actions, and to recommendations received from several commentors on the March 8, 1982 NEPA amendments, the Agency has made a decision to extend the comment period on the interim final rule as revised by this document.

Included in this document are revisions necessary to make the categorical exclusion process consistent with the Construction Grants regulations, and to correct a factual error. Comments and suggestions received during the initial public comment period and not discussed in this document, and others received during the extended public comment period, will be considered together during final rule development.

Publication of the final rule on categorical exclusions will be consolidated with the amendments to Subpart E of 40 CFR Part 6 as mentioned above. The consolidation of these two documents for the final rule will permit making all changes to Subpart E needed to make it consistent with changes to the Municipal Construction Grants Amendments of 1981 at one time.

Interested parties wishing to comment on the categorical exclusion amendments to EPA's NEPA procedures are encouraged to review the following *Federal Register* documents for related issues: the amendments establishing the procedures published March 8, 1982; the amendments to the Wastewater Treatment Construction Grants regulations published as interim final in the *Federal Register* May 12, 1982; and the proposed amendments to 40 CFR Part 6 Subpart E published elsewhere in this issue of the *Federal Register*.

Classification

The Office of Federal Activities has determined that these revisions are not considered to be a "major" rule within the meaning of Executive Order (E.O.) 12291.

This amendment was submitted to the OMB for clearance as required by E.O. 12291 as well as for its information collection burden on the public. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Document Control Office, EPA, Room 107, 401 M Street, S.W., Washington, D.C. 20460

Because these revisions are not "major", it is effective immediately as a corrected interim final rule.

Regulatory Analysis

Since EPA believes that these revisions are not "major", they are not subject to the Regulatory Impact Analysis procedures as outlined under E.O. 12291

Paperwork Reduction

Information collection requirements contained in this regulation (Section 6.506(c)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2000-0422.

Discussion of Issues

Though there were other suggestions and issues raised in the comments received in response to the interim final rule published March 8, the following discussion focuses on those issues needed to make the interim final rule consistent with regulations for Municipal Wastewater Treatment Construction Grants.

Categories and Criteria

Past experience with the Municipal Wastewater Treatment Facility Construction Grants (WWTCG) program has indicated that full EISs are rarely undertaken on projects involving service populations under 10,000. Projects of this size, as a general rule, have not involved significant long term impacts on the human environment, therefore the Office of Water suggested that the population limit in § 6.506(c)(1)(ii) and (iii) be revised upward from 3,500 to 10,000. This would allow more projects to be considered for an exclusion and reduce the regulatory burden on many grant applicants. Adequate protection exists within the regulation to ensure that full environmental reviews will be

undertaken for projects that are likely to have significant environmental impacts.

The Office of Water also recommended that the growth capacity in § 6.506(c)(2)(iii) should correspond to the increment used by State's in screening generic facilities under WWTCC's small communities program. OFA agrees with this position and has revised the allowable capacities upward from 20% to 30% to be consistent with the screening criterion.

The Office of Water also pointed out that the inclusion of "alternative" technologies in § 6.506(c)(1)(iii) was inappropriate because "alternative" technologies include many off-site as well as on-site technologies. Since the intent of this section is limited to consideration of on-site technologies, deleting the term "alternative" from the paragraph removes this inconsistency without precluding the use of those on-site technologies that are either "alternative" or "innovative" from consideration.

The effect of the suggestions discussed above would be to permit a greater number of projects to be considered for an exclusion.

Responsibility for Environmental Assessment

In the March 8, 1982 Federal Register publication of the interim final rule, the preparation of a formal environmental assessment § 6.507(a) was erroneously identified as a grantee responsibility. Although delegated States are frequently involved in preparing preliminary assessments, the final assessment preparation is an IPA responsibility. This action corrects that error. Changes necessary to make this section consistent with the Municipal Construction Grants Amendments of 1981 are published elsewhere in this issue of the Federal Register.

Actions taken

In response to regulatory developments in the MWTCC program and to several related comments and

suggestions provided during the original public comment period, the following generally describes the changes made to the interim final rule published in the Federal Register March 8, 1982: 1) Changing the community size criterion used in § 6.506(c)(1) (ii) and (iii) from 3,500 to 10,000 population; 2) removal of the reference to alternative technologies from § 6.506(c)(1)(iii); and 3) increasing the excess capacity in § 6.506(c)(2)(iii) from 20% to 30%. The change to correct the factual error on responsibility for preparing an environmental assessment is found in § 6.507(a).

List of Subjects in 40 CFR Part 6

Environmental impact statements,
Foreign relations.

Dated: November 5, 1982.

Anne M. Gorsuch,
Administrator.

PART 6—[AMENDED]

For the reasons set out in the preamble, 40 CFR Part 6 is amended as follows:

1. Section 6.506 is corrected by revising paragraph (c)(1) (ii) and (iii); and revising (c)(2)(iii) to read as follows:

§ 6.506 Criteria for preparing EIS's and granting categorical exclusions.

(c) * * *

(1) * * *

(ii) Actions in sewerage communities of less than 10,000 persons which are for minor upgrading and minor expansion of existing treatment works. This category does not include actions that directly or indirectly involve the extension of new collection systems funded with Federal or other sources of funds.

(iii) Actions in unsewered communities of less than 10,000 persons where onsite technologies are proposed.

(iv) * * *

(2) * * *

(iii) The facilities would provide capacity to serve a population 30% greater than the existing population.

2. Section 6.507 is amended by revising paragraph (a) to read as follows:

§ 6.507 Environmental review process.

(a) *Facilities planning (Step 1).* Early in facilities planning, the grantee should evaluate the likely project alternatives and the existence of environmentally sensitive areas in the facilities planning area, including those identified in § 6.506(c)(2)(v) of this Subpart. This evaluation is intended to be brief and concise and should draw on existing information from EPA, State agencies, regional planning agencies, areawide water quality management agencies, and the potential grant applicant. The evaluation and any additional analysis deemed necessary may be used by EPA to determine whether the action is eligible for a categorical exclusion from the substantive environmental review requirements of this Part. It is recommended that the potential applicant submit the information to EPA or a delegated State at the earliest possible time to allow EPA to determine if the action is eligible for a categorical exclusion. If a categorical exclusion is granted, the grantee will not be required to prepare a formal environmental information document nor will EPA need to prepare a formal environmental assessment during facilities planning. If an action has not been granted a categorical exclusion this evaluation may be used to determine the scope of the environmental information document required of the grantee. It also should be used to make an early determination of the need for an EIS. Whenever possible, the potential grant applicant should discuss this initial evaluation with EPA or a delegated State, whichever is appropriate.

[FR Doc. 83-185 Filed 1-6-83; 8:45 am]
BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 6

[FA-FRL 2097-8]

National Environmental Policy Act; Environmental Review Procedures for the Wastewater Treatment Construction Grants Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document provides procedural and minor substantive amendments to EPA's Procedures Implementing the National Environmental Policy Act (NEPA) for the Wastewater Treatment Construction Grants Program (40 CFR Part 6 Subpart E). The procedural amendments accommodate recent changes in EPA's regulations for the Construction Grants Program (40 CFR Part 35) which have been modified to incorporate the Municipal Wastewater Treatment Construction Grants Amendments of 1981 (Pub. L. 97-117). The modifications in the grant program change the process recipients of EPA grants follow in the planning and construction of wastewater treatment facilities. The minor substantive amendments to Subpart E streamline the criteria for preparing an EIS. Further recommendations for additional substantive changes will be proposed in the near future and will comprehensively apply to all of 40 CFR Part 6.

DATE: Comments on this proposed rule must be received by February 7, 1983.

ADDRESSES: Comments may be mailed to the Office of Federal Activities, A-104, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: Paul Cahill, Director.

FOR FURTHER INFORMATION CONTACT: John Gerba, Office of Federal Activities, (202) 382-5910.

SUPPLEMENTARY INFORMATION:

Classification

The Office of Federal Activities has determined that this revision is not a "major" rule within the meaning of Executive Order (E.O.) 12291. This is because the revision will not: (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State, or local government agencies; or (3) have significant adverse effects on

competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

The purpose and effect of this amendment to the environmental review process for the Construction Grants Program is to accommodate recent changes in the grant program and to make minor substantive changes. No increased paperwork burdens are imposed by the amendments.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by E.O. 12291. Any OMB comments on its reporting or information collection requirements will be addressed in the Final Rule.

This amendment is being published as a proposed rule to allow for public comment. Comments must be received by the Office of Federal Activities (OFA) before February 7, 1983.

Regulator Analysis

Under E.O. 12291, EPA must determine if a regulation is "major" and therefore subject to a Regulatory Impact Analysis. Since EPA believes that this amendment is not "major", it is not subject to such an analysis.

Background

On December 29, 1981 President Reagan signed the Municipal Wastewater Treatment Construction Grants Amendments of 1981 (Pub. L. 97-117). The amendments reflect Congressional and Administration objectives to: (1) Reduce the Federal cost and involvement in the construction of municipal wastewater treatment facilities; (2) streamline the construction grants process; and (3) to maintain the environmental integrity of the program. They also express the Administration's policy to delegate the operation of Federal programs to the appropriate level of government and to provide both States and municipalities with more flexibility in carrying out this responsibility. Although the amendments do not alter EPA's responsibility to make NEPA determinations, they do substantially affect how NEPA is applied by eliminating Step 1 and Step 2 Federal grant assistance.

Meeting NEPA Requirements

NEPA reviews have been most effective when they addressed environmental issues during the facility planning phase. With the elimination of Step 1 and Step 2 grants, official Federal involvement does not occur until after

the completion of facilities planning and design. This effectively postpones the "major Federal action" which would trigger NEPA involvement until much of the planning and design phases are completed. The application of NEPA at this point in the development process could cause unnecessary waste and delay if potential Step 3 grantees propose environmentally unsuitable alternatives for Federal funding. The interim final amendments to 40 CFR Part 35 in the May 12, 1982 Federal Register address this issue by requiring that NEPA requirements (40 CFR Part 6) be met before submission of an application for a Step 3 (construction) grant. More specifically the regulations at Section 35.2113 encourages potential applicants to work with the State and EPA as early as possible in the facility planning process to "ascertain the appropriateness of a categorical exclusion, a finding of no significant impact, or an environmental impact statement." They also allow a potential applicant to request a NEPA review early in the facilities planning or design stages. The amendments proposed here reflect this approach.

Categorical Exclusions

On March 8, 1982, an interim final regulation was printed in the Federal Register establishing the process for granting categorical exclusions from NEPA procedures for certain categories of wastewater treatment construction grant projects. This process will likely exclude 20 percent of the EPA funded projects from substantive environmental review. The interim final regulation (as revised by a document published in this issue of the Federal Register) will be combined with the proposed amendments to Subpart E and together they will be published as a final regulation.

Action Being Taken: Subpart E Amendments

EPA is proposing to amend its procedures for implementing the National Environmental Policy Act (NEPA) to: (1) Be consistent with the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (Pub. L. 97-117); (2) be consistent with changes in the Wastewater Treatment Construction Grants Program's regulations (40 CFR Part 35); (3) reorder the sections of Subpart E to more closely reflect the sequence of the steps undertaken in the environmental review process; and (4) make minor substantive changes to the criteria for deciding whether to prepare an EIS. The proposed amendments also provide that

a decision by the responsible official to issue a finding of no significant impact or to prepare an EIS shall not be subject to administrative appeal before the EPA Board of Assistance Appeals. This provision is intended to reflect a proposed change in the Agency's general grant regulations (40 CFR Part 30) which excludes NEPA determinations under 40 CFR Part 6 from the Board's jurisdiction.

Pre- and Post-December 29, 1981 Grants

There are approximately 5,000 wastewater treatment facility planning projects at various stages of development that received Step 1 grants from EPA on or before December 29, 1981. Except as noted in the revised § 6.504 (b) and (c), the requirements of these proposed amendments apply to those projects and to projects subject to the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (projects that did not receive a Step 1 grant on or before December 29, 1981). Although these proposed amendments include provisions for projects that received Step 1 grants on or before December 29, 1981, they do not substantively change the environmental review process for such projects and thus avoid the imposition of retroactive requirements.

Reordering and Clarifying of Subpart E Sections

The existing order of the sections and subsections of Subpart E does not follow the sequence of the environmental review process. In order to make the regulation more understandable, the order of the sections has been revised to follow the process. Tables provided below are a guide to the reordering of the text.

DISTRIBUTION TABLE—SUBPART E

Old Section	New Section
6.500 Purposes.	6.500.
6.501 Definitions.	6.501.
6.502 Applicability. [Interim final*].	Obsolete.
6.503 Consultation during the environmental review process. [revised interim final*].	6.512 Segmenting projects.
6.504 Public participation. [interim final].	6.513.
6.505 Limitations. [interim final].	Obsolete.
6.506(c) [interim final] and (b); Criteria for preparing EISs.	6.508 Criteria for initiating EISs.
6.506(c) [revised interim final].	6.505.
6.507(a) [revised interim final].	6.505.
6.507(a) [interim final] and (b); Award of a facilities grant (Step 1). And Mid-course review.	6.504 Consultation during the facility planning process.

DISTRIBUTION TABLE—SUBPART E—Continued

Old Section	New Section
6.507(c) and (d) Review of completed facilities plan. And Environmental review.	6.508 Environmental review process.
6.507(e) Finding of No Significant Impact.	6.507 . . . (FNSI) determination.
6.507(f), (g) and (h) Notice of intent. Scoping, and IES method.	6.509 Environmental Impact Statement (EIS)—preparation.
6.508 Limits on delegation to States. [interim final].	6.514.
6.509 Identification of mitigation measures.	6.510 Record of decision and . . .
6.510 Monitoring.	6.511 Monitoring compliance.

* FR, March 8, 1982, pp. 9829-32.

†FR, of this date, following this action.

DERIVATION TABLE—SUBPART E

New Section	Old Section
6.500 Purposes.	6.500.
6.501 Definitions. (a)-(f).	6.501(a)-(f).
6.501(g).	New.
6.502 Applicability and limitations.	New.
6.503 Overview of the environmental review process.	New.
6.504(a) Consultation during the facility planning process.	6.507 Introductory paragraph.
6.504(b)(1) and (2).	6.507(a) [interim final*] and (b); new title.
6.504(c).	New.
6.505(a) Categorical exclusions.	6.506(c) Introductory paragraph [interim final].
6.505(b).	6.506(c)(1) [revised interim final].
6.505(c).	6.506(c)(2) [revised interim final].
6.505(d).	6.506(c)(3) [interim final].
6.506(a) and (b) Environmental review process.	6.507(c).
6.506(c).	6.507(d).
6.507 Finding of No Significant Impact (FNSI) determination.	6.507(e).
6.508 Criteria for initiating EISs.	6.506(a) [interim final] and (b).
6.509 Environmental Impact Statement (EIS) preparation. (introductory paragraph).	New.
6.509(a).	6.507(f).
6.509(b).	6.507(g).
6.509(c).	6.507(h).
6.510 Record of decision and identification of mitigation measures.	6.508.
6.511 Monitoring compliance.	6.510.
6.512 Segmenting projects.	6.503 [revised interim final].
6.513 Public participation.	6.504 [interim final].
6.514 Delegation to States.	6.508 [interim final].

* FR, March 8, 1982, pp. 9829-32.

†FR, of this date, following this action.

Minor Substantive Changes

EPA's Office of Water suggested a revision to the criteria for preparing an EIS (§ 6.508(a)(1)). The revision removes examples of land use related criteria that are currently recommended as a basis for preparing an EIS. In practice, these criteria have not been used as a basis for preparing EISs and are covered in other paragraphs of the same section. The revised language more succinctly states the land use related circumstances which require the preparation of an EIS.

Public and Agency participation

These amendments were developed by a work group with representatives from EPA headquarters and regional offices. Their efforts followed the extensive public and regional comment process carried out by the Construction Grant program in developing amendments to 40 CFR Part 35 during which NEPA implementation was considered.

List of Subjects on 40 CFR Part 6

Environmental Impact Statements, Foreign relations.

Dated: October 27, 1982.

John W. Hernandez,

Acting Administrator.

For the reasons set out in the preamble, 40 CFR Part 6 is proposed to be amended as follows:

1. The authority citation for Part 6 reads as follows:

Authority: Sections 101, 102, and 103 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); also, the Council on Environmental Quality Regulations dated November 29, 1978 (40 CFR Part 1500).

2. The title to 40 CFR Part 6 is revised to read as follows:

PART 6—PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT

3. Subpart E is revised to read as follows:

Subpart E—Environmental Review Procedures for the Wastewater Treatment Construction Grants Program.

Sec.

- 6.500 Purpose.
- 6.501 Definitions.
- 6.502 Applicability and limitations.
- 6.503 Overview of the environmental review process.
- 6.504 Consultation during the facility planning process.
- 6.505 Categorical exclusions.
- 6.506 Environment review process.
- 6.507 Finding of No Significant Impact (FNSI) determination.
- 6.508 Criteria for initiating Environmental Impact Statements.
- 6.509 Environmental Impact Statement (EIS) preparation.
- 6.510 Record of decision and identification of mitigation measures.
- 6.511 Monitoring for compliance.
- 6.512 Segmenting projects.
- 6.513 Public participation.
- 6.514 Delegation to States.

Note.—To facilitate the identification of proposed changes for the reader, the text of both proposed Revised and New sections or paragraphs are enclosed by arrows (►). ◀

Subpart E—Environmental Review Procedures for the Wastewater Treatment Construction Grants Program

§ 6.500 Purpose.

This subpart amplifies the procedures described in Subparts A through D with detailed environmental review procedures for the wastewater treatment works construction grants program under Title II of the Clean Water Act.

§ 6.501 Definitions.

►(a) "Step 1 facilities planning" means preparation of a plan for facilities as described in 40 CFR Part 35, Subpart E or I.

(b) "Step 2" means preparation of design drawings and specifications as described in 40 CFR Part 35, Subpart E or I.

(c) "Step 3" means building of a publicly owned treatment works as described in 40 CFR Part 35, Subpart E or I.

(d) "Step 2 + 3" means a project which combines preparation of design drawings and specifications as described in § 6.501(b), and building as described in § 6.501(c). ◀

(e) "Applicant" means any individual, agency, or entity which has filed an application for grant assistance under 40 CFR Part 35, Subpart E or I. ◀

(f) "Grantee" means any individual, agency, or entity which has been awarded wastewater treatment construction grant assistance under 40 CFR Part 35, Subpart E or I. ◀

►(g) "Responsible official" means the Federal or State decision maker authorized to fulfill the requirements of this subpart. The responsible Federal official is the EPA Regional Administrator and the responsible State official is as defined in a delegation agreement under § 205(g) of the Clean Water Act subject to the limitations in § 6.514 of this subpart. ◀

►§ 6.502 Applicability and limitations.

(a) *Applicability.* This Subpart applies to the following actions:

(1) Projects that received Step 1 grant assistance on or before December 29, 1981;

(2) Approval of grant assistance for a project involving Step 3 or Step 2 + 3; and

(3) Award of grant assistance for a project where significant change has occurred in the project or its impact since compliance with this Part.

(b) *Limitations.* Recipients of Step 1 grant assistance must comply with the requirements, steps, and procedures described in this Subpart. As specified

in 40 CFR 35.2113, projects that have not received Step 1 grant assistance must comply with the requirements of this subpart prior to submission of an application for Step 3 or Step 2 + 3 grant assistance. ◀

►§ 6.503 Overview of the environmental review process.

The process for conducting an environmental review of wastewater treatment construction grant projects includes several steps whose procedures are described in subsequent sections of this subpart. The steps are:

(a) *Consultation.* The Step 1 grantee or the potential Step 3 or Step 2 + 3 applicant is encouraged to consult with EPA early in project formulation or facilities planning stage to determine whether a project is eligible for a categorical exclusion from the remaining substantive environmental review requirements of this part (§ 6.505) and to identify potential environmental issues.

(b) *Determining categorical exclusion eligibility.* At the request of a potential Step 3 or Step 2 + 3 grant applicant or a Step 1 facilities planning grantee, EPA determines the eligibility of the project for a categorical exclusion. A Step 1 facilities planning grantee awarded a Step 1 grant on or before December 29, 1981 may request a categorical exclusion at any time during Step 1 facilities planning or Step 2 design work. A potential Step 3 or Step 2 + 3 grant applicant may request a categorical exclusion at any time before the submission of a Step 3 or Step 2 + 3 grant application.

(c) *Documenting environmental information.* If the project is determined to be ineligible for a categorical exclusion, the potential Step 3 or Step 2 + 3 applicant or the Step 1 grantee subsequently prepares an Environmental Information Document (EID) (§ 6.506) for the project.

(d) *Preparing environmental assessments.* Except as provided in § 6.506(c)(3) and following a review of the EID by EPA or by a State with delegated authority, EPA prepares an environmental assessment (§ 6.506), or a State with delegated authority (§ 6.514) prepares a preliminary environmental assessment. EPA reviews and finalizes any preliminary assessments. EPA subsequently:

(1) prepares and issues a Finding of No Significant Impact (FNSI); or

(2) prepares and issues an Environmental Impact Statement (EIS) (§ 6.509) and record of decision (§ 6.510).

(e) *Monitoring.* The construction and post-construction operation and maintenance of the facilities is monitored (§ 6.511) to ensure the

implementation of mitigation measures (§ 6.510) identified in the FNSI, final EIS or record of decision.

►§ 6.504 Consultation during the facility planning process.

(a) *General.* Consistent with 40 CFR 1501.2, EPA shall initiate the environmental review process as early as possible in order to identify environmental effects, avoid delays, and resolve conflicts. The environmental review process should be integrated throughout the facilities planning process (Step 1). Two processes for consultation are described in this section to meet this directive. The first addresses projects which were awarded Step 1 grant assistance on or before December 29, 1981. The second applies to projects which did not receive grant assistance for facilities planning on or before December 29, 1981 and are, therefore, subject to the regulations implementing the Municipal Wastewater Treatment Construction Grant Amendments of 1981 (40 CFR Part 35 Subpart I).

(b) *Projects that received Step 1 grant assistance on or before December 29, 1981.* (1) Early in facilities planning, the grantee should evaluate the likely project alternatives and the existence of environmentally sensitive areas in the facilities planning area, including those identified in § 6.508 of this Subpart. This evaluation is intended to be brief and concise and should draw on existing information from EPA, State agencies, regional planning agencies, areawide water quality management agencies, and the Step 1 grantee. The evaluation and any additional analysis deemed necessary may be used by EPA to determine whether the action is eligible for a categorical exclusion from the substantive environmental review requirements of this Part. It is recommended that the Step 1 grantee submit the information to EPA or a delegated State at the earliest possible time to allow EPA to determine if the action is eligible for a categorical exclusion. If a categorical exclusion is granted, the grantee will not be required to prepare a formal EID nor will EPA need to prepare an environmental assessment. If an action has not been granted a categorical exclusion this evaluation may be used to determine the scope of the EID required of the grantee. It also should be used to make an early determination of the need for an EIS. Whenever possible, the Step 1 grantee should discuss this initial evaluation with EPA or a delegated State, whichever is appropriate.

(2) A review of environmental information developed by the grantee should be conducted to the extent practicable whenever meetings are held to assess the progress of facilities plan development. These meetings should be held after completion of the majority of the EID document and before a preferred alternative is selected. Since any required EIS must be completed before the approval of a facility plan for a project which received a Step 1 grant on or before December 29, 1981, a decision whether to prepare an EIS is encouraged early during the facilities planning process. These meetings may assist in this early determination. EPA should inform interested parties of the following:

- (i) The preliminary nature of the Agency's position on preparing an EIS;
- (ii) The relationship between the facilities planning and environmental review processes;
- (iii) The desirability of public input; and
- (iv) A contact person for further information.

(c) *Projects that did not receive grant assistance for Step 1 facility planning on or before December 29, 1981.* Potential Step 3 or Step 2+3 grant applicants are encouraged to consult with EPA or the State during the facilities planning process. In accordance with § 35.2030(c), the potential applicant should work with the State and EPA as early as possible in the facilities planning process to determine the appropriateness of a categorical exclusion, the scope of an EID, or the appropriateness of the early preparation of a FNSI or an EIS. The consultation would be most useful if initiated during the evaluation of project alternatives and prior to the selection of a preferred alternative. This consultation may also assist the potential applicant in resolving any identified environmental problems. ◀

▶ § 6.505 Categorical exclusions.

(a) *General.* At the request of an existing Step 1 facilities planning grantee or of a potential Step 3 or Step 2+3 grant applicant, the responsible official, as provided for in § 6.107(b) and § 6.504(a), shall determine from existing information whether an action is consistent with the categories eligible for exclusion identified in § 6.505(b). The responsible official shall document this determination as provided for in § 6.107(b). ◀

(b) *Categories of actions eligible for exclusion.* For this subpart, actions consistent with the following categories are eligible for a categorical exclusion:

▶(1) Actions for which the facilities planning is solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities which do not affect the degree of treatment or capacity of the existing facility. Such actions include but are not limited to infiltration and inflow corrections, grant eligible replacement of existing mechanical equipment or structures, and the construction of new small on-site structures. ◀

▶(2) ◀ Actions in sewerage communities of less than 10,000 persons which are for minor upgrading and minor expansion of existing treatment works. This category does not include actions that directly or indirectly involve the extension of new collection systems funded with Federal or other sources of funds.

▶(3) ◀ Actions in unsewered communities of less than 10,000 persons where onsite technologies are proposed.

▶(4) Other actions developed in accordance with paragraph (d) of this section.

(c) *Criteria for not granting a categorical exclusion.* (1) The full environmental review procedures of this part must be followed if undertaking an action consistent with the categories described in § 6.505(b) may involve serious local or environmental issues, or meets any of the criteria listed below: ◀

(i) The facilities to be provided will create a new discharge to surface or ground waters;

(ii) The facilities will result in substantial increases in the volume of discharge or the loading of pollutants from an existing source or from new facilities to receiving waters;

(iii) The facilities would provide capacity to serve a population 30% greater than the existing population;

(iv) The action is known or expected to have a significant effect on the quality of the human environment, either individually, cumulatively over time, or in conjunction with other Federal, State, local, or private actions;

(v) The action is known or expected to directly or indirectly affect sensitive environmental resources or areas, such as floodplains, wetlands, prime or unique agricultural lands, aquifer recharge zones, archaeological and historic sites, endangered or threatened species, or other areas identified in guidance issued by the OFA; or

(vi) The action is known or expected not to be cost-effective or to cause significant public controversy.

▶(2) Notwithstanding the provisions of § 6.505(b), if any of the above

conditions exist, the responsible official shall ensure:

- (i) That a categorical exclusion is not granted;
- (ii) That an adequate EID and environmental assessment are prepared.
- (iii) That either a FNSI or an EIS and record of decision is prepared and issued. ◀

▶(d) ◀ *Developing new categories of excluded actions.* The responsible official or other interested parties may request that a new category of excluded actions be created, or that an existing category be amended or deleted. The request shall be made in writing to the Director, OFA and shall contain adequate information to support the request. Under the direction of OFA, proposed new categories shall be developed through EPA's "non-major" rule-making process (E.O. 12291), including publication as an interim final rule in the Federal Register and a subsequent thirty (30) day public comment period. The following shall be considered in evaluating proposals for new categories:

▶(1) Actions in the proposed category should seldom result in the effects identified in § 6.505(c);

(2) Based upon previous environmental reviews, actions consistent with the proposed category have not required the preparation of an EIS; and ◀

▶(3) ◀ Whether information adequate to determine if a potential action is consistent with the proposed category will normally be available when needed.

▶ § 6.506 Environmental review process.

(a) *Review of completed facilities plans.* EPA, or the State where the program is delegated, shall review the completed facilities plan with particular attention to the EID and its utilization in the development of alternatives and the selection of a preferred alternative. An adequate EID shall be an integral part of any facilities plan submitted to EPA or to a State. The EID shall be of sufficient scope to enable the responsible official to prepare an environmental assessment.

(b) *Environmental assessment.* The environmental assessment shall cover all potentially significant environmental impacts. For those State where the review of facilities plans has been delegated, State personnel shall prepare a preliminary environmental assessment which serves as an adequate basis for EPA's decision to issue a FNSI or an EIS. Each of the following subjects shall be critically reviewed to identify potentially significant environmental

concerns and shall be addressed in the environmental assessment.

(1) *Description of the existing environment.* For the delineated facilities planning area, the existing environmental conditions relevant to the analysis of alternatives or to determining the environmental impacts of the proposed action shall be considered.

(2) *Description of the future environment without the project.* The relevant future environmental conditions shall be described. The no action alternative should be discussed. ◀

(3) *Purpose and need.* This should include a summary discussion and demonstration of the need for wastewater treatment in the facilities planning area, with particular emphasis on existing public health or water quality problems and their severity and extent.

▶(4) *Documentation.* Sources of information used to describe the existing environment and to assess future environmental impacts should be clearly referenced. These sources should include regional, State, and Federal agencies with responsibility or interest in the types of conditions listed in § 6.508 and in Subpart C.

(5) *Evaluation of Alternatives.* This discussion shall include a comparative analysis of feasible alternatives, including the no action alternative, throughout the study area. The alternatives shall be screened with respect to capital and operating costs; significant direct and indirect environmental effects; physical, legal, or institutional constraints; and compliance with regulatory requirements. Special attention should be given to long term, irreversible, and induced impacts. The reasons for rejecting any alternatives shall be presented in addition to any significant environmental benefits precluded by rejection of an alternative. The analysis should consider when relevant to the project: ◀

(i) Flow and waste reduction measures, including infiltration/inflow reduction;

(ii) Appropriate water conservation measures;

(iii) Alternative locations, capacities, and construction phasing of facilities;

(iv) Alternative waste management techniques, including treatment and discharge, wastewater reuse, land application, and individual systems;

(v) Alternative methods for management of sludge, other residual materials, including utilization options such as land application, composting, and conversion of sludge for marketing as a soil conditioner or fertilizer;

(vi) Improving effluent quality through more efficient operation and maintenance;

(vii) Appropriate energy reduction measures; and

(viii) Multiple use, including recreation and education.

(6) *Environmental consequences.* Relevant impacts of the proposed action shall be considered, steps to mitigate significant adverse impacts, any irreversible or irretrievable commitments of resources to the project and the relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity. Any specific requirements, including grant conditions and areawide waste treatment management plan requirements, should be identified and referenced. In addition to these items, the responsible official may require that other analyses and data which are needed to satisfy environmental review requirements, be included with the facilities plan. Such requirements should be discussed whenever meetings are held with Step 1 grantees or potential Step 3 or Step 2 + 3 applicants. The responsible official also may require submission of supplementary information before the award of grant assistance if needed for compliance with environmental review requirements. Requests for supplementary information shall be made in writings. ◀

(7) *Steps to minimize significant adverse effects.* (i) This section shall describe structural and nonstructural measures, if any, in the facilities plan, or additional measures identified during the review, to mitigate or eliminate significant adverse effects on the human and natural environments. Structural provisions include changes in facility design, size, and location; non-structural provisions include staging facilities as well as developing and enforcing land use regulations and environmental protection regulations.

▶(ii) The responsible official shall not award grant assistance if the grantee has not made, or agreed to make, pertinent changes in the project, in accordance with determinations made in a FNSI or EIS. The responsible official shall condition a grant to seek other ways of compliance, to ensure that the grantee will comply with such environmental review determinations.

(c) *FNSI/EIS determination.* The responsible official shall apply the criteria under § 6.508 to any of the following: ◀

(1) A complete facilities plan and the EID, whenever review of facilities plan has not been delegated;

(2) A complete facilities plan, the applicant's EID, information document and the preliminary environmental assessment prepared by the State, for a State which has been delegated authority for facilities plan review; or

(3) Other documentation, deemed necessary by the responsible official or submitted by a State with delegated review authority, adequate to make an EIS determination by EPA. Where EPA determines that an EIS is to be prepared, there is no need to prepare a formal environmental assessment.

▶ If EPA or the State identifies deficiencies in the EID, preliminary environmental assessment, or other supporting documentation, necessary corrections shall be made before the conditions of the Step 1 grant are considered satisfied or before the Step 3 or Step 2 + 3 application is considered complete. The responsible official's determination to issue a FNSI or to prepare an EIS shall constitute final Agency action and shall not be subject to administrative appeal to the EPA Board of Assistance Appeals under 40 CFR Part 30. ◀

▶ § 6.507 Findings of No Significant Impact (FNSI) determination.

If, after completion of the environmental review, EPA determines that an EIS will not be required, the responsible official shall prepare and distribute a FNSI in accordance with § 6.104 and Subpart D of this Chapter. The FNSI will be based on EPA's independent review and the environmental assessment which will either be incorporated into or attached to the FNSI. In accordance with 40 CFR 1508.2, the FNSI shall list any mitigation measures necessary to make the recommended alternative environmentally acceptable. Once an environmental assessment and a FNSI have been prepared for the facilities plan for a certain area, grant awards may proceed without preparation of additional FNSIs, unless the responsible official determines that the project has changed significantly from that which underwent environmental assessment. ◀

▶ § 6.508 Criteria for Initiating Environmental Impact Statements (EIS).

(a) *Conditions requiring EISs.* The responsible official shall assure that an EIS will be prepared and issued when he determines that any of the following conditions exist:

(1) The treatment works in and of itself will significantly affect the pattern and type of land use (industrial, commercial, agricultural, residential) or the potential effects resulting from the

construction or operation of the treatment works will conflict with established land use plans or policies; ◀

(2) The treatment works or collector system will have significant adverse effects on wetlands, including indirect effects, or any major part of the treatment works will be located on wetlands;

(3) The treatment works or collector system will significantly affect a habitat identified on the Department of the Interior's or a State's threatened and endangered species lists, or the treatment works will be located on the habitat;

(4) Implementation of the treatment works or plan may directly cause or induce changes that significantly:

- (i) Displace population;
- (ii) Alter the character of an existing residential area;
- (iii) Adversely affect a floodplain; or
- (iv) Adversely affect significant amounts of prime or unique agricultural land, or agricultural operations on this land as defined in EPA's Policy to Protect Environmentally Significant Agricultural Land.

(5) The treatment works will have significant adverse direct or indirect effects on parklands, other public lands or areas of recognized scenic, recreational, archeological, or historic value; or

(6) The treatment works may directly or through induced development have a significant adverse effect upon local ambient air quality, local ambient noise levels, surface or groundwater quality or quantity, fish, wildlife, and their natural habitats.

(7) The treated effluent is being discharged into a body of water where the present classification is too lenient or is being challenged as too low to protect present or recent uses, and the effluent will not be of sufficient quality or quantity to meet the requirements of these uses.

▶(b) *Other conditions.* The responsible official shall consider preparing an EIS if it is determined that the treatment works may threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. ◀

▶ § 6.509 Environmental Impact Statement (EIS) Preparation.

In addition to the requirements specified in subpart B, C, and D of this part, EPA will conduct the following activities:

(a) *Notice of intent.* If a determination is made that an EIS will be required, the responsible official shall prepare and distribute a notice of intent as required in Subpart D in accordance with § 6.104.

(b) *Scoping.* As soon as possible, after the publication of the notice of intent, the responsible official will convene a meeting of affected Federal, State and local agencies, the grantee and other interested parties to determine the scope of the EIS. A notice of this scoping meeting will meet the requirements of Subpart D. As part of the scoping meeting EPA will as a minimum: ◀

(1) Determine the scope and the significant issues to be analyzed in depth in the EIS;

(2) Identify those issues which are not significant;

(3) Determine what information is needed from cooperating agencies or other parties;

(4) Discuss the method for EIS preparation and the public participation strategy;

(5) Identify consultation requirements of other environmental laws, in accordance with subpart C; and

(6) Determine the relationship between the EIS and the completion of the facilities plan and any necessary coordination arrangements between the preparers of both documents.

▶(c) *Methods for preparing EISs.* EPA shall prepare this EIS by any one of the following means: ◀

(1) Directly by its own staff;

(2) By contracting directly with a qualified consulting firm; or

(3) By utilizing a joint EIS process, whereby the grantee contracts directly with a qualified consulting firm. In this case the draft EIS serves the purpose of and satisfies the requirement for an EIS. In this instance, the following selection requirements shall be fulfilled:

(i) A Memorandum of Understanding shall be developed between EPA, the grantee, and where possible, the State, outlining the responsibilities of each party and their relationship to the EIS consultant;

(ii) EPA shall approve evaluation criteria to be used in the consultant selection process;

(iii) EPA shall review and approve the selection process; and

(iv) EPA shall approve the consultant selected for EIS preparation.

▶ § 6.510 Record of decision and identification of mitigation measures.

(a) *Record of decision.* When a final EIS has been issued, the responsible official shall prepare a record of decision in accordance with 40 CFR 1505.2 prior to the submission of an application for grant assistance (40 CFR Part 35.2113). The record of decision shall include identification of mitigation measures derived from the EIS process which are necessary to make the

recommended alternative environmentally acceptable.

(b) *Specific mitigation measures.* Prior to the approval of grant assistance, the responsible official must ensure that effective mitigation measures identified in the FNSI, final EIS, or record of decision are implemented by the grantee. This should be done by revising the facilities plan, initiating other steps to mitigate adverse effects, or agreeing to conditions in grants requiring actions to minimize effects. Care should be exercised if a condition is to be imposed in a grant document to assure that the applicant possesses the authority to fulfill the conditions. ◀

▶ § 6.511 Monitoring for compliance.

(a) *General.* The responsible official shall ensure there is adequate monitoring of mitigation measures and other grant conditions identified in the FNSI, final EIS, and record of decision.

(b) *Enforcement.* The responsible official may consider taking the following actions consistent with 40 CFR 35.965 and 30.430 if the grantee fails to comply with grant conditions: ◀

(1) Terminating or annulling the grant;

(2) Disallowing project costs related to noncompliance;

(3) Withholding project payments;

▶(4) Finding the grantee to be nonresponsible or ineligible for future Federal assistance or for approval for future contract awards under EPA grants;

(5) Seeking an injunction against the grantee; or

(6) Instituting such other administrative or judicial action as may be legally available and appropriate. ◀

▶ § 6.512 Segmenting projects.

(a) *Criteria for segmenting.* When there are overriding considerations of costs or impaired program effectiveness, a Step 3 grant for the building of a discrete segment of the treatment works may be awarded before the environmental review is completed if the segmented portion of the treatment works:

(1) is noncontroversial;

(2) is necessary to correct water quality or other immediate environmental problems; and

(3) will not, by its completion, foreclose any reasonable options being considered in the environmental review.

(b) *EIS determination.* If a treatment works is to be segmented, the entire treatment works shall be evaluated to determine if an EIS is required. In applying the criteria to determine if an EIS is required, the regional EIS preparation staff shall be consulted.

(c) *Steps in segmenting.* In no case may grant assistance for a segmented Step 3 project be awarded unless:

- (1) the OFA has been consulted;
- (2) a FNSI on the segment permitted to proceed has been issued at least 30 days prior to grant award; and
- (3) the grant award contains a specific agreement prohibiting the building of additional or different segments of the treatment works for which the environmental review is not complete. ◀

▶ § 6.513 Public participation.

(a) *General.* It is EPA policy that optimum public participation be achieved during the environmental review process as deemed appropriate by the responsible official. Compliance with public participation activities require under this part, Part 25, and Part 35 Subpart E or I constitutes compliance with the requirements for public participation under this subpart.

(b) *Coordination.* NEPA related public participation activities undertaken in

connection with the environmental review process should be coordinated with any applicable public participation program wherever possible.

(c) *Scope.* Consistent with 40 CFR 1506.6, the responsible official may institute such additional NEPA-related public participation procedures as is deemed necessary during the environmental review process. ◀

▶ § 6.514 Delegation to States.

(a) *General.* In cases where the authority for facilities plan review has been delegated to the State under section 205(g) of the Clean Water Act, the State may be delegated the responsibility for carrying out all EPA activities under this part except for the following responsibilities: ◀

- (1) The determination of whether or not to prepare an EIS shall be solely that of EPA. EPA shall consider a State's recommendations, but the ultimate decision under NEPA cannot be delegated;

(2) Categorical exclusions, Findings of No Significant Impact and the environmental assessment shall be approved, finalized and issued by EPA; and

(3) Notices of intent shall be prepared and issued by EPA.

(b) *Elimination of duplication.* ▶ The responsible official shall assure that maximum efforts are undertaken to minimize duplication within the limits described under § 6.508 and under paragraph (a) of this section. In carrying out requirements under this subpart, maximum consideration shall be given to eliminating duplication in accordance with 40 CFR 1506.2. Where there are State or local procedures comparable to NEPA, EPA should enter into memoranda of understanding with a State concerning workload distribution and responsibilities for implementing the environmental review and facilities planning process. ◀

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

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List of Public Laws

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the *Federal Register* but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

- H.R. 5238/Pub. L. 97-414 Orphan Drug Act. (Jan. 4, 1983; 96 Stat 2049) Price: \$2.75.
- H.R. 2330/Pub. L. 97-415 To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes. (Jan. 4, 1983; 96 Stat 2067) Price: \$2.75.
- H.R. 6120/Pub. L. 97-416 To reauthorize the Deep Seabed Hard Mineral Resources Act for fiscal years 1983 and 1984. (Jan. 4, 1983; 96 Stat 2084) Price: \$1.75.
- H.R. 6904/Pub. L. 97-417 To provide subsistence allowances for members of the Coast Guard Officer candidate program, and for other purposes. (Jan. 4, 1983; 96 Stat 2085) Price: \$1.75.
- H.R. 6254/Pub. L. 97-418 To amend title 3, United States Code, to clarify the function of the United States Secret Service Uniformed Division with respect to certain foreign diplomatic missions in the United States, and for other purposes. (Jan. 4, 1983; 96 Stat 2089) Price: \$1.75.
- S.J. Res. 258/Pub. L. 97-419 To authorize and request the President to designate the month of December 1982 as "National Closed-Captioned Television Month". (Jan. 4, 1983; 96 Stat 2091) Price: \$1.75.
- H.J. Res. 619 /Pub. L. 97-420 Designating January 17, 1983, as "Public Employees' Appreciation Day". (Jan. 4, 1983; 96 Stat 2093) Price: \$1.75.
- H.J. Res. 630/Pub. L. 97-421 To commemorate the one hundred and fiftieth anniversary of the founding of Greene County, Missouri. (Jan. 4, 1983; 96 Stat 2094) Price: \$1.75.
- H.R. 7420/Pub. L. 97-422 To name the fish hatchery at the Warm Springs Dam component of the Russian River, Dry Creek, California project as the Don H. Clausen Fish Hatchery. (Jan. 4, 1983; 96 Stat. 2095) Price: \$1.75.
- H.R. 7406/Pub. L. 97-423 To designate a certain Federal building in Springfield, Illinois the "Paul Findley Building". (Jan. 4, 1983; 96 Stat. 2096) Price: \$1.75.

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