

Federal Register

Friday
January 28, 1983

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Civil Aeronautics Board

Air Rates and Fares

Civil Aeronautics Board

Airmen

Air Force Department

Animal Drugs

Food and Drug Administration

Antibiotics

Food and Drug Administration

Authority Delegations (Government Agencies)

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Fisheries

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Flood Insurance

Federal Emergency Management Agency

Food Additives

Food and Drug Administration

Food Grades and Standards

Food and Drug Administration

Food Ingredients

Food and Drug Administration

Government Employees

Personnel Management Office

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

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Federal Register

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 550 and 610

Pay Administration (General) and Hours of Duty

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is revising the regulations pertaining to an agency's responsibility to establish regularly scheduled workweeks for its employees and the regulations pertaining to an employee's entitlement to premium pay for regularly scheduled work at night, on Sunday, or on a holiday, or for overtime work outside his or her regularly scheduled basic workweek. Over the years, the Comptroller General and the courts have greatly expanded the original meaning of the term "regularly scheduled" as it is used in the regulations. This revision will clarify the definition of the term "regularly scheduled" and will clarify the relationship originally intended between an agency's requirement to establish workweeks for its employees and an employee's entitlement to premium pay for that work.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Dwight W. Brown, (202)-632-4634.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the Federal Register on January 8, 1982 (47 FR 958), for a public comment period of 60 days. The Office of Personnel Management (OPM) received written comments from 12 Federal agencies, three labor organizations, and five individuals. No substantive changes are required in the proposed regulations. However, OPM has modified the

proposed regulations slightly to incorporate comments as explained below.

Employees Excluded From Coverage

The listing of employees to whom subpart A of Title 5, Code of Federal Regulations does not apply (5 CFR 550.101(b)) has been revised to reflect recent amendments to section 5541(2) of title 5, United States Code. This technical amendment was not in the proposed rule; however, it is necessary to bring this subsection in line with current law. The applicability of Subpart A of Part 550 and Subpart A of Part 610 is based on § 550.101 of Title 5, Code of Federal Regulations.

Authority to Regulate

One labor organization questioned OPM's authority to issue regulations conflicting with statutory construction and one individual questioned whether OPM can legitimately limit the interpretations of the Comptroller General.

The Comptroller General, when faced with the term "regularly scheduled," has defined it in the absence of any rule by OPM, which is the administrator. In turn, the courts have given different and conflicting interpretations to the use of the term "regularly scheduled." However, in *Anderson, et al. v. United States*, 201 Ct. Cl. 660 (1973), the Court of Claims has supported the proposition that regularly scheduled work is work that has been scheduled as part of the employee's regularly scheduled administrative workweek. This is OPM's definition of this term.

The authorities for OPM to regulate concerning premium pay and hours of duty are contained at 5 U.S.C. 5548 and 6101(c). OPM, as the administrator, is clarifying the definition of the term "regularly scheduled" based on its use within the statute—the Federal Employees Pay Act of 1945, as amended (and codified in subchapter V of chapter 55 and chapter 61 of title 5, United States Code). The General Accounting Office (GAO) in its comments on the proposed rule has acknowledged OPM's authority to issue regulations under these authorities. Further, in the same comments GAO concluded "that it is within OPM's authority to so define an employee's [regularly scheduled] administrative workweek and thus limit

an employee's entitlement to overtime and night differential."

Definition of the Term "Regularly Scheduled"

GAO commented that OPM's definition of the term "regularly scheduled" would impact on prior decisions of that office in two major areas: (1) Those decisions holding that a General Schedule employee who works occasional overtime at night during a regularly scheduled tour of duty, but not his tour of duty, is entitled to night differential (see 59 Comp. Gen. 101 (1979)); and (2) those decisions defining "regularly scheduled work" to mean work that is scheduled at least 1 day in advance and scheduled to recur on successive days or after specified intervals so as to fall within a predictable and discernible pattern (see 59 Comp. Gen. 101, supra).

OPM agrees. Under OPM's definition of the term "regularly scheduled," it is the employee who must be scheduled to perform the work, including nightwork, and the work must be scheduled in advance of the administrative workweek as part of the employee's regularly scheduled administrative workweek to be considered "regularly scheduled." Accordingly, these prior decisions would no longer be controlling.

Premium Pay

(1) Definitions

The definitions of Sunday and holiday work in § 550.103 and the authorization for night pay differential in § 550.121 have been modified to clarify that the work must be performed by the employee to be payable at premium rates (except for absences on a holiday or periods of leave of less than 8 hours for entitlement to night pay differential under 5 U.S.C. 5545 (a)).

The definitions of Sunday and holiday work have been modified to include the term "nonovertime work." By definition, Sunday work and holiday work are mutually exclusive of overtime work. If a full-time employee performs work on Sunday, he or she is entitled to Sunday pay if the Sunday work was scheduled as a part of his or her basic 40-hour workweek; otherwise, he or she is entitled to overtime pay for such work. The same is true for holiday work. If a full-time employee performs work during

the regularly scheduled hours of his or her daily tour of duty on a holiday, he or she is entitled to premium pay for holiday work; otherwise work on a holiday outside the hours of the employee's daily tour of duty is overtime work and entitles the employee to overtime pay.

On the other hand, nightwork is not mutually exclusive of overtime work. While nightwork must be scheduled as part of the employee's regularly scheduled administrative workweek to be compensable at night premium rates, an employee may be entitled to overtime pay and night pay differential for the same hour—a period of regular overtime work during night hours. For example, a General Schedule employee with a regularly scheduled administrative workweek of 48 hours; Monday through Saturday, 6 p.m. to 2 a.m., is entitled to 8 hours overtime pay and 48 hours night pay differential. If the employee performs additional irregular or occasional overtime work at night during the administrative workweek, he or she is entitled to overtime pay for such work, but he or she is not entitled to night pay differential for the additional period of overtime work.

(2) Temporary Duty at Night

There were numerous comments concerning the language and the intent of § 550.122(d). These comments indicated confusion concerning what is meant by a "temporary assignment" and what is the time frame in which a temporary assignment must be made to qualify an employee for night pay.

This section has been rewritten to clarify its intended purpose. It authorizes the payment of night pay when an employee is temporarily assigned during the administrative workweek to a daily tour of duty that includes nightwork. This temporary change in the daily tour of duty within the employee's regularly scheduled administrative workweek is distinguished from a period of irregular or occasional overtime work in addition to the employee's regularly scheduled administrative workweek. In the first case, the employee is entitled to night pay differential for work performed as part of his or her regularly scheduled tour of duty, and in the latter case the employee is not entitled to night pay differential for the additional period of irregular or occasional overtime work.

(3) First 40-Hour Tours of Duty Under Special Situations

Two agencies recommended that the final regulations address the concept of "regularly scheduled" work in relation to first 40-hour tours of duty.

This recommendation has been incorporated. Section 610.111(b) has been modified to clarify (1) That a first 40-hour tour of duty is a basic workweek without the requirement for specific days and hours, and (2) that all work performed by an employee within the first 40 hours is considered regularly scheduled work for premium pay and hours of duty purposes.

Hours of Duty

(1) Failure to Schedule Work

GAO stated the view that unless agencies strictly comply with the scheduling requirements in § 610.121 (b), there will be claims for overtime pay and night pay for "regularly scheduled" work. They recommended that the following guidance which appeared in the "Supplementary Information" of the proposed regulations be contained in the final regulations:

If an agency fails to schedule its employees in a manner that realistically reflects the agency's actual work requirements, the failure to schedule will constitute a violation of regulations warranting payment of premium pay for "regularly scheduled" work.

GAO further noted that the proposed regulations would not change the holding in their decision in 59 Comp. Gen. 101, *supra*, with respect to employees who habitually and recurrently perform overtime work at night due to the inherent nature of their duties. It follows that if an agency failed to properly schedule overtime or nightwork, employees in this situation would be entitled to overtime or night differential for "regularly scheduled" work.

This recommendation has been incorporated. A modified version of the above statement has been added in § 610.121(b). We note that in addition to Anderson, wherein the Court of Claims supported the principle that "regularly scheduled" work means work that has been scheduled as part of the employee's regularly scheduled administrative workweek, the Court of Claims in *Aviles, et al. v. United States*, 151 Ct. Cl. 1 (1960), had previously expressed another principle that:

[T]he mere fact of omitting regular overtime from the scheduled tours of duty does not make such overtime occasional or irregular.

Under the Aviles principle, this overtime work could have been scheduled under the regulations; therefore, it should have been scheduled. This principle is the basis for GAO's position in 59 Comp. Gen. 101, *supra*, with respect to employees who habitually and recurrently perform overtime work at night. OPM concurs and we have

included this requirement in § 610.121 (b) to fill a gap in the proposed regulations. Thus, "regularly scheduled" work will include: (1) Any work that is scheduled as part of an employee's regularly scheduled administrative workweek (Anderson), and (2) any work that should have been scheduled as part of an employee's regularly scheduled administrative workweek (Aviles).

(2) Change in Tour of Duty

One agency recommended that the language in § 610.121(b) that refers to a change in an "employee's work requirements" be modified to refer to a change in the "specific days and hours of work" of an employee's tour of duty for the administrative workweek. This recommendation has been incorporated. This section requires the head of an agency to reschedule an employee's tour of duty when the specific days and hours required of the employee in the ensuing workweek are known in advance and can be scheduled. The key to this requirement is that the official who is responsible for scheduling the work of employees: (1) Has knowledge of the different work requirement before the administrative workweek begins, and (2) has the capability of determining which employee should have the specific days and hours of his or her tour of duty rescheduled to meet this work requirement. Having this knowledge, the official is responsible for scheduling the work as part of the employee's regularly scheduled tour of duty and such work is "regularly scheduled" work. However, if the official does not know of the requirement for additional work until after commencement of the administrative workweek, he or she has no recourse but to order an employee to perform such work in addition to his or her regularly scheduled tour of duty. This additional work would be irregular or occasional overtime work. The same would apply if the need for the additional overtime work is known in advance of the administrative workweek but the official does not know which days or hours the work will be required or does not know which employee will be required to perform the work. In this case, when the official orders the additional overtime work during the administrative workweek, such work is irregular or occasional overtime work.

Numerous comments indicated concern that the paperwork for changing tours of duty of employees may be burdensome unless temporary changes may be made by agency supervisors on time cards or other documents. Section 610.121(b) has been modified to include

the requirement that the head of the agency notify the employee of the change in tour of duty and annotate the employee's time card or document the change on other internal agency forms for recording work. The change of an employee's regularly scheduled administrative workweek to meet a different work requirement in an ensuing workweek need not be documented on an SF-50 (unless, of course, the employee's work schedule is changed from part-time to full-time, or vice versa, or the total number of hours that a part-time employee will work is changing).

One agency recommended that OPM prescribe the test or the circumstances when worktime that is not properly scheduled by the head of an agency shall become "regularly scheduled" work. One labor organization recommended a review mechanism be established to hold managers accountable to prevent manipulating schedules to purposely avoid premium pay. One individual stated that the proposed rules provide no remedy for employees if they believe they have been aggrieved by the agency's failure to schedule them properly. Section 610.121(b) requires the head of an agency (or an official who has been delegated the authority to schedule work of employees) to reschedule an employee's tour of duty when it is known in advance of an administrative workweek that there will be a different work requirement in that workweek. The head of the agency has the responsibility to establish an employee's tour of duty (the specific calendar days and hours of the days) to meet agency work requirements. If he or she fails to schedule the employee in a manner that realistically reflects the employee's actual work requirement for that administrative workweek, this is a violation of OPM regulations. In this event, the employee has various avenues in which to seek corrective action and payment for "regularly scheduled" work. For example, the employee may seek administrative relief by filing a grievance under the appropriate agency or negotiated grievance procedures or submitting a claim to GAO. After the employee has exhausted administrative remedies, he or she may seek judicial relief.

(3) Voluntary Work During Night Hours

GAO recommended that the scheduling requirements in § 610.121(b) be expanded to include situations where employees perform overtime work during night hours on a voluntary basis.

Employees who perform voluntary overtime work are paid overtime pay for

such work regardless of whether it is regular overtime work or irregular or occasional overtime work. In this situation, regularly scheduled work is a determinant only for the employee's entitlement to night pay differential. It is OPM's position that such voluntary overtime work is not regularly scheduled work, provided no specific employee is scheduled to perform the voluntary overtime work and there is no penalty for "no shows."

Effective Date

GAO recommended that the final regulations expressly state that they are prospective only. They stated a long held principle that regulations may be amended prospectively to increase or decrease rights under them, but, in the absence of obvious error, they may not be amended retroactively.

The purpose of these regulations is to clarify the definition of the term "regularly scheduled" and to clarify the relationship originally intended between an agency's requirement to establish workweeks for its employees and an employee's entitlement to premium pay for that work. The current work scheduling provisions and premium pay provisions were enacted by Congress in the Federal Employees Pay Act of 1945. The term "regularly scheduled," and related terms, were contained in the original Act of 1945 (and subsequent amendments in 1946 and 1954) and were used in OPM (then Civil Service Commission) regulations as early as 1954.

It is OPM's position that these regulations are a clarification of the originally intended meaning of this term. The Court of Claims in its latest ruling on this issue adopted OPM's interpretation. See *Bennett et al. v. United States*, No. 565-78 (Cl. Ct. Sept. 30, 1982). Accordingly, all claims for the payment of premium pay for "regularly scheduled" work (including work performed during prior periods) should be settled based on the definition of this term as clarified in these regulations.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Parts 550 and 610

Government employees, Holidays, Wages, Civil defense, Administrative practice and procedure.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, Parts 550 and 610 of Title 5 of the Code of Federal Regulations are amended as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

1. Section 550.101 is amended by removing and reserving paragraph (b)(3), revising paragraphs (4), (9), (15), and (16), and adding paragraphs (b)(17) and (18).

§ 550.101 Coverage and exemptions.

- (b) * * *
- (3) Reserved;
- (4) An employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of title 5, United States Code, or by a wage board or similar administrative authority serving the same purpose, except that § 550.113(d) is applicable to such an employee whose rate of basic pay is fixed on an annual or monthly basis;
- (9) A member of the United States Park Police or the United States Secret Service Uniformed Division;
- (15) An employee of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives;
- (16) A "teacher" or an individual holding a "teaching position" as defined by section 901 of title 20, United States Code;
- (17) A Foreign Service officer or a member of the Senior Foreign Service; or
- (18) A member of the Senior Executive Service.

2. Section 550.103 is amended by revising paragraphs (e), (f), (g), (i), (k), (n), and (o), and adding paragraphs (p) and (q) to read as follows:

§ 550.103 Definitions.

- (e) "Nightwork" has the meaning given that term in § 550.121, and includes any nightwork performed by an employee as part of his or her regularly scheduled administrative workweek.
- (f) "Irregular or occasional overtime work" means overtime work that is not

part of an employee's regularly scheduled administrative workweek.

(g) "Regular overtime work" means overtime work that is part of an employee's regularly scheduled administrative workweek.

(i) "Premium pay" means additional pay authorized by subchapter V of chapter 55 of title 5, United States Code, and this subpart for overtime, night, holiday, or Sunday work, and for standby duty or administratively uncontrollable work.

(k) "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

(n) "Regularly scheduled administrative workweek," for a full-time employee, means the period within an administrative workweek, established in accordance with § 610.111 of this chapter, within which the employee is regularly scheduled to work. For a part-time employee, it means the officially prescribed days and hours within an administrative workweek during which the employee is regularly scheduled to work.

(o) "Sunday work" means nonovertime work performed by an employee during a regularly scheduled daily tour of duty when any part of that daily tour of duty is on a Sunday.

(p) "Regularly scheduled" work means work that is scheduled in advance of an administrative workweek under an agency's procedures for establishing workweeks in accordance with § 610.111 of this chapter.

(q) "Holiday work" means nonovertime work performed by an employee during a regularly scheduled daily tour of duty on a holiday designated in accordance with § 610.202 of this chapter.

3. In § 550.112, paragraph (d) is revised to read as follows:

§ 550.112 Computation of overtime work.

(d) *Night, Sunday, or holiday work.* Hours of night, Sunday, or holiday work are included in determining for overtime pay purposes the total number of hours of work in an administrative workweek.

4. In § 550.121, paragraph (a) is revised to read as follows:

§ 550.121 Authorization of night pay differential.

(a) Except as provided by paragraph (b) of this section, nightwork is regularly scheduled work performed by an employee between the hours of 6 p.m. and 6 a.m. Subject to § 550.122, and except as otherwise provided in this subpart, an employee who performs nightwork is entitled to pay for that work at his or her rate of basic pay plus a night pay differential amounting to 10 percent of his or her rate of basic pay.

5. In § 550.122, paragraphs (c) and (d) are revised to read as follows:

§ 550.122 Computation of night pay differential.

(c) *Relation to overtime, Sunday, and holiday pay.* Night pay differential is in addition to overtime, Sunday, or holiday pay payable under this subpart and it is not included in the rate of basic pay used to compute the overtime, Sunday, or holiday pay.

(d) *Temporary assignment to a different daily tour of duty.* An employee is entitled to a night pay differential when he or she is temporarily assigned during the administrative workweek to a daily tour of duty that includes nightwork. This temporary change in a daily tour of duty within the employee's regularly scheduled administrative workweek is distinguished from a period of irregular or occasional overtime work in addition to the employee's regularly scheduled administrative workweek.

6. In § 550.131, paragraph (a) is revised to read as follows:

§ 550.131 Authorization of pay for holiday work.

(a) Except as otherwise provided in this subpart, an employee who performs holiday work is entitled to pay at his or her rate of basic pay plus premium pay at a rate equal to his or her rate of basic pay for that holiday work that is not in excess of 8 hours.

PART 610—HOURS OF DUTY

1. Section 610.102 is amended by revising paragraph (b) and adding paragraphs (g) and (h) to read as follows:

§ 610.102 Definitions.

(b) "Regularly scheduled administrative workweek," for a full-time employee, means the period within an administrative workweek, established in accordance with § 610.111, within which the employee is

regularly scheduled to work. For a part-time employee, it means the officially prescribed days and hours within an administrative workweek during which the employee is regularly scheduled to work.

(g) "Regularly scheduled" work means work that is scheduled in advance of an administrative workweek under an agency's procedures for establishing workweeks in accordance with § 610.111.

(h) "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.

2. Section 610.111 is amended by revising paragraphs (a) and (b) to read as follows:

§ 610.111 Establishment of workweeks.

(a) The head of each agency, with respect to each full-time employee to whom this subpart applies, shall establish by regulation:

(1) A basic workweek of 40 hours which does not extend over more than 6 of any 7 consecutive days. Except as provided in paragraphs (b) and (c) of this section, the regulation shall specify the days and hours within the administrative workweek that constitute the basic workweek.

(2) A regularly scheduled administrative workweek that consists of the 40-hour basic workweek established in accordance with paragraph (a)(1) of this section, plus the period of regular overtime work, if any, required of each employee. Except as provided in paragraphs (b) and (c) of this section, the regulation, for purposes of leave and overtime pay administration, shall specify by days and hours of each day the periods included in the regularly scheduled administrative workweek that do not constitute a part of the basic workweek.

(b) When it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of a regularly scheduled administrative workweek, the head of an agency may establish the first 40 hours of duty performed within a period of not more than 6 days of the administrative workweek as the basic workweek. A first 40-hour tour of duty is the basic workweek without the requirement for specific days and hours within the administrative workweek. All work performed by an employee within the first 40 hours is considered regularly scheduled work for premium pay and hours of duty purposes. Any additional

hours of officially ordered or approved work within the administrative workweek are overtime work.

3. Section 610.121 is revised to read as follows:

§ 610.121 Establishment of work schedules.

(a) Except when the head of an agency determines that the agency would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he or she shall provide that—

(1) Assignments to tours of duty are scheduled in advance of the administrative workweek over periods of not less than 1 week;

(2) The basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;

(3) The working hours in each day in the basic workweek are the same;

(4) The basic nonovertime workday may not exceed 8 hours;

(5) The occurrence of holidays may not affect the designation of the basic workweek; and

(6) Breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

(b)(1) The head of an agency shall schedule the work of his or her employees to accomplish the mission of the agency. The head of an agency shall schedule an employee's regularly scheduled administrative workweek so that it corresponds with the employee's actual work requirements.

(2) When the head of an agency knows in advance of an administrative workweek that the specific days and/or hours of a day actually required of an employee in that administrative workweek will differ from those required in the current administrative workweek, he or she shall reschedule the employee's regularly scheduled administrative workweek to correspond with those specific days and hours. The head of the agency shall inform the employee of the change, and he or she shall record the change on the employee's time card or other agency document for recording work.

(3) If it is determined that the head of an agency should have scheduled a period of work as part of the employee's regularly scheduled administrative workweek and failed to do so in accordance with paragraphs (b) (1) and (2) of this section, the employee shall be entitled to the payment of premium pay for that period of work as regularly

scheduled work under Subpart A of Part 550 of this chapter. In this regard, it must be determined that the head of the agency: (i) Had knowledge of the specific days and hours of the work requirement in advance of the administrative workweek, and (ii) had the opportunity to determine which employee had to be scheduled, or rescheduled, to meet the specific days and hours of that work requirement.

(5 U.S.C. 5548 and 6101(c))

[FR Doc. 83-2490 Filed 1-27-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 396]

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 30–February 5, 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 30, 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 substantial affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), 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 1982-83. 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 25, 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.

Section 910.696 is added as follows:

§ 910.696 Lemon Regulation 396.

The quantity of lemons grown in California and Arizona which may be handled during the period January 30, 1983, through February 5, 1983, is established at 190,000 cartons.

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

Dated: January 27, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-2666 Filed 1-27-83; 12:12 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

(Docket No. 83-4)

Bank Service Corporations,
Transactions With Affiliates,
Borrowing Limits, VisitationAGENCY: Comptroller of the Currency,
Treasury.

ACTION: Final rule.

SUMMARY: This final rule removes three interpretive rulings pertaining to bank service corporations, transactions with affiliates concerning standby letters of credit and national bank indebtedness. It also amends an interpretive ruling concerning the review of a national bank's records by state officials. This action is necessary in light of the Garn-St Germain Depository Institutions Act of 1982, which was enacted on October 15, 1982, and will harmonize the various rulings with the new act.

EFFECTIVE DATE: January 15, 1983.

FOR FURTHER INFORMATION CONTACT: Moira Donohue, Attorney, Legislative Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1632.

SUPPLEMENTARY INFORMATION

Background

The Garn-St Germain Depository Institutions Act of 1982, Pub. L. No. 97-320, 96 Stat. 1469 (October 15, 1982), significantly amended provisions of law affecting banks, including, among other things, the Bank Service Corporation Act, 12 U.S.C. 1861 *et seq.*; Section 23A of the Federal Reserve Act, 12 U.S.C. 371c, relating to member bank transactions with affiliates; provisions of the National Bank Act regarding borrowings by national banks, 12 U.S.C. 82; and visitation and inspection of national banks by state officials, 12 U.S.C. 484. As a result of these amendments, the following interpretive rulings were superseded: Interpretive Rulings 7.7390, 7.7361, and 7.7518 (12 CFR 7.7390, 7.7361, and 7.7518). In addition, Interpretive Ruling 7.6025(b), (12 CFR 7.6025(b)), relating to visitation, is amended to reflect the new law. Accordingly, the Office of the Comptroller of the Currency ("Office") is removing 12 CFR 7.7390, 7.7361, and 7.7518, and is amending 12 CFR 7.6025(b) as follows:

In the third sentence after the word "except", strike the remainder of the sentence and insert in lieu thereof "for the limited purpose of ensuring compliance with applicable State

unclaimed property and escheat laws. State authority to review the books and records of a national bank is limited to those circumstances in which there is reasonable cause to believe that the bank has failed to comply with such laws."

Special Studies

The Office has determined that these actions do not constitute "major rules" under Executive Order 12291. Removal of the interpretive rulings will merely eliminate confusion resulting from rulings which are inconsistent with the amended law. Amendment of 12 CFR 7.6025(b) will conform that ruling to the new law. These actions will neither increase national bank costs or prices nor have any adverse competitive effect. Therefore, a Regulatory Impact Analysis is not necessary and will not be prepared. The Regulatory Flexibility Act does not apply to this action since the Office is dispensing with notice and comment procedures. Notice and comment are impracticable and contrary to the public interest.

List of Subjects in 12 CFR Part 7

National banks, Bank service corporations, Affiliates, Borrowing limits, Visitation.

Authority and Issuance

PART 7—[AMENDED]

For the reasons set out in the preamble, 12 CFR Part 7 is amended as follows:

1. The authority citation for Part 7—Interpretive Rulings—reads as follows:

Authority: R.S. 324 *et seq.*, as amended; 12 U.S.C. 1 *et seq.*, unless otherwise noted.

§§ 7.7391, 7.7361, 7.7518 [Removed]

2. Sections 7.7391, 7.7361 and 7.7518 are removed.

3. Section 7.6025(b) is revised to read as follows:

§ 7.6025 Books and records of national banks.

(b) *Visitation powers.* The exercise of visitatorial powers over national banks is vested in the Comptroller of the Currency. See 12 U.S.C. 484. Other officials, including state banking officials, have no authority to conduct examinations or to inspect or require the production of books or records of national banks, except for the limited purpose of ensuring compliance with applicable State unclaimed property and escheat laws. State authority to review the books and records of a national bank is limited to those circumstances in which there is reasonable cause to

believe that the bank has failed to comply with such laws. Federal law provides special procedures for verifying payroll records for unemployment compensation purposes (26 U.S.C. 3305(c)), for enforcing the Fair Labor Standards Act (29 U.S.C. 211), and for ascertaining the correctness of Federal tax returns (26 U.S.C. 7602).

Dated: January 14, 1983.
C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-2482 Filed 1-27-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 546, 552, 561, 563, 583,
and 584

(No. 83-51)

Eligibility for Insurance of Accounts;
Holding Company Activities

January 24, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; request for comments.

SUMMARY: The Board is amending its regulations to allow associations with insurance of accounts from the Federal Savings and Loan Insurance Corporation ("FSLIC") that convert to state savings banks to retain their FSLIC insurance, provided they do not receive significantly greater empowerments as a result of obtaining the new charter or designation. These amendments were inadvertently omitted from the changes in the Board's regulations approved by Board Resolution 82-791, effective December 15, 1982. In addition, the Board by this action is incorporating into its regulations a restriction on savings and loan holding company activities required by the Garn-St Germain Depository Institutions Act of 1982 ("Act"), Public Law 97-320, which also was inadvertently omitted from the prior action of the Board. Finally, the Board is deleting certain merger authority that was inadvertently provided by such action that is in excess of express statutory authority.

DATES: Effective December 16, 1982.

Comments must be received by February 22, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will

be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Randall H. McFarlane, Legislative Counsel, Office of the General Counsel (202-377-6449), at the above address.

SUPPLEMENTARY INFORMATION:

In Board Resolution No. 82-791, effective December 15, 1982, the Board amended its regulations concerning the chartering options available to federal and state associations as a result of the enactment of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320. That action inadvertently failed, however, to include several conforming changes needed to ensure the ability of FSLIC-insured associations to become state savings banks while maintaining FSLIC insurance of accounts, and otherwise be treated as insured institutions under sections 403(b)(2) and 408(a)(1)(A) of the National Housing Act ("NHA").

It would be unjustifiably burdensome to force institutions that seek to operate as state savings banks to give up their FSLIC insurance where they receive no greater empowerments than those that are available to other state institutions that the FSLIC insures. This is especially so because, given current economic conditions, many of the institutions that could profitably take advantage of the competitive benefits that flow from the term "savings bank" might not qualify for deposit insurance from the Federal Deposit Insurance Corporation, the only available alternative source of federal deposit insurance. The Board does not believe it would be inconsistent with Congressional intent to allow retention of FSLIC insurance as long as the authority available to an institution as a state savings bank is not significantly different than would be available as a state savings and loan, building and loan, homestead association or cooperative bank, and has adopted new 12 CFR 563.29-1 accordingly.

Conforming definitional changes are made to 12 CFR 561.1 and 583.6.

The Board, in addition, is implementing a statutory mandate under the Act that requires a unitary savings and loan holding company with an insured institution subsidiary that does not qualify as a domestic building and loan association under section 7701(a)(19) of the Internal Revenue Code to adhere to the activities restrictions applicable to multiple savings and loan holding companies. New 12 CFR 584.2-2 sets forth the applicable criteria, essentially tracking the statutory language of section 7701(a)(19). There is no indication of any intent in the legislative history of the Act to

distinguish between the various types of "insured institutions" that are covered by the Savings and Loan Holding Company Act ("SLHCA"), and § 584.2-2 thus applies evenly to all institutions that are covered by the SLHCA. To do otherwise would go against a general theme in the legislative history of the Act of providing a greater parity of empowerments and treatment between federal associations, and would disrupt, without any clear evidence of Congressional intent, the pattern of uniform applicability of the SLHCA to all insured institutions that has long characterized the regulatory framework based on that legislation.

In the absence of any indication of legislative intent to incorporate all of the regulations of the Secretary of the Treasury ("Treasury") interpreting section 7701(a)(19) into the Board's regulations, the Board is utilizing only the statutory language of section 7701(a)(19) at this time, although it should be noted that this language does explicitly cross-reference certain Treasury regulations. Apart from these cross-references, however, the Board will regard the regulations of the Treasury as informative, but in no sense controlling, in developing an interpretive gloss for its own regulations, or in promulgating further regulations.

Finally, the Board is deleting certain authority approved by Board Resolution 82-791 to allow federal associations to merge with non-FSLIC insured institutions, other than FDIC-insured federal associations, thus correcting an inadvertent extension of federal association authority beyond the express language of section 5(d)(11) of the Home Owners' Loan Act, dealing with merger authority.

List of Subjects in 12 CFR Parts 546, 552, 561, 563, 583, and 584

Savings and loan associations, Insurance, Holding companies.

The Board finds that the public notice and comment procedures of 5 U.S.C. 553(b) and 12 CFR 508.13 are unnecessary for the following reasons: (1) Immediate regulatory action is in the public interest in that the Congress expressly intended, in passing the Garn-St Germain Depository Institutions Act of 1982, that federal associations and other thrift institutions exercise increased organizational flexibility to meet current, extremely stressful economic conditions, and it will increase the availability of this new power to those entities; (2) Most federal associations have annual meetings in the first month of the calendar year, notice of which must go out to

shareholders 15 to 45 days in advance, and any change in charter would of necessity need to be considered at such a meeting; (3) It will relieve certain restrictions; and (4) It will articulate the perimeters of other statutory restrictions already in place and thus facilitate the efficient and effective association operations that are necessary to deal with current, stressful economic conditions, but that cannot be undertaken easily in the absence of regulatory clarification.

Since there are a number of important changes in these regulations, however, the Board is soliciting comments from the public as to the effect of these regulations.

Accordingly, the Board hereby amends Parts 546 and 552 of Subchapter C, Parts 561 and 563 of Subchapter D, and Parts 583 and 584 of Subchapter F, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

§ 546.1 [Amended]

1. Amend § 546.1(a) by removing the phrase "a national bank" and substituting therefor the phrase "a savings bank", removing the phrase "or commercial or industrial bank", and removing the phrase "or other applicable law".

§ 546.2 [Amended]

2. Amend § 546.2(a)(2) by removing the word "institutions" and substituting therefor the phrase "Federal associations" and inserting a period immediately after the word "Part" and removing everything thereafter.

PART 552—STOCK ASSOCIATIONS

§ 552.13 [Amended]

3. Amend § 552.13 by removing the phrase "commercial, industrial," in paragraph (b)(1); removing the phrase "that in combinations involving a Federal association insured by the Federal Deposit Insurance Corporation, all constituent associations have accounts insured either by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation," in paragraph (c)(1) and substituting therefor the phrase "for Federal associations the deposits of which are insured by the Federal Deposit Insurance Corporation,"; removing the phrase "or other applicable law," in paragraph (e); and removing the phrase "or other

applicable law" in paragraph (l). (Note: this is "one", but paragraph "small case of the letter 'L'")

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

§ 561.1 [Amended]

4. Amend § 561.1 to insert immediately before the period at the end of the first sentence, the phrase ", and shall include an institution that retains insurance of accounts by the Corporation pursuant to § 563.29-1 of this subchapter".

PART 563—OPERATIONS

5. Add new § 563.29-1, as follows:

§ 563.29-1 Continuation of insurance.

An institution the accounts of which are insured by the Corporation may change its name or charter, pursuant to state law or regulation, to become a state savings bank-type institution and may retain insurance of accounts by the Corporation thereafter, provided its authority under state law as a savings bank is not significantly different than its authority would be under state law as a savings and loan, building and loan, homestead association, or cooperative bank.

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 583—DEFINITIONS

§ 583.6 [Amended]

6. Amend § 583.6 to insert immediately before the period at the end of the first sentence, the phrase ", and shall include an institution that retains insurance of accounts by the Corporation pursuant to § 563.29-1 of this Chapter".

PART 584—REGULATED ACTIVITIES

7. Add a new § 584.2-2, as follows:

§ 584.2-2 Activities of unitary savings and loan holding companies.

(a) *General.* A savings and loan holding company, or any subsidiary thereof which is not an insured institution, whose subsidiary insured institution fails to qualify as a qualified institution, as defined in paragraph (b) of this section, may not commence, or continue for more than three years after such failure, any service or activity other than those permitted under §§ 584.2 and 584.2-1 of this part for multiple savings and loan holding companies and their subsidiaries.

(b) *Definitions.* A qualified institution

is an insured institution, the business of which consists principally of acquiring the savings of the public and investing in loans, and at least 60 percent of the total assets of which (at the close of its taxable year) consists of:

(1) Cash,
(2) Obligations of the United States or of a State or political subdivision thereof, and stock or obligations of a corporation which is an instrumentality of the United States or of a State or political subdivision thereof, but not including obligations the interest on which is excludable from gross income under section 103 of the Internal Revenue Code,

(3) Certificates of deposit in, or obligations of, a corporation organized under a State law which specifically authorizes such corporation to insure the deposits or share accounts of member associations,

(4) Loans secured by a deposit or share of a member of the institution,

(5) Loans (including redeemable ground rents, as defined in section 1055 of the Internal Revenue Code) secured by an interest in real property which is (or, from the proceeds of the loan, will become) residential real property or real property used primarily for church purposes, and loans made for the improvement of residential real property or real property used primarily for church purposes: Provided, that for purposes of this clause, residential real property shall include single or multifamily dwellings, facilities in residential developments dedicated to public use or property used on a nonprofit basis for residents, and mobile homes not used on a transient basis,

(6) Loans secured by an interest in real property located within an urban renewal area to be developed for predominantly residential use under an urban renewal plan approved by the Secretary of Housing and Urban Development under part A or part B of title I of the Housing Act of 1949, as amended, or located within any area covered by a program eligible for assistance under section 103 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended, and loans made for the improvement of any such real property.

(7) Loans secured by an interest in educational, health, or welfare institutions or facilities, including structures designed or used primarily for residential purposes for students, residents, and persons under care, employees, or members of the staff of such institutions or facilities,

(8) Property acquired through the liquidation of defaulted loans described

in paragraphs (b) (5), (6), or (7) of this section.

(9) Loans made for the payment of expenses of college or university education or vocational training, in accordance with such regulations as may be prescribed by the Secretary of the Treasury, and

(10) Property used by the association in the conduct of the business of acquiring the savings of the public and investing in loans.

At the election of the insured institution, the percentage specified in this paragraph (b) shall be applied on the basis of the average assets outstanding during the taxable year, in lieu of the close of the taxable year, computed under regulations prescribed by the Secretary of the Treasury. For purposes of paragraph (b)(5) of this section, if a multifamily structure securing a loan is used in part for nonresidential purposes, the entire loan is deemed a residential real property loan if the planned residential use exceeds 80 percent of the property's planned use (determined as of the time the loan is made). In addition, for purposes of paragraph (b)(5) of this section, loans made to finance the acquisition or development of land shall be deemed to be loans secured by an interest in residential real property if, under regulations prescribed by the Secretary of the Treasury, there is reasonable assurance that the property will become residential real property within a period of three years from the date of acquisition of such land; but this sentence shall not apply for any taxable year unless, within such three-year period, such land becomes residential real property.

(c) *Notice.* A unitary savings and loan holding company shall promptly notify the Corporation of the failure of any insured institution subsidiary to qualify as a qualified institution under this section, and of what steps will be taken to comply with paragraph (a) of this section.

(Secs. 2, 5, 48 Stat. 128, 132, as amended (12 U.S.C. 1462, 1464); Secs. 401, 403, 48 Stat. 1255, 1257, as amended (12 U.S.C. 1724, 1726); Sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947; 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,
Acting Secretary.

[FR Doc. 83-2491 Filed 1-27-83; 9:45 am]
BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 217

[Economic Reg. Reissuance of Part 217; Docket 40551; ER-1320]

Reporting Data Pertaining to Civil Aircraft Charters Performed by Foreign Air Carriers; Reporting of Charter Air Transportation and Reissuance of Part 217

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB eliminates the reporting of domestic charter flights, reduces air carriers' reporting burden by requiring the filing of less detailed international charter market data and consolidates the filing requirements so U.S. and foreign carriers use the same form. These actions eliminate unnecessary data as the Board moves toward sunset.

DATES: Adopted: January 12, 1983. Effective: April 1, 1983; however, in accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). Part 217 is not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT: Jack M. Calloway or Thad Machcinski, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking approved March 19, 1982, the Board proposed to reduce the reporting of charter data by foreign and U.S. air carriers (EDR-441, 47 FR 15350, April 9, 1982). These reductions were to be accomplished by:

1. Eliminating the reporting of domestic charter operations by U.S. certificated carriers;
2. Reducing the amount of charter market data filed by foreign air carriers and U.S. certificated air carriers for international operations; and
3. Changing the reporting of charter data to eliminate data items no longer needed for regulatory purposes.

Four comments, including one reply comment, were received in response to the rulemaking notice. The respondents were United Air Lines, Inc. (UAL), a certificated air carrier; TAP Air Portugal (TAP), a foreign air carrier; and the U.S. Department of State (DOS). The reply comment was filed by Transamerica

Airlines, Inc. (Transamerica), a certificated air carrier. The comments generally supported the reporting relief proposed in EDR-441 with respect to the domestic charter operations of U.S. certificated carriers. The comments were divided, however, on certain areas of EDR-441, relative to international charters and charters performed by foreign air carriers. The areas of controversy are discussed below under separate captions.

Reporting of Charter Revenue Information

The Board proposed to eliminate the filing of revenue data on proposed CAB Form 217 if the costs outweighed the benefits of that reporting. While no respondent quantified the cost of providing charter revenue data, all submitted opinions as to their perceived value of the data.

TAP and UAL support eliminating the reporting of charter revenue data. TAP states that the burden of this requirement is substantial, that charter revenues are of insignificant relevance in inter-governmental negotiations and that to the extent charter revenues are useful they can be obtained on an *ad hoc* basis. UAL's support for elimination is based on its contention that charter revenue data is proprietary and highly confidential.

DOS objects to any changes in charter market data reporting by foreign air carriers. We have interpreted this statement to mean that DOS would oppose the elimination of charter revenue information. DOS states that full information from foreign air carriers is needed for civil aviation negotiations.

Transamerica filed a reply comment opposing UAL's and TAP's support for eliminating the reporting of charter revenue data. In rebutting UAL's and TAP's position, Transamerica states that since there are no tariffs for charter services, the proposed CAB Form 217 would be the only source of pricing data needed to assure nondiscriminatory treatment of U.S. flag carriers.

We have decided to eliminate the reporting of charter revenue data. The Board no longer has a regulatory need for charter revenues on a regular basis. Nevertheless, if the need arises, the Board can request revenue data from specific carriers on an *ad hoc* basis prior to entering bilateral negotiations.

Reduction in Level of Charter Market Data

EDR-441 proposed to eliminate the reporting of five data elements that were previously included on CAB Form 41 Schedule T-6 and CAB Form 217. The five data elements were day of

departure, type of aircraft, flight number, seats contracted for and tons available for revenue property. As stated earlier, DOS filed a comment which opposed reducing the level of data filed by foreign air carriers. DOS believes that U.S. negotiators must know exactly what charters are being flown by a foreign country's carrier(s) in order to assure that U.S. negotiators obtain the maximum benefits for U.S. carriers.

Transamerica, in their reply comment, supports DOS's recommendation that charter flight reports should be retained in their present form. Transamerica states that the day of departure, aircraft type, flight number, seats contracted for and tons available are needed to adequately monitor foreign carrier charter activity. The monitoring of such activity, Transamerica believes, is often necessary to determine positions on bilateral negotiations and to determine whether U.S. flag carriers are being discriminated against.

We agree with the comments of DOS and Transamerica that charter activity, especially by foreign carriers, must be monitored to develop and assess positions in bilateral negotiations and evaluate foreign reciprocity. Accordingly, we have decided in the final rule only to eliminate the day of departure, seats contracted for, and tons available for revenue property. These items are not critical to negotiations and thus are no longer needed to serve the Board's regulatory purposes.

On the other hand, we have decided to retain the reporting of aircraft type information and to modify the reporting of flight number data. Instead of reporting the flight number of a charter, carriers would report the total number of charters flown between the same points in the final rule. These data, after reevaluation, have been determined to be essential to the Board's process of analyzing the effectiveness of U.S. bilateral and multilateral agreements.

Reporting of Part Charter Data

UAL opposes the reporting of part charter data on proposed CAB Form 217. UAL points out that, historically, there has been a separation of scheduled service data on the one hand, and charter service data on the other. UAL also states that its statistical gathering system cannot distinguish charter passengers traveling on scheduled service airplanes from scheduled service passengers. Instead, UAL suggests that part charter passengers be included in scheduled service statistics.

Transamerica's reply comment on the other hand favors the reporting of part charter data. Transamerica states that

the compiling of data on the part charter activity of foreign air carriers can be of critical importance in developing a negotiating strategy and determining foreign government attitudes toward this newly authorized charter form.

We have decided to retain the reporting of part charter data on CAB Form 217. While UAL's argument that there has been a historical separation of scheduled service data and charter data is true, EDR-441 in no way proposed to co-mingle scheduled service data with charter data. CAB Form 217 in fact keeps this separation intact by only requiring carriers to file information related to the charter passengers transported on a scheduled flight.

In addition, part charter travel is a new form of authority and we wish to monitor the extent of its use in the international marketplace. It is important that the Board know the magnitude of these operations for both regulatory and negotiating purposes.

Editorial Amendments

The language in § 217.6(a) of EDR-441 was somewhat different from the applicability section in EDR-441, as it pertained to charter operations conducted by U.S. certificated carriers. To clarify any ambiguity that may exist, the reporting instructions in § 217.6(a) have been changed in the final rule to conform to that in the applicability section, i.e., to require U.S. carriers to report all "international charters," as defined in § 217.1.

The reporting instructions in § 217.6 also explained how to complete each column of CAB Form 217, except for column 11 "Number of Passengers in Each Group Enplaned." Since this lack of instructions for column 11 may confuse carriers filing CAB Form 217, we have added instructions for column 11 in the final rule.

Furthermore, EDR-441 did not contain a provision which would allow carriers to submit computer prepared formats in lieu of the standard hardcopy CAB reporting form. To correct this oversight, a provision for submitting computerized formats is included in the final rule.

In EDR-441, the Board certified that none of the proposed changes would, if adopted, have a significant economic impact on a substantial number of small entities in accordance with 5 U.S.C. 605(b). The reason for the negative certification was that few, if any, small businesses conduct operations with large aircraft, which are the only operations that would be covered under any of the proposed changes. No comments are filed in response to the Board's regulatory flexibility analysis,

and the Board finds no reason to change its negative certification for this rule.

The requirements contained in this regulation are subject to clearance by the Office of Management and Budget. We will publish a notice of the outcome of the OMB review as soon as it is completed.

List of Subjects in 14 CFR Part 217

Air transportation—Foreign, Charter flights, Reporting requirements.

Final Rule

Accordingly, the Civil Aeronautics Board revises 14 CFR Part 217, *Reporting Data Pertaining to Civil Aircraft Charters Performed by Foreign Air Carriers* as follows:

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY U.S. CERTIFICATED AND FOREIGN AIR CARRIERS

Sec.

- 217.1 Definitions.
- 217.2 Applicability.
- 217.3 Report of civil aircraft charters performed by U.S. certificated and foreign air carriers.
- 217.4 Extension of filing time.
- 217.5 Certification.
- 217.6 Reporting instructions.
- 217.7 Waivers from reporting requirements.
- 217.8 Computer prepared submissions.

Authority: Sections 101(3), 204, 401, 403, 404, 407, 411, 416, 1002, 72 Stat. 737, 743, 754, 758, 760, 766, 769, 771, 788; 49 U.S.C. 1301, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1482.

§ 217.1 Definitions.

As used in this part:
"International charter" means a charter flight in air transportation that has flight stages with one or more terminals outside of territory under U.S. jurisdiction.

"Part charter" means the charter portion of a flight that includes both charter and scheduled service passengers.

"Small aircraft" means an aircraft designed to have a maximum passenger capacity of 60 or fewer seats, and a maximum payload capacity not more than 24,000 pounds.

§ 217.2. Applicability.

This part applies to foreign air carriers that are authorized by permit under Section 402 of the Act to perform civil aircraft charters to or from the United States, to U.S. certificated air carriers performing international charters, and upon Board order, to foreign and other air carriers whose charter authority is conferred by exemption under Section 416. Operations conducted with small aircraft are exempt.

§ 217.3 Report of civil aircraft charters performed by U.S. certificated and foreign air carriers.

(a) Each U.S. certificated and foreign air carrier shall file CAB Form 217, entitled "Report of Civil Aircraft Charters Performed by U.S. Certificated and Foreign Air Carriers." CAB Form 217, as shown in Appendix A, may be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

(b) One copy of CAB Form 217 shall be filed for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year. This report shall be submitted to the Reports Control Section, B-46a, Information Management Division, Office of Comptroller, Civil Aeronautics Board, Washington, D.C. 20428, so as to be received on or before the due dates indicated below. Due dates falling on a Saturday, Sunday or U.S. national holiday become effective the first following working day.

SCHEDULE OF DUE DATES

Filing for quarter ended	Due date
March 31	April 30,
June 30	July 30,
September 30	October 30,
December 31	January 30.

(c) If no charter flights were operated for the quarter to be reported, one copy of CAB Form 217 endorsed "no flights operated" shall nevertheless be filed. If charter flight operations have been discontinued indefinitely, one copy of CAB Form 217 endorsed "charter flight activity discontinued indefinitely" shall be filed and no further quarterly reports are required until such time as any charter flight is flown.

§ 217.4. Extension of filing time.

If circumstances prevent the filing of a report on or before the prescribed due date, a written request for an extension shall be filed with the Office of Comptroller at least 3 days in advance of the due date, except in an emergency, setting forth good reason to justify the granting of the extension and the date when the report can be filed. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

§ 217.5 Certification.

The certificate in CAB Form 217 shall be signed by the person in charge of preparing the form, and shall apply to all accompanying reports and documents.

§ 217.6 Reporting instructions.

(a) A complete report shall be made on CAB Form 217 for all charter operations conducted by foreign air carriers to or from the United States and for all international charter operations conducted by U.S. certificated air carriers. Charter flights performed with small aircraft are exempt.

(b) Reporting of charter flights shall be on a charter type basis, by flight leg; that is, there will be a separate line of data for each flight leg of each charter type that is flown between a different set of points. If the charter type, flight leg, point of enplanement, point of deplanement and aircraft type utilized are identical, the reported data then shall be reported in the aggregate for the entire month, regardless of the number of flights flown between those points.

(c) Each CAB Form 217 submitted shall consist of three separate monthly reports within each of the respective calendar quarters. Data for each flight leg shall be reported for that month in which the flight leg began. The reported month, year, and name of carrier shall be inserted in the areas provided in the upper left hand corner of the report. The date code shall show the year first and then the month (e.g., 8301 for January 1983). The carrier area shall show the carrier's standard 2-position alpha code as shown in the Official Airline Guide (OAG). If the carrier has no such code, it should leave those two positions blank until assigned a code by the Information Management Division, Office of Comptroller.

(d) Column (1) is reserved.

(e) Column (2) shall reflect the code number for the type of aircraft operated as provided in the Official Airline Guide (OAG). If no aircraft code exists in the OAG, the manufacturers type and model shall be provided so that the Information Management Division, Office of Comptroller can assign a code to be used in subsequent filings.

(f) Column (3) shall reflect the number of charter flights performed.

(g) Column (4) shall reflect each type of charter by the following codes:
EC—Entity-Cargo (Own Use)
EF—Cargo (Forwarder/Consolidator)
EP—Part Charter (Passenger)
PZ—Other Passenger Charters

Charters flown for the transportation of charter traffic of another air carrier or foreign air carrier shall be reported solely by the carrier in operational control of the aircraft, naming the type of charter, e.g., EP, and traffic carried. Charters flown to accommodate the scheduled traffic of another direct air carrier shall be reported as entity charters.

(h) Column (5) shall identify each leg by the following numbers:

- 1—One-way flight.
- 2—Originating leg of round trip.
- 4—Return leg of round trip.

The outbound and return legs of any round trip group movement shall not be reported as one-way flight legs.

(i) Column (6) shall reflect any point at which a charter group, cargo load, or part of a group or load was enplaned. Departure points for ferry legs shall not be reported. Technical stops, e.g., for departure formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of enplanement shall be reported. The point of enplanement shall be identified by the three-letter airport code used in the OAG. If no OAG code exists, the point of enplanement shall be written out, in a footnote if necessary.

(j) Column (7) shall reflect any point at which a charter group, cargo load, or part of a group or load was deplaned. Arrival points for ferry legs shall not be reported. Technical stops, e.g., for entry formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the planned rather than the actual point of deplanement shall be reported. The point of deplanement shall be identified by the three-letter airport code used in the OAG. If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(k) Column (8) is reserved.

(l) Column (9) is reserved.

(m) Column (10) is reserved.

(n) Column (11) shall reflect the number of charter passengers transported. Part charter entries shall exclude scheduled passengers.

(o) Column (12) shall reflect the number of tons (to the nearest tenth of a short ton) of property enplaned in Entity-Cargo (Own Use) and Cargo (Forwarder/Consolidator) charters only.

§ 217.7 Waivers from reporting requirements.

A waiver from any reporting requirement contained in CAB Form 217 may be granted by the Civil Aeronautics Board upon its own initiative, or upon the submission of a written request to the Board's Office of Comptroller from any air carrier, when such a waiver is in the public interest. Each request for waiver must expressly demonstrate that: Existing peculiarities warrant a departure from the prescribed reporting; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of the prescribed reporting; and the application of such

alternative procedure will maintain or improve uniformity in reporting as between air carriers.

§ 217.8 Computer prepared submissions.

Carriers may submit the data required by CAB Form 217 on a comparable form prepared on automatic data processing equipment. Such substitute form shall be subject to prior approval by the Chief, Information Management Division, Office of Comptroller and shall contain the same column headings arranged in the same sequence as CAB Form 217.

By the Civil Aeronautics Board.

Note.—CAB Form 217 is filed as part of the original document.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-2412 Filed 1-27-83; 8:45 am]

BILLING CODE 8320-01-M

14 CFR Part 241

[Economic Regs. Amdt. No. 48; Reg. ER-1319]

Uniform System of Accounts and Reports for Certificated Air Carriers; Amendment of Fuel Cost and Consumption Reporting

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB reduces the amount of fuel cost and consumption data reported monthly by certificated air carriers. This action also establishes a new procedure for withholding monthly fuel cost and consumption data of individual carriers from public disclosure for a limited period of time. This action will more closely align the data collected with the CAB's data needs.

DATES: Adopted: January 12, 1983. Effective: April 1, 1983; however, in accordance with the Paperwork Reduction Act (44 U.S.C. 3507), these reporting provisions have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until a control number is issued by OMB.

FOR FURTHER INFORMATION CONTACT: Jack M. Calloway or M. Clay Moritz, Jr., Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking dated April 3, 1981, the Board proposed to reduce the level of detailed fuel data reported on CAB Form 41 Schedule P-

12(a) "Fuel Consumption by Type of Service and Specific Operational Markets" (EDR-422, 48 FR 21185, April 9, 1981). This reporting reduction was to be accomplished by:

1. Eliminating the requirement that fuel cost and consumption data be reported separately for bonded, nonbonded and foreign fuel;
2. Consolidating from seven into two the number of operational markets in domestic scheduled service for which fuel consumption would be reported;
3. Consolidating from seven into three the number of operational markets in international scheduled service for which fuel consumption would be reported; and
4. Consolidating the reporting of nonscheduled services in the same way as scheduled services.

EDR-422 also proposed to amend Part 241 so as to withhold the individual carrier fuel data reported on Schedule P-12(a) from public disclosure until thirty days after the end of the calendar quarter to which the monthly schedules relate. This limited confidential treatment was proposed in response to a Delta Air Lines, Inc. February 13, 1981, motion for confidential treatment of CAB Form 41 Schedules P-12 and P-12(a).¹ Pan American World Airways, Inc., Trans World Airlines, Inc. and United Air Lines, Inc. filed subsequent motions for confidential treatment of Schedules P-12 and P-12(a) on February 27, 1981, March 20, 1981, and March 23, 1981, respectively. The limited confidential treatment proposed in EDR-422 was intended as the Board's response to these subsequent motions as well.

Thirteen comments were received in response to the rulemaking notice. Of the thirteen, ten were from certificated air carriers², two from other Federal agencies³, and one from the Boeing Commercial Airplane Company (Boeing). American's Continental's and TWA's comments support the rule as proposed, while the remaining comments suggest certain modifications

to the rulemaking proposal. The modifications are discussed below under separate captions.

Schedule P-12(a) Data Format

Piedmont, United, Boeing, Bureau of Economic Analysis, and Defense Fuel Supply Center each submitted comments concerning the proposed reporting of fuel data on the revised Schedule P-12(a) "Fuel Consumption by Type of Service and Entity." In its comments, Piedmont suggests that the final rule include a sunset provision to coincide with the Board's loss of its ratemaking authority on December 31, 1982.

Attaching a sunset date to the Board's collection of fuel data is unwarranted at this time for two reasons. First, the Board's authority over international fares and rates transfers, under the provisions of the Airline Deregulation Act of 1978, to the Department of Transportation on January 1, 1985. Thus, the need for international fuel data will continue beyond sunset. Second, both domestic and international fuel data are still needed to determine the Standard Industry Fare Level (SIFL) and the Standard Foreign Fare Level (SFFL). While the SFFL calculations will continue beyond sunset, SIFL will be retained at least until the Board's January 1, 1984, Report to Congress on the impact of deregulation is due. Both SIFL and SFFL are used to provide benchmarks in evaluating the effects of deregulation. Furthermore, eliminating the domestic fuel data used in the SIFL calculations would also eliminate certain transborder operations that are reported in the domestic entity but are still needed in monitoring international fares.

Piedmont's comments also question the need for the Board to continue collecting fuel data since EDR-422 points out that average fuel prices are available in quarterly reports submitted to the Securities and Exchange Commission (SEC). The availability of fuel data from the SEC was mentioned in EDR-422 merely to point out that the Board's proposed public release of fuel data on a quarterly basis coincides with the availability of fuel data from other sources. The data available from the SEC, however, is not of sufficient detail to satisfy the Board's regulatory need for fuel data. Typically, publicly held air carriers have been reporting, as part of their SEC Form 10-Q, "Quarterly Report under Section 13 or 15(d) of the Securities Exchange Act of 1934," average fuel prices and the number of gallons consumed on a system basis; however, the Board requires fuel consumption and price data broken down by entity and reported on a

monthly basis. Therefore, the data that are available fall short of the level of detail and the filing frequency needed by the Board. It should also be noted that the submission of carrier fuel data to SEC is voluntary under a Form 10-Q general "management discussion of significant items" reporting requirement. As a result, carrier fuel data reporting is not uniform. Accordingly, we must continue to collect fuel data in order to meet our regulatory needs.

The comments of Bureau of Economic Analysis (BEA), Boeing and Defense Fuel Supply Center (DFSC) all suggest retaining some or all of the data that would be eliminated on the revised Schedule P-12(a). Both BEA and Boeing recommend continuing the separate reporting of domestic and foreign fuel data. BEA uses foreign fuel data in preparing estimates of trade in petroleum products between the United States and other countries. Moreover, BEA identifies the Board as the sole source of data on the volume of foreign fuel utilized by U.S. air carriers. Boeing, on the other hand, cites dissimilar price characteristics between the domestic and foreign fuel markets in recommending that the reporting of domestic and foreign fuel not be combined in the revised P-12(a).

DFSC recommends continuing the current Schedule P-12(a) reporting requirement. In its comments, DFSC states that, along with other relevant market research data, the Schedule P-12(a) data are used to evaluate offers it receives under its fuel procurement solicitations. In support of its position, DFSC states that every cent per gallon negotiated off the average jet fuel price procured from domestic sources represents a savings to the U.S. taxpayer of nearly \$46 million per year. The DFSC goes on further to state that it believes that the loss of the P-12(a) data would adversely affect its ability to negotiate favorable price terms on its jet fuel procurements. Adoption of DFSC's recommendation would result in retaining schedule P-12(a) in its present form and enable us to meet Boeing's and BEA's expressed data needs as well.

While we believe the above comments do have merit, the Paperwork Reduction Act of 1980 (Pub. L. 96-511) precludes the Board from collecting data that are not needed for its own regulatory programs. However, this Act does provide that the Director, Office of Management and Budget (OMB) has the authority to designate the Board as a central agency for collecting data needed by one or more agencies.

With this in mind, we sent a letter to OMB asking for their views as to

¹ Delta's motion for confidential treatment for Schedule P-12 was rendered moot by the Board's July 8, 1982, adoption of ER-1297 (47 FR 32915, July 28, 1982), which eliminated Schedule P-12, "Fuel Inventories and Consumption" as a reporting requirement.

² Air Florida, Inc. (Air Florida), American Airlines, Inc. (American), Continental Air Lines (Continental), Delta Air Lines, Inc. (Delta), Northwest Airlines (Northwest), Pan American World Airways, Inc. (Pan American), Piedmont Aviation, Inc. (Piedmont), United Air Lines, Inc. (United), Trans World Airlines, Inc. (TWA) and U.S. Air, Inc. (USAir).

³ United States Department of Commerce (Bureau of Economic Analysis) and Department of Defense—Defense Logistics Agency (Defense Fuel Supply Center).

whether the Board should be designated to collect the data needed by DFSC and BEA even though the Board no longer requires such detailed fuel data. After its review, OMB informed us that they decided not to designate the Board as a central collection agency for carrier fuel data. We have contacted both BEA and DFSC, informing them of OMB's decision and soliciting any additional comments they may have. Neither BEA nor DFSC have commented further. Accordingly, we have decided to finalize the Schedule P-12(a) data format as it was proposed in EDR-422.

In its comment, United has asked that Mexican transborder operations be reported in the domestic entity instead of the Latin American entity, as proposed. The carrier contends that most Mexican cities are relatively close to domestic points and their fares are monitored through the domestic Standard Industry Fare Level (SIFL). Furthermore, United claims these flights more closely parallel fifty-state enterprises than Atlantic, Pacific or Latin American flights.

We have included Mexican operations in the Latin American entity in the final rule. Only a limited number of carriers currently have their Mexican operations monitored through SFFL. The remaining majority of carriers conducting Mexican operations are monitored through the Standard Industry Fare Level (SIFL). With the termination of the Board's domestic ratemaking authority on December 31, 1982, the monitoring of Mexican operations will start to shift toward the SFFL.

Public Disclosure

The remainder of the comments submitted pertain to the Board's proposed limited confidential treatment period for Schedule P-12(a) whereby individual carrier fuel data would be withheld from public disclosure until thirty days after the end of the calendar quarter to which the monthly schedules relate. As mentioned previously, American, Continental and TWA support the proposed confidential treatment contained in EDR-422. The DFSC commented that Schedule P-12(a) data should be withheld from public release until such time that concern for commercial sensitivity does not exist.

Against this backdrop of support for limited confidential treatment, Air Florida, Delta, Northwest, Pan American, Piedmont, United and USAir all support the concept of confidential treatment but suggest certain modifications to the proposed rule.

Early Release of Fuel Data

Air Florida, Delta, Northwest and Pan American have suggested certain modifications to the proposed criteria for the early release of fuel data. The proposed rule provides that aggregate data may be released before the expiration of the confidential treatment period without identifying individual carriers; however, individual carrier fuel data withheld from public disclosure may be disclosed by the Board to (1) parties to any proceeding before the Board to the extent such material is relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board; (2) agencies and other components of the Federal Government for their internal use only; and (3) such persons and in such circumstances as the Board determines to be in the public interest or consistent with its regulatory functions and responsibilities.

Air Florida wants to expand the above criteria to permit the early release of individual carrier fuel data to those carriers participating in the submission of fuel cost and consumption data. Pan American also wants to expand the above list so as to include access by persons designated by each reporting carrier to verify the reported fuel data compiled by and used by the Board in the Standard Industry Fare Level calculations, the Standard Foreign Fare calculations and mail rate determinations.

Air Florida contends that principles of fairness dictate that carriers obligated to supply fuel data should be able to access such data. Air Florida compares the release of fuel data with the Board's policy of releasing restricted international Origin and Destination Survey (O & D) statistics to participating U.S. carriers. The carrier further comments that carriers should have access to other carriers' cost data to insure that fuel suppliers do not try to take advantage of a carrier in the pricing of their product. This, Air Florida feels, would help negate or minimize the tendency of fuel prices to move toward an average market price.

The analogy that Air Florida draws between the release of international O & D data and fuel data is tenuous at best. Historically, international O & D data have not been released to the public whereas fuel data have. While international O & D data are accorded permanent confidential treatment and made available to participating carriers under a reciprocal exchange agreement, the proposed rule grants only limited confidential treatment to Schedule P-

12(a); therefore, Air Florida will have prospective access to the fuel data it seeks for any purpose it wishes, including dealings with suppliers. We do not feel that the length of the confidential treatment period poses an undue burden on the carrier.

We are also not persuaded by Pan American's argument that early access is needed to verify the Board's fare and rate calculations. Since early 1981, when we started granting confidential treatment to individual carrier P-12(a) filings, we have received no requests for individual carrier fuel data and no comments that question the Board's compilation of fuel data in setting fares and rates.⁴ Should a situation arise where Pan American feels it has a legitimate need for individual carrier fuel data, we believe the carrier's concern can be properly addressed under the third exception to confidential treatment listed in EDR-422. This exception covers "such other persons and in such circumstances as the Board determines to be in the public interest or consistent with its regulatory functions and responsibilities."

In more general comments, Delta has asked that the provisions allowing early access provide more specific guidance as to under what exact circumstances fuel data would be released. For example, Delta feels that "relevant and material" do not adequately indicate when and under what circumstances data would be considered for release to parties to a Board proceeding. Northwest, on the other hand, has asked that Federal agencies be required to obtain prior Board approval before they can publicly release restricted fuel data that was obtained under the confidential treatment exception provisions of the proposed rule.

We have considered Delta's comments and feel that further specification of the exact circumstances surrounding the public release of fuel data is not feasible. Not every circumstance can be anticipated and reduced to regulation. Flexibility is needed so that each situation that arises can be judged on its own merits.

As to Northwest's concern that other Federal agencies obtain and release restricted fuel data, it should be noted that the guidelines proposed for early release are similar to the current guidelines in the Board's regulations that

⁴The Schedule P-12(a) filings of the following carriers are currently being withheld from public disclosure: Air Florida, American Airlines, Delta Air Lines, Northwest Airlines, Pacific Southwest Airlines, Pan American World Airways, Transamerica Airlines, Trans World Airlines, United Air Lines, USAir, and Western Air Lines."

govern the release of international passenger origin and destination (O & D) statistics. To date, we have experienced no problems in releasing international O & D statistics and expect no difficulty in administering the proposed public release provisions for fuel data. Based on the above discussion, we have included in the final rule the criteria for the early release of fuel data as they were proposed in EDR-422.

Length of Confidential Treatment Period

United, USAir and Piedmont have commented on the proposed length of the period of confidentiality. United and USAir have asked for permanent confidential treatment of schedule P-12(a). As an alternative, United suggests the Board consider a one-year confidential treatment period. In a similar vein, Piedmont asks for either the elimination of Schedule P-12(a) or a six-month period of confidentiality.

We are not inclined to extend confidential treatment to Schedule P-12(a) on a permanent basis. Over time, fuel data loses its sensitivity; moreover, as we have previously indicated, system average fuel prices can be computed using quarterly reports to the SEC and other Form 41 schedules. With the availability of pricing data from these other sources, we see no reason to significantly extend the proposed confidential treatment period.

On our own initiative, however, we have decided to delay the release of restricted fuel data to coincide with the filing date for the quarterly CAB Form 41 P schedules. This delay will effectively withhold carrier fuel data from public disclosure until the time when average entity fuel prices can be computed from other Form 41 schedules. Under this plan, fuel data would not be released until forty days after the end of the calendar quarter and, in the case of fourth quarter fuel data when certain preliminary financial schedules are filed under the provisions of paragraph (b) of Section 22 of this Part, fuel data would be withheld for ninety days or until March 30. This delay in releasing Schedule P-12(a) should eliminate some of the concerns of those carriers that argue for a release date later than the one proposed.

Requests for Individual Carrier Fuel Data

For administrative convenience, we are delegating to the Chief, Information Management Division, Office of Comptroller, the authority to grant or deny requests for the early release of the individual carrier fuel data reported on Schedule P-12(a). This action consolidates the responsibility for

collecting, maintaining the confidential treatment of, and authorizing the early release of individual carrier fuel data. The release of fuel data will be governed by the provisions of paragraph (k) of the reporting instructions for Schedule P-12(a), which are contained in Section 24 of this Part. An amendment to the Board's Organization Regulations, reflecting this change, is being issued simultaneously with this rule.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act (Pub. L. 96-354), the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. Although some of the carriers that are subject to Schedule P-12(a) are small businesses, they are not the ones that will be most significantly affected by this rule.

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Title	Filing frequency	Applicability by carrier group		
			I	II	III
P-12(a)	Fuel Consumption by Type of Service and Entity.	M	(1)	X	X

3. Section 24 is amended by revising the title and reporting instructions for Schedule P-12(a) to read:

Section 24—Profit and Loss Elements

Schedule P-12(a)—Fuel Consumption by Type of Service and Entity

(a) This schedule shall be filed by all Group II and Group III air carriers and Group I air carriers that receive section 406 subsidy or have annual operating revenues of \$10 million or more.

(b) A single copy (original only) of this schedule shall be filed to report monthly fuel consumption data by type of service and entity.

(c) For the purposes of this schedule, type of service shall be either scheduled service or nonscheduled service as those terms are defined in Section 03 of Part 241.

(d) For the purpose of this schedule, scheduled service shall be reported separately for: (1) Intra-Alaskan operations; (2) domestic operations, which shall include all operations within and between the 50 States of the United States (except Intra-Alaska), the District of Columbia, the Commonwealth of Puerto Rico and the United States Virgin Islands and Canadian transborder operations; (3) Atlantic operations (excluding Bermuda); (4) Pacific

List of Subjects in 14 CFR Part 241

Air carriers, Uniform system of accounts, Reports.

Final Rule

PART 241—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 241, Uniform System of Accounts and Reports for Certificated Air Carriers as follows:

1. The authority for Part 241 is:

Authority: Sections 204, 401, 407, 416, 417, 901, 902, 1002, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766, 771, 783, 784, 786, 78 Stat. 145; 49 U.S.C. 1324, 1371, 1377, 1386, 1387, 1471, 1472, and 1482.

2. Section 22, is amended by revising the title of Schedule P-12(a) in the List of Schedules in CAB Form 41 Report in paragraph (a) to read:

operations which shall include the North/Central Pacific, South Pacific (including Australia) and the Trust Territories; and (5) Latin American operations which shall include the Caribbean (including Bermuda and the Guianas), Mexico and South/Central America.

(e) For the purpose of this schedule, nonscheduled service shall be reported separately for domestic operations and international operations as defined in paragraph (d) above, except that domestic and international MAC operations shall be reported on separate lines.

(f) The cost data reported on each line shall represent the average cost of fuel, as determined at the station level, consumed in that entity.

(g) The cost of fuel shall include shrinkage but exclude (1) "through-put" and "in to plane" fees, i.e., service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a separately identifiable form and (2) nonrefundable Federal and State excise taxes. However, "through-put" and "in to plane" charges that cannot be identified or segregated from the cost of fuel shall remain a part of the cost of fuel as reported on this schedule.

(h) Each air carrier shall maintain records for each station showing the computation of fuel inventories and consumption for each fuel type. The periodic average cost method shall be used in computing fuel inventories and consumption. Under this method, an average unit cost for each fuel type shall be computed by dividing the total cost of fuel available (Beginning Inventory plus Purchases) by the total gallons available. The resulting unit cost shall then be used to determine the ending inventory and the total consumption costs to be reported on this schedule.

(i) Where amounts reported for a specific entity include other than Jet A fuel, a footnote shall be added indicating the number of gallons and applicable costs of such other fuel included in amounts reported for that entity.

(j) Where any adjustment(s) recorded on the books of the carrier results in a material distortion of the current month's schedule, carriers shall file a revised schedule P-12(a) for the month(s) affected.

(k) Data reported on this schedule shall be withheld from public release until the quarterly Form 41 P schedules for the calendar quarter to which the monthly schedules relate are due at the Board. However, aggregate data may be released before that time without identifying individual carriers. Provisions governing the due dates for submitting the quarterly P schedules are contained in paragraphs (a) and (b) of Section 22 of this Part. Individual carrier fuel data withheld from public disclosure may be disclosed by the Board to (1) parties to any proceeding before the Board to the extent such material is relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board; (2) agencies and other components of the Federal Government for their internal use only; and (3) such persons and in such circumstances as the Board determines to be in the public interest or consistent with its regulatory functions and responsibilities.

2. CAB Form 41 Schedule P-12(a) is amended as shown in the attached exhibit. The exhibit is filed as part of the original document.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-2411 Filed 1-27-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 241

[ER-1321; Amdt. No. 49; Docket 40551]

Reporting of Charter Air Transportation and Elimination of Schedule T-6

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB eliminates the reporting of domestic charter flights, reduces air carriers' reporting burden by filing less detailed international charter market data and consolidates the filing requirements so U.S. and foreign carriers use the same form (CAB Form 217). These actions eliminate unnecessary data as the Board moves toward sunset. Supplementary information about this rule appears in ER-1320, also adopted today.

DATES: Adopted: January 12, 1983. Effective: April 1, 1983; however, in accordance with the paperwork Reduction Act of 1980, (44 U.S.C. 3507), these reporting or recordkeeping provisions have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT: Jack M. Calloway or Thad Machcinski, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

List of Subjects in 14 CFR Part 241

Air carriers, Uniform system of accounts and reports.

Final Rule

PART 241—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 241 *Uniform System of Accounts and Reports for Certificated Air Carriers*, as follows:

1. The authority for Part 241 is amended to read:

Authority: Sections 101, 204, 401, 402, 403, 404, 407, 411, 416, 417, 901, 902, 1002, 1601, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 758, 766, 769, 774, 783, 788; 76 Stat. 145; 92 Stat. 1744; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1472, 1482, 1551; sec. 43, Pub. L. 95-504, 92 Stat. 1750, 49 U.S.C. 1552.

Section 22 [Amended]

2. Section 22(a), General reporting instructions, is amended by removing all references to Schedule T-6, and by revising the following entries to read:

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Title	Filing frequency	Applicability by carrier group		
			I	II	III
T-3(c)	Airport Activity Statistics—Nonscheduled Revenue Service	Quarterly	X	X	X
T-8	Report of All-Cargo Operations	Semiannually	(6)	(6)	(6)

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due date		Schedule No.	
January 30	P-1(a), T-1, T-2, T-3, T-9		
April 30	P-1(a), T-1, T-2, T-3, T-9		
July 30	P-1(a), T-1, T-2, T-3, T-9		
October 30	P-1(a), T-1, T-2, T-3, T-9		

Section 25 [Amended]

3. Section 25, *Traffic and Capacity Elements*, is amended by removing the "Schedule T-6 Report of Civil Aircraft Charters" subheading and reporting instructions for Schedule T-6.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-2411 Filed 1-27-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 82N-0378]

D&C Red No. 6 and D&C Red No. 7

Correction

In FR Doc. 82-35102 beginning on page 57681, in the issue of Tuesday, December 28, 1982, make the following corrections.

1. On page 57688, third column, first line of the first paragraph below the Note, "8 NHC1" should read "8 NHCl".
2. On page 57688, third column, second line of the fifth paragraph below the Note, "H2o" should read "H₂O".
3. On page 57688, third column, eighth line from the bottom of the page, "NaHO" should read "NaOH".
4. On page 57689, first column, last line of the second paragraph, "12 mL" should read "15 mL"; in the following two lines, "Spectrophotometer Analysis" should read "Spectrophotometric Analysis"; and "Spectrophotometric Parameters:" should read "Spectrophotometer Analysis".

BILLING CODE 1505-01-M

21 CFR Parts 155 and 156

[Docket No. 77P-0090]

Tomato Concentrates, Catsup, and Tomato Juice; Amendments to Standards of Identity and Establishment of Standards of Quality and Fill of Container

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

SUMMARY: The Food and Drug Administration (FDA) is amending and establishing certain definitions and standards for canned vegetables and vegetable juices. This action will promote honesty and fair dealing in the consumers' interest and will facilitate international trade.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance: March 29, 1983. Objections by February 28, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications at 21 CFR 155.3 and 156.3 effective as of March 29, 1983.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: FDA is amending the definition section for canned vegetables and establishing a separate definition section for vegetable juices. It also is amending the standards of identity and establishing standards of quality and fill of container for tomato concentrates, catsup, and tomato juice by, among other things: (1) Establishing separate standards for tomato concentrates to include tomato puree, tomato paste, and concentrated tomato juice, (2) providing for the use of tomato concentrates and safe and suitable nutritive carbohydrate sweetening ingredients in catsup, (3) providing for the use of concentrated tomato juice to prepare "tomato juice from concentrate" and establishing a minimum tomato soluble solids requirement of 5.0 percent, by weight, for "tomato juice from concentrate", and (4) providing for safe and suitable organic acids in tomato juice and tomato juice from concentrate. This document also revokes the standard of identity for yellow tomato juice (21 CFR 156.147).

A proposal to adopt, insofar as practicable, the Recommended International Standard for Processed Tomato Concentrates (CAC/RS 57-1972) (Codex concentrate standard), the Recommended International Standard for Tomato Juice Preserved Exclusively By Physical Means (CAC/RS 49-1971) (Codex juice standard), and a petition by the Campbell Soup Co., Camden, NJ, was published in the Federal Register of May 9, 1978 (43 FR 19864). ABCO Laboratories, Concord, CA, has also petitioned for honey as a sweetening ingredient of catsup.

Fourteen letters, each containing one or more comments, were received in response to the proposal from food processors, industry associations, a food-processing equipment specialist, and a Federal agency.

One of the comments was from a grape processor association in anticipation that some action would issue with regard to grape juice standards developed by the Codex Alimentarius Commission.

FDA has published advanced notices of proposed rulemaking in the Federal Register of February 23, 1979 (44 FR 10729, 10730, and 10732). The notices

offered interested persons an opportunity to review the Codex Recommended International Standard for Grape Juice Preserved Exclusively By Physical Means, the Recommended International Standard for Concentrated Grape Juice Preserved Exclusively by Physical Means, and the Recommended International Standard for Sweetened Concentrated Labrusca Type Grape Juice Preserved Exclusively by Physical Means, and to comment on the desirability and need for U.S. standards for these foods. FDA concluded in the Federal Register of October 26, 1979 [44 FR 61605 and 61606] that, based on the comments received, there was insufficient support to warrant proposing U.S. standards at that time for these foods. These actions were without prejudice to further consideration of the development of U.S. standards for these foods, upon appropriate justification, at a later date.

The comments received in response to the May 9, 1978 proposal and FDA's responses are discussed below.

Definitions

1. Two comments pointed out that the proposed § 155.3 (21 CFR 155.3), "Definitions and procedures," does not correspond to the § 155.3, "Definitions," proposed in the Federal Register of June 7, 1977 (42 FR 29014), in conjunction with the proposed amendment of the U.S. standards for canned peas.

Section 155.3, "Definitions," was proposed initially, in conjunction with the proposed amendment of the standards for canned peas and canned dry peas, to provide for all canned vegetables a single location for the procedures for determining drained weight (§ 155.3(a)), for compliance (§ 155.3(b)), and for sampling and acceptance (§ 155.3(c)). A final regulation ruling on that proposal and establishing a definition section in § 155.3 was published in the Federal Register of June 27, 1980 (45 FR 43394). FDA recognizes that the definition section designations proposed in conjunction with the tomato products document do not correspond to those proposed in conjunction with the June 27, 1980 canned pea document and concludes that the proposed definition redesignations are unnecessary. Accordingly, the final rule set forth below only amends § 155.3 by defining in new paragraphs (d), (e), and (f) "strength and redness of color," "tomato soluble solids," and "salt," respectively, as applicable to the standards for tomato concentrates and catsup.

Strength and Redness of Color

2. Four comments recommended the alternate use of electronic color meters for the determination of color of tomato products (tomato concentrates and tomato juice) because it is quicker, widely accepted, and not as susceptible to variation as the subjective comparison system.

FDA agrees and, therefore, is providing for the alternate use of electronic color meters to determine the color of tomato concentrates in § 155.3(d) and tomato juice in § 156.3(a) as set forth below.

Footcandle Intensity

3. One comment stated that use of the term "footcandle intensity" is technically incorrect. Footcandle, the comment noted, is a measure of the illumination or light being received by an area or object. Intensity relates to the level of light emanating from the source or, more precisely, "candela." The use of these terms which, by definition, measure light in different ways, is inconsistent, and clarification is requested. A second comment suggested that the use of the word "candela" be added parenthetically following the word "footcandle."

FDA agrees with the first comment, but not the second. A footcandle is defined as the illumination on a surface 1 foot distance from a source of 1 candela equal to 1 lumen per square foot. By definition, therefore, at a distance of 1 foot, the numerical value of the "footcandle" is equal to the value of the "candela." Therefore, FDA is replacing in § 155.3(d) the phrase "250 footcandle intensity" with "approximately 2691 lux (250 footcandles)" and is also inserting this phrase in § 156.3(a) as set forth below.

Previously FDA has noted certain differences in the composition and format of the Codex standard and the U.S. standards. (See 39 FR 14971; 39 FR 18660.) The agency recognizes that the International (Metric) System is commonly used throughout most of the world, and in the United States for technical purposes, and that it may eventually be adopted by the United States for common usage. Therefore, the agency is listing the International (Metric) System with the equivalent units of the customary U.S. system shown parenthetically, in all food standards of identity.

Sampling and Acceptance Procedure

4. One comment asked whether a "quality defective," a "fill of container defective," and a "solids defective" will be regarded as a cumulative defective (a

total of three) or under separate sampling plans.

Each category in question is separate and the "defectives" are not cumulative. Each category is subject to the sampling plans set forth in §§ 155.3(c)(2) and 156.3(e)(2) (21 CFR 155.3(c)(2) and 156.3(e)(2)).

*Tomato Concentrates**Scope of Standard*

5. One comment addressing proposed § 155.191 suggested clarifying the scope of the standard by adding the following sentence before paragraph (a), "Identity"—"This standard for Tomato Concentrates does not include the products commonly known as tomato sauce, chili sauce, and ketchup, or similar products which are highly seasoned products of varying concentrations containing characterizing ingredients, such as pepper, onions, vinegar, sugar, etc., in quantities that materially alter the flavor, aroma, and taste of the tomato component."

The suggested statement is unnecessary. The cited ingredients, e.g., pepper, onions, etc., are not provided for in paragraph (a)(2), and therefore cannot be used. Likewise, the product names referred to are not provided for in paragraph (a)(3) and therefore cannot be used. Therefore, no change is made in the final regulation as set forth below.

Tomato Residue

6. Three comments requested that references to the use of the liquid from tomato residue as an optional tomato ingredient be deleted from the proposed standards for tomato concentrates and catsup. One comment stated that under current industry practices, most comminuted tomatoes in the United States are produced from coreless tomatoes, and peeling procedures and techniques have practically eliminated the type of food historically designated as "residual material from canning."

Commensurate with modern-day production techniques, economics, and consumer acceptance, provision for the use of such "residual" materials simply prolongs the use of a concept which has long since served its intended purpose.

FDA agrees that technological advances in the growing of tomatoes and the production of tomato products largely have eliminated the use of residual liquids in the tomato industry. However, FDA has no basis to conclude that there are not any packers that still use either one or the other residual optional tomato liquids. In view of this, and the fact that the ingredients in question are not mandatory, the provisions for the use and label

declaration of the two optional residual liquids are retained in the final regulations for tomato concentrates and catsup as set forth below.

Acid-Break

7. Two comments recommended that the words "prior to straining" under §§ 155.191(a)(1) and 155.194(a)(1) (21 CFR 155.191(a)(1) and 155.194(a)(1)) be deleted so that the sentences read, "Such acid is then neutralized with food-grade sodium hydroxide so that the treated tomato material is restored to a pH of 4.2 ± 0.2 ." The comments indicated that the change in wording is needed to reflect the fact that the restoration of the pH to 4.2 ± 0.2 may occur either before or after straining.

FDA agrees, and §§ 155.191(a)(1) and 155.194(a)(1) are changed as set forth below.

Crushed Tomato Concentrate

8. Four comments recommended permitting a concentrate obtained by crushing whole or pieces of tomatoes. One comment suggested that this would greatly increase the efficiencies to tomato product processing by permitting the manufacture of tomato products when fresh tomatoes for processing are not available. One comment proposed a standard for crushed tomato concentrates that included crushed tomato puree and crushed tomato paste. The comments indicated that such concentrates are now being sold in the marketplace for direct consumption by consumers and by industry for remanufacturing purposes. Three comments recommended that crushed tomato concentrate be provided for as an optional tomato ingredient in § 155.191(a)(1).

Historically, the tomato concentrates to which the standard applies are screened to remove peel and seeds. This final rule established a standard of quality for these tomato products and requires that substandard quality be declared on the label when the foods contain excessive pieces of peel and seeds. Consequently, in the interest of honesty and fair dealing § 155.191(a) has not been changed to provide for the crushed tomato products. The comments go beyond the scope of this standard and this proceeding and, in effect, seek to establish a new standard. Any interested person who believes that it will promote honesty and fair dealing in the interest of consumers to establish a standard for tomato products from which peel and seeds have not been removed is invited to submit a petition, as prescribed in 21 CFR 10.30, supported

by adequate data that demonstrates such a need.

Preservation Method

9. Three comments favored expanding the method of preservation for tomato concentrates, catsup, and tomato juice to include procedures other than heat sterilization. One comment indicated that, in some instances, it may be advantageous to freeze tomato concentrates for remanufacturing purposes. Several comments recommended that the provision in the Codex standards for preservation of the foods by physical means be adopted in the proposed standards.

FDA agrees and the appropriate changes are made in paragraph (a)(1) of §§ 155.191, 155.194, and 156.145, as set forth below, to provide for refrigeration and freezing as additional methods of preservation.

Lemon Juice

10. Two comments opposed the use of lemon juice and concentrated lemon juice as optional ingredients in tomato concentrates. One comment said the basic identity of tomato puree and tomato paste could be materially changed by the flavor impact of lemon juice. Another objected because the acidulants (lemon juice, concentrated lemon juice, and organic acids) used in concentrates may have an effect on the quality of catsup.

The proposed use of lemon juice, concentrated lemon juice, and organic acids was as pH regulators and not as flavoring ingredients. If, however, acidulants are used in such quantity that the identity of the concentrate is changed to the extent of adding a new flavor to the tomato concentrate, the acidulants must be declared on the principal display panel in the manner prescribed by § 101.22 (21 CFR 101.22). The standard of identity for catsup, as set forth below, does not provide for the use of lemon juice, concentrated lemon juice, or organic acids, and manufacturers who use concentrates should specify that these ingredients may not be used in the concentrate to be used in the manufacture of catsup. Therefore, the proposed provision for the optional use of lemon juice, concentrated lemon juice, and organic acids is retained in the final regulation as set forth below.

Sodium Hydrogen Carbonate

11. Three comments recommended that the provision for the optional ingredient "sodium hydrogen carbonate" be changed to "sodium bicarbonate" because consumers unfamiliar with the

term may become confused even though it is more scientifically correct.

FDA agrees, and the requested change is made in § 155.191(a)(2)(i)(c) below.

Puree From Paste and Water

12. One comment requested clarification whether tomato paste may be diluted with water to the tomato puree solids range and whether the resultant product may be marketed as puree.

The purpose of the proposed provision in § 155.191(a)(1) for the addition of water to adjust composition was to allow both tomato puree and concentrated tomato juice to be prepared from tomato paste and water. However, for clarification, FDA is listing water as an optional ingredient in § 155.191(a)(2)(i)(d) below.

Flavorings and Vegetable Ingredients in Tomato Puree

13. Two comments recommended that optional ingredients, such as flavorings and vegetable ingredients, be provided for in the tomato puree standard. One of the comments asserted that the consumer would be adequately informed because the use of optional ingredients which characterize the product must be declared as specified in § 101.22.

FDA is not providing for the requested optional ingredients in tomato puree. To do so would change the basic identity of the food. Tomato puree has historically been marketed and recognized by consumers as a food which does not contain such characterizing ingredients. The comments disregard the fact that tomato concentrates in which such characterizing ingredients are used have separate identities and have long been known under names like tomato sauce, chili sauce, etc., and are outside the scope of this standard. Therefore, FDA concludes that the use of flavorings and vegetable ingredients in tomato puree is inappropriate and the requested change is not made in the final regulation as set forth below.

Vegetable Ingredients in Tomato Paste

14. Two comments opposing the addition of vegetable ingredients to tomato paste suggested that use of such ingredients would radically change the basic identity of tomato paste. One comment stated that, with few exceptions, the myriad nonstandardized tomato condiments, barbeque sauces, taco sauces, etc., can be created, in concentrated form, through the addition of the proposed optional ingredients in tomato concentrates.

FDA agrees that the addition of vegetable ingredients may affect the

basic identity of tomato paste. The Codex concentrate standard, 3.1, provides for vegetable ingredients, such as basil leaves and onions, as seasonings and flavorings. However, the standard further states, in 1. "Scope," that the standard does not include " * * * the products commonly known as tomato sauce, chili sauce, and ketchup, or similar products which are highly seasoned products of varying concentrations containing characterizing ingredients, such as pepper, onions, vinegar, sugar, etc., in quantities that materially alter the flavour, aroma, and taste of the tomato component." FDA concludes that the Codex concentrate standard should not be interpreted as permitting the uses of fresh or processed vegetable ingredients as was provided for in § 155.191(a)(2)(i)(c) of the proposed regulation. Accordingly, FDA is not providing for such use in the final regulation as set forth below. FDA advises, however, that § 155.191(a)(2)(ii), as set forth below, does provide for the use of spices and flavorings and that these terms are defined in § 101.22(a) (2) and (3).

Labeling

15. Two comments opposed requiring the statement "for remanufacturing purposes only" on the container whenever processors use the name "tomato concentrate" in lieu of the names tomato puree, tomato pulp, or tomato paste. They stated that as long as the phrase "for remanufacturing purposes only" is declared, either on the purchase order, bill of lading, invoice, etc., or on the container, there is no reason to require and restrict such declaration to "on the container."

FDA has reconsidered the conditions under which the phrase "for remanufacturing purposes only" should appear on containers labeled "tomato concentrate" and agrees that, in the case of large containers not normally offered for sale to consumers, such a label declaration is unnecessary since the product is clearly intended for remanufacturing purposes. FDA recognizes that "tomato concentrate" is not a name familiar to consumers and concludes that such a statement is necessary on the labels of smaller containers to preclude the possible diversion of products labeled "tomato concentrate" into retail sales. Therefore, FDA is revising § 155.191(a)(3)(i)(c) to require such a statement only on the labels of No. 10 or smaller containers.

Natural Tomato Soluble Solids

16. One comment suggested that the term "natural tomato soluble solids"

(N.T.S.S.) be used in place of the proposed term "tomato soluble solids."

FDA concludes that the addition of the word "natural" serves no useful purpose because there are no tomato soluble solids in tomatoes other than those which occur naturally. Therefore, no changes are made in the final regulation set forth below.

Concentrated Tomato Juice—Label Declaration for Dilution of Concentrate

17. One comment opposed the requirement that concentrated tomato juice be of such concentration that when diluted according to label directions the diluted product will contain not less than 5.5 percent tomato soluble solids. The consumer, it stated, is familiar with label directions for diluting concentrated foods of a similar nature which utilize uncomplicated volume measures (e.g., three cans of water). Simplified measurements provide for consistency in the diluted or finished food, unlike label directions which require odd volume measurements (e.g., "add 27.5 ounces of water").

FDA believes that the commentor has read too much into the proposed requirement. The proposed requirement would permit manufacturers to produce concentrated tomato juice of such concentration that dilution with multiple volumes of water would produce a diluted product containing not less than 5.5 percent tomato soluble solids. Therefore, it is unnecessary for dilution directions to be expressed in terms of odd volume measures. For purposes of clarity and to be consistent with the definition of concentrated tomato juice in § 155.191(a)(3)(i)(d), FDA is requiring, in § 155.191(a)(3)(iii) of the final regulation as set forth below, a label statement of directions for dilution.

Labeling Declaration of Tomato Residue

18. Two comments opposed the requirement in the standards for tomato concentrates and catsup that the statement "made from" or "made in part from" "residual tomato material from canning" or "residual tomato material from partial extraction of juice," shall be included as part of the name or in close proximity to the name of the food, if liquid from tomato residue is the optional tomato ingredient.

The residual liquid is derived from peelings and cores with or without mature tomatoes or pieces thereof. FDA concludes, that in the interest of honesty and fair dealing, consumers should be advised of this. Accordingly the requirement is retained in the standards. FDA inadvertently omitted the requirement that catsup shall also bear this statement when prepared from

tomato concentrate which in turn was prepared from the residual tomato liquid. This requirement is consistent with the foregoing and its inclusion at this point in this proceeding is logical and nonprejudicial. Accordingly, the labeling provisions in proposed § 155.194(a)(3) (ii) and (iii) have been revised.

Clarification of Requirements

19. Two comments requested clarification of the applicability of § 101.22 to tomato paste. Another comment argued that those who use full ingredient labeling would not need to label separately spice as part of the name of the product.

If flavorings or spices are added to tomato paste in amounts that do not change the basic flavor of the food, FDA interprets section 403(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(g)) as requiring only that they be declared as such in the ingredient statement. See 21 CFR 101.22(a) (2) and (3). However, if any flavoring, including spice oils, oleoresins, or other natural extractives, is added in amounts that characterize the product, that flavoring should be declared, as provided in § 101.22, as part of, or in close proximity to, the name of the food. As stated in the preamble to the proposal, FDA believes that consumers should be alerted to the addition of seasonings or flavorings in quantities which significantly affect the taste of the food. No commentor submitted information on this issue. Therefore, no change is made in the final regulation as set forth below.

Dilution of Sample for Determining Color

20. One comment suggested that for the determination of the strength and redness of color of the concentrate, the sample should be diluted with water to 8.5 percent (± 0.1 percent) tomato soluble solids rather than the proposed 8 to 9 percent tomato soluble solids. It indicated that this more precise figure would reduce the possibility of variability in the results.

The intent behind the proposed requirement was to provide a range for the dilution beginning above the 8.0 percent minimum. FDA agrees that a dilution to ± 0.1 percent is more accurate than a dilution that may vary within 1 percent. Therefore, for the determination of strength and redness of color, the sample should be diluted to 8.1 ± 0.1 percent tomato soluble solids. FDA is revising the provision for dilution of the concentrate in § 155.191(b)(1) (i), (ii), and (2) to 8.1 ± 0.1 percent tomato soluble solids.

Increase in Allowance for Seeds and Peel

21. Two comments recommended that defect allowances for whole seeds be increased from one to eight and that the allowance for peel be increased from 5 millimeters (0.20 inch) to 6.4 millimeters (0.25 inch). These recommendations were made simply because the proposed allowances would not permit the production and marketing of certain crushed tomato concentrates, unless labeled substandard in quality.

Crushed tomato concentrates are not in this final regulation. Therefore, there is no need to increase the tolerances for seeds and peel in the final regulation as set forth below.

Fill of Container

22. The standards of identity for tomato concentrates, catsup, and tomato juice contain provisions for preservation by refrigeration, freezing, and heat sterilization. (See paragraph 9.) FDA has no data, however, which demonstrate that the general method for fill of container, as set out in § 130.12, is applicable to frozen products, nor does it have data with which to establish what minimum fill of container requirement, if any, is needed for frozen tomato products. Therefore, exemptions for frozen tomato products have been established in §§ 155.191(c), 155.194(c), and 156.145(c) as set forth below.

Catsup

Tomato Concentrate as Ingredient

23. One processor, addressing proposed § 155.194, questioned whether tomato concentrate, as an optional tomato ingredient in the catsup standard, must meet all the requirements of both the standards of identity and quality for tomato concentrate, § 155.191 (a) and (b).

FDA advises that the tomato concentrate ingredient provided for in § 155.194(a)(1)(i) also must comply with the standard of quality for tomato concentrate. Therefore, § 155.194(a)(1)(i), as set forth below, requires that the tomato concentrate ingredient shall be as defined in § 155.191(a)(1) and shall comply with § 155.191(b).

Other Tomato Ingredients

24. One processor suggested that the list of optional tomato ingredients be expanded to provide that any form of fresh or physically preserved tomatoes can be used in catsup. The commentor reasoned that there is no basis to exclude from the list foods like canned or frozen tomatoes (not concentrated), drum "pizza pulp", bulk storage

concentrated chopped tomatoes, or other wholesome forms of tomatoes which can be preserved for use in off-season production. The processor also requested that the standard provide for mature tomatoes of red or reddish varieties (with or without skins and/or seeds) which have been preserved by physical means in accordance with good manufacturing practice and which may have been concentrated (with or without subsequent dilution). The comment proposed that the standard of identity for tomato concentrates provide for the use of any optional ingredients permitted in catsup.

The tomato concentrates standard permits food to be preserved by freezing and refrigeration as well as heat sterilization. Section 155.194(a)(1)(i) provides for the use of tomato concentrates in catsup. Therefore, the use of frozen or refrigerated tomato concentrate as well as the heat-sterilized tomato concentrate is permitted in catsup. FDA does not object to the suggested provision for other wholesome forms of tomatoes, but believes that such ingredients need to be defined more clearly so that all interested persons will know what is meant by, for example, drum "pizza pulp". Consequently, no additional optional tomato ingredients are included in § 155.194(a)(1). Interested persons may submit a petition proposing the use of additional forms of tomato ingredient in catsup. However, the petition should clearly identify the forms to be used and demonstrate how the proposed use will promote honesty and fair dealing in the interest of consumers. With regard to the comment that the standard for tomato concentrates should allow any optional ingredient permitted in catsup, FDA points out that tomato concentrate may be used in foods in which the ingredients used in catsup would be inappropriate. Therefore, FDA is not providing, in the standard of identity for tomato concentrates, for all optional ingredients that are provided for in the standard of identity for catsup.

Water

25. One comment suggested that the sentence "Water may be added to adjust the final composition" be added to § 155.194(a) to be consistent with § 155.191(a)(1) of the tomato concentrate standard. Another comment recommended that the sentence "The liquid is then concentrated" be deleted from the paragraph.

FDA agrees with both comments. Section § 155.194(a)(1), as set forth below, provides for the use of water to adjust the final composition. The

proposed sentence "The liquid is then concentrated" is deleted.

Minimum Soluble Solids Requirement

26. Five comments concerned the 25-percent minimum soluble solids requirement proposed for catsup. Three comments did not object to a minimum requirement, but suggested that the figure be decreased to 24 percent soluble solids to be equivalent to the USDA requirement of 25 percent total solids. Two comments opposed the proposed requirement and asserted that adoption of the 25-percent minimum requirement for soluble solids would eliminate the marketing of USDA "substandard" grade products that are made for special purposes, such as emergency uses and special orders.

FDA has reconsidered the proposed requirement. In proposing it the agency did not focus on the fact that the term soluble solids for catsup includes soluble tomato solids and added sweetener. FDA believes that a soluble solids requirement would therefore be of little benefit in promoting honesty and fair dealing in the interest of consumers. Furthermore FDA has no basis for concluding that catsup presently manufactured at less than 25 percent total soluble solids and sold as a USDA substandard grade product is not, in fact, catsup. Therefore, FDA is not providing for a minimum soluble solids requirement in the standard of identity for catsup.

Vinegar

27. Two comments favored retention of the provision for the use of vinegar in catsup, but opposed permitting the use of lemon juice, concentrated lemon juice, and organic acids. One comment favored expanding the use of acidulants. One comment stated that the use of vinegar as the sole acidulant in catsup has been effective in providing two important contributions to the food, namely flavor and safety. As a preservative, vinegar's presence, in concert with the normal acidity of tomatoes, salt, and added sweeteners, has provided microbiological stability for the product in the container both before and after opening. The comment argued that the stability and preserving qualities of other acidulants used in concert with ingredients in catsup formulations is not known, and, if spoilage were to occur through use of alternatives, the image of all catsup products would be adversely affected. Both comments asserted that the use of acidulants other than vinegar would change the basic characteristics of catsup because the fermentation of vinegar produces certain natural flavors

which appear to enhance the flavor of catsup. One of the comments believed that to effect a change employing the "safe and suitable" concept, at the same time the concept is being questioned by the agency which employs it, would seem precipitous at the very least.

Although FDA is not convinced that acidulants other than vinegar could not be used in catsup, it agrees that their stability and preserving qualities, when used in concert with ingredients in catsup formulations, have not been established. Therefore, lemon juice, concentrated lemon juice, and organic acids are not provided for in the standard of identity for catsup as set forth below. FDA's policy regarding the use of "safe and suitable" ingredients is discussed below.

Sweeteners

28. Two processors favored "broadening" the use of sweeteners in catsup, and one suggested that the reference to the sweetener in § 155.194(a)(2)(ii) be made plural. Another processor favored the proposed provision because it would allow for the manufacture of "honey catsup." One processor opposed the expansion of sweetener usage beyond the options available in the current standard. The company expressed the concern that, in the absence of a definition for nutritive carbohydrate sweeteners, the provision could open the door for the use of pseudo-sweetener ingredients that could affect the quality of catsup products. It requested clarification whether ingredients such as honey, low dextrose equivalent corn syrup, maltodextrins, or even extracts of vegetables or fruits with a sugar fraction, can be classified as nutritive carbohydrate sweeteners. It was asserted that the present list of permitted sweeteners should not be broadened without a complete evaluation of the quality impact of the use of additional sweeteners. ABCO Laboratories, Concord, CA, had also petitioned for honey as a sweetening ingredient of catsup, stating that honey as a sweetener has history in antiquity and is generally recognized as safe for its intended use.

The May 9, 1978, proposal provided for the use of safe and suitable nutritive carbohydrate sweeteners. Subsequent to the proposal, FDA, the United States Department of Agriculture (USDA), and the staff of the Federal Trade Commission's Bureau of Consumer Protection (FTC) announced their tentative positions on a variety of food related issues in the Federal Register of December 21, 1979 (44 FR 75990). A tentative revision in FDA's current

policy with regard to safe and suitable ingredients in standardized foods was considered.

Upon review and evaluation of the comments received in response to the December 21, 1979, tentative position, however, FDA has determined that, at this time, it would be in the best interest of consumers and the regulated industry to retain its established policy for use of safe and suitable optional ingredients in standardized foods. In the *Federal Register* of January 21, 1983 (48 FR 2836), FDA announced this decision.

FDA does not agree with the comment that the proposed class of safe and suitable nutritive carbohydrate sweeteners, which includes honey, should be broadened. It is not aware of any sweetener, presently regarded as suitable for use in catsup, which would be excluded from such use by restricting the class of sweeteners to safe and suitable nutritive carbohydrate sweeteners. Furthermore, it was not FDA's intention, as one commentor inferred, to limit the sweetener to any one nutritive carbohydrate sweetener. Accordingly, § 155.194(a)(2) has been revised to identify that any one or combination of two or more of the safe and suitable ingredients, which includes nutritive carbohydrate sweeteners, may be used.

A nutritive carbohydrate sweetener that affects the basic characteristic of the food, whether by degrading its taste, smell, appearance, or nutritional characteristic, would not be an appropriate ingredient. Maltodextrins and low dextrose equivalent corn syrup are not generally considered sufficiently sweet to be considered suitable as nutritive carbohydrate sweeteners and therefore are not permitted in catsup. Extracts of vegetables or fruits with an enriched sugar fraction have not been demonstrated to be suitable for use in catsup.

Filtrate vs. Serum

29. One comment recommended that the words "of the filtrate" used in the definition of "Soluble solids" in the proposed § 155.194(a)(3) be replaced by the words "of the clear serum" to clarify that the portion of the product to be examined by refractometers may be obtained by methods other than filtering (e.g., centrifugation).

The proposed minimum total soluble solids requirement is not provided for in the final regulation as set forth below. Therefore, there is no need for the proposed definition.

Labeling—Honey

30. One comment wanted affirmation that catsup made with honey as the only

sweetening ingredient could be labeled "honey catsup" or "catsup."

No data were submitted to demonstrate that honey, when used as a sweetener in catsup, imparts a taste, flavor, or other characteristic to the finished food in addition to sweetness. Therefore, the name of the food which contains honey as a sweetener and complies with the requirements of § 155.194 is "catsup." In any event, "honey catsup" is not an appropriate name for a product in which the principal characterizing ingredient is tomatoes.

Optional Ingredients

31. One processor recommended that a phrase such as "sugar and/or high quality corn derived syrups" be used on the label in lieu of declaring sugars by their common or usual names in order of predominance. It stated that requiring the declaration of the name of each sugar creates problems in regard to label costs and inventory control of labels, without providing any benefit to consumers. Another processor indicated that the requirement that each optional ingredient used be declared on the label by its common or usual name should not apply to catsup. The company stated that two sets of labels will have to be maintained: one set that declares "tomatoes" for catsup produced during the season and another set that declares "tomato concentrate" for catsup produced during the off-season from tomato concentrate. It asserted that a label declaration of "red ripe tomatoes" should more than suffice in both cases.

FDA recognizes that the requirement to declare ingredients on the label of foods by their common or usual name sometimes creates problems for processors. Testimony from consumers on the labeling of ingredients used in foods was presented at the public hearings referred to in the discussion of sweeteners which appears earlier in this preamble. The desire most frequently expressed by consumers was for complete ingredient declaration on the labels of all foods. FDA's policy, as set forth in § 101.6 (21 CFR 101.6), is to amend the definitions and standards of identity for foods, in accordance with section 401 of the act (21 U.S.C. 341), to require label declaration of all optional ingredients (with the exception, in the case of catsup, of optional spices and flavorings which may continue to be designated as such without specific ingredient declaration). Therefore, no change is made in the final regulation as set forth below.

Determination of Consistency

32. One comment recommended that the sentence in proposed § 155.194(b)(1), "Always remix sample before transferring to instrument" be deleted from the proposed procedure for determining consistency. It stated that, unlike tomato concentrate, catsup is not diluted prior to testing and that it is imperative that the sample be transferred to the instrument with a minimum of agitation, because remixing disrupts the pectin gel and gives a false reading.

FDA agrees with the recommended change. Further, FDA concludes that, for the reason given above, the instructions to mix without incorporating air bubbles, which appear earlier in § 155.194(b)(1), also should be deleted from the proposed procedures for determining consistency. Therefore, the proposed mixing instructions do not appear in the procedure for determining consistency in § 155.194(b)(1) of the final regulation set forth below.

Ninety Percent Fill of Container Exemption

33. A trade association requested that single-service containers of catsup with a declared net weight or net volume of 2 ounces or less be exempted from the proposed 90-percent fill of container requirement. It stated that single-service portions of catsup are generally packaged in sealed pouches made of flexible films or laminates. The physical nature of these containers makes a determination of their volume or capacity difficult, if not impossible. The association also stated that, while standards of fill are generally thought to be for the protection of consumers, a 90-percent fill of container requirement for single-service portions of catsup would be a real disadvantage to consumers. A single-service container of catsup filled to 90 percent capacity (even in a rigid cup) would likely spill or squirt as the consumer attempted to open the container. To open a flexible film container without spilling or squirting its contents, the container must be filled in such a way that, when held upright, there is air in the space where the consumer will tear open the container. The association stated that the basis for the 2 ounces or less exemption to the 90-percent fill of container requirement is that catsup is currently packaged in single-service containers with a declared net volume of $\frac{1}{2}$ ounce, $\frac{3}{4}$ ounce, and 1 ounce, and that a 2-ounce container is under consideration.

The agency agrees, and § 155.194(c)(1) below exempts from the 90-percent fill

of container declaration, catsup packaged in individual serving size packages containing 56.7 grams (2 ounces) or less.

Tomato Juice

Blending of Tomato Juice and Tomato Juice From Concentrate

34. Two comments, addressing proposed § 156.145, requested that FDA provide for the blending of tomato juice with tomato juice from concentrate so that a more uniform and better quality product can be produced. One of the comments said FDA should establish by regulation a realistic proportion of tomato juice from concentrate that may be blended with tomato juice (directly expressed tomato juice). The comments maintained that the name of the blend should be "tomato juice."

FDA agrees that blending of tomato juice and tomato juice from concentrate should be provided for, and § 156.145(a)(1) below so provides. FDA does not agree that the name "tomato juice" is appropriate for mixtures of tomato juice and tomato juice from concentrate because the unqualified name "tomato juice" does not adequately inform consumers that the food is, in fact, concentrated tomato juice that has been reconstituted with water. Consequently, FDA concludes that there is no need to establish proportions for the blending of tomato juice and tomato juice from concentrate. Therefore, § 156.145(a)(2)(i)(b) requires the name "tomato juice from concentrate" for those finished juices prepared from tomato juice and tomato juice from concentrate.

Minimum Soluble Solids for Tomato Juice From Concentrate

35. Two comments recommended retaining the proposed 5.5 percent soluble solids requirement. Three comments recommended that the minimum soluble solids be established at 4.5 percent. One comment suggested a minimum soluble solids of 4.7 percent. One comment representing 30 fruit and vegetable canning companies in California stated that the State of California produces 68 percent of all the tomato juice canned in the United States. The comment submitted data for the soluble tomato solids for tomato juice produced in California for the years 1971 through 1977. The yearly average varied between 5.5 percent and 6.0 percent; however, in 1975, 57 percent of the tomatoes had a soluble tomato solids below 5.5 percent. Another comment from a producer of tomato juice stated that "Our considerable experience in the tomato juice business

confirms the Commissioner's opinion that very few domestically grown tomatoes would yield a juice with less than 5.5 percent soluble solids." The comment enclosed results of recent testing that they had done on the soluble solids of 12 samples representing 9 brands of tomato juice that they understood to be processed from locally grown tomatoes. The percent soluble solids of the samples purchased in New York State (5) ranged from 4.80 to 7.52 with an average of 6.00. The percent soluble solids of the samples picked up in California (7) ranged from 5.85 to 7.52 with an average of 6.49. Another comment pointed out that tomato juice produced in the Midwest has had a lower soluble solids, slightly higher acidity, and somewhat different flavor than tomato juice produced in California. This comment stated that 3,400 analyses of tomato juice produced over the last 3 years have shown that the larger portion of their product was below 5.5 percent soluble solids. It was their opinion that a 5.5 percent soluble solids requirement would cause severe cost penalties to producers of tomato juice from concentrate in the Midwest. In addition, the comment stated that there could also be serious quality problems because of the unacceptably high acidity. Another comment stated that since 1970 the average soluble solids of tomatoes processed in the Northeast has been 4.7 percent. This comment asserted that a requirement of a 5.5 percent soluble solids minimum would severely limit their ability to compete in the marketplace and this, in turn, would have an adverse effect on the consumer. One comment stated that a 1979 revision in the State of California grade standard that penalizes growers for soft fruit has accelerated the development of a firm-fruited varieties that have a lower soluble solids content. The comment stated that during 1982, analyses by the California Department of Food and Agriculture, which grades all California tomatoes for canning use, show a weighted average tomato soluble solids of 5.0 percent. The comment suggested that the minimum soluble solids for tomato juice from concentrate should be between 4.5 and 5.0 percent.

FDA recognizes that there is a variation in percentage tomato soluble solids in tomatoes from year to year and in different areas of the country. However, regardless of where FDA sets the minimum tomato soluble solids for tomato juice from concentrate, a given quantity of juice from tomatoes having high soluble solids will result in more units of "juice from concentrate" than an equal quantity of juice from tomatoes

having lower soluble solids. FDA recognizes that setting a minimum tomato soluble solids requirement at 5.0 percent will place some packers at an economic advantage. But, this advantage will exist regardless of where the figure is set. Obviously, producers of tomatoes with higher soluble solids will meet any soluble solids requirement by using fewer tomatoes than producers of tomatoes with lower soluble solids. FDA has issued numerous temporary permits to market test tomato juice from concentrate at 5.5 percent soluble solids. However, based on available information, FDA is persuaded that 5.0 percent is a reasonable minimum requirement for tomato juice from concentrate. Consequently, FDA is establishing 5.0 percent as the minimum soluble solids requirement for tomato juice from concentrate in the final regulation set forth below.

Minimum Soluble Solids for Concentrated Tomato Juice

36. Two comments focused on the proposed 20 percent minimum soluble solids requirement for concentrated tomato juice. One suggested that the requirement be lowered to 18 percent to allow processors flexibility. The other comment suggested that the proposed requirement be deleted entirely because it is not easily translated into uncomplicated label directions for dilution to the Codex 4.5 percent soluble solids for reconstituted tomato juice or to the proposed minimum 5.5 percent.

The 20-percent figure for minimum soluble solids was not proposed as a new requirement to coincide exactly with either the 4.5 or 5.5 percent figures, but rather as a helpful indicator that would reflect industry practice. To avoid confusion and misunderstanding, the agency has revised § 155.191(a)(3)(i)(d) to provide that "concentrated tomato juice" should be of such concentration that upon diluting the food according to label directions it will not contain less than 5.0 percent by weight tomato soluble solids. No minimum percent soluble solids for concentrated tomato juice is now specified.

Addition of Concentrate To Adjust Minimum Soluble Solids

37. One comment favored a minimum soluble solids level for "fruit juices" at the same level as that for "juice from concentrate". It suggested that, in view of today's high technology, there can be no justification for establishing different "Brix (soluble solids) levels for the two products or for establishing a minimum level for one product and not for the other. It recognized that when a

minimum "Brix level was established there would be some single strength juice which would fall below that minimum. It suggested that, in order not to discriminate against a processor who cannot divert low "Brix juice to some other use, FDA should permit adjustment of "Brix by the addition of a limited amount of concentrate, without requiring a change in the product name to "juice from concentrate" or some other label declaration. In the minds of many consumers, the comment continued, the name "from concentrate" connotes an inferior product. The comment noted, however, the addition of minimal amounts of concentrate simply insures that the consumer receives a high quality, uniform product. The comment also stated there is no reason to discriminate against a product that has been adjusted with minimal amounts of concentrate because the addition of concentrate will in no way adversely affect the flavor or quality of the juice.

As stated in the responses to the previous comments, FDA did not propose and is not establishing a minimum soluble solids requirement for tomato juice. FDA agrees that it may be in the interest of consumers to permit the addition of some quantity of concentrated juice in an amount reasonably necessary to adjust the soluble solids content of "tomato juice." However, since public comment has not been received on this issue, it is inappropriate at this stage of the rulemaking proceeding to provide for the addition of tomato concentrate to adjust the soluble solids of tomato juice without labeling the food "tomato juice from concentrate." Interested persons are invited to submit a petition, including support by adequate data, which demonstrates the need for such a provision in the standards. The petition should also demonstrate what limitation should be placed on the quantity of concentrated tomato juice which may be added to adjust the soluble solids of tomato juice and what type of labeling would be appropriate to inform the consumer of such addition.

Declaration of Water

38. Two comments requested that the declaration of water not be required when it is used to reconstitute concentrated tomato juice to single-strength juice. One comment maintained that the declaration of water and concentrated tomato juice is superfluous because it is of the opinion that consumers recognize that "juice from concentrate" is made by the addition of water and/or concentrated juice. The comment also stated that water and

concentrated tomato juice should not be required in the ingredient listing because they are mandatory ingredients. The second comment stated that the separate listing of "water" should be reserved for diluted juice beverages.

Juice from concentrate is prepared from water and concentrated juice. Concentrated tomato juice can be diluted either by the addition of water or tomato juice. As discussed previously in regard to the use of sweeteners and optional ingredients in catsup, many consumers want full ingredient labeling. Therefore, FDA is providing, in § 156.145(a)(1) below, for water and tomato juice as optional ingredients and requiring in § 156.145(a)(2)(ii) that each of the optional ingredients used shall be declared in the ingredient statement according to Part 101.

Quality Defects

39. Two comments stated that the language proposed in § 156.145(b)(1)(ii) does not reflect current industry practice. One of the comments suggested that the paragraph be replaced by the following: "There are not more than two of the following defects present for peel and blemishes, either singly or in combination, and no more than 3 defects for seeds or pieces of seeds 3.2 millimeters (0.125 inch) or more in length per 500 milliliters (16.9 fluid ounces) of juice."

FDA has reevaluated the quality requirements for tomato juice and agrees with this comment. FDA concludes that it is reasonable to require that there be not more than two defects for peel and blemishes, either singly or in combination, in addition to three defects for seeds or pieces of seeds 3.2 millimeters (0.125 inch) or more in length per 500 milliliters (16.9 fluid ounces) and has amended § 156.145(b)(1)(ii) accordingly.

Sample Size

40. One comment suggested that the 500-milliliter sample proposed for use in determining the number and size of defects in tomato juice be divided into two 250-milliliter aliquots. The suggestion was made in the interest of accuracy.

FDA agrees. An aliquot of 250 milliliters in each of two grading trays would provide for greater accuracy in the examination for quality defects rather than having all of the sample in a single grading tray. The proposed procedure is also being revised to delete the statement that the trays should be slightly inclined. The method in § 156.145(b)(2)(ii) below reflects these changes.

Defect Levels

41. One processor recommended that more allowance be made for mold in the defect action levels for homogenized tomato juice. The comment indicated that in the process of reducing the particulate matter to a uniform size in tomato juice the mold filaments are also pulverized, thereby seemingly increasing their number. In light of this occurrence, it recommended a 21 percent mold count before homogenization and 42 percent after homogenization.

Defect action levels (DAL's) are not a part of food standards, but are provided for in § 110.99 (21 CFR 110.99). DAL's for mold or other natural or unavoidable defects in food for human use which present no health hazard are listed in an FDA publication entitled "The Food Defect Action Levels", which is available from FDA, Industry Programs Branch, Bureau of Foods (HFF-326), 200 C St. SW., Washington, DC 20204. FDA has established a microscopic mold count average of 21 percent as the defect action level for tomato juice. It recognizes that tomato juice passed through particle size reducing equipment, including homogenizers, has a higher microscopic mold count. Although FDA is not listing homogenized tomato juice separately from other types of tomato juice, in deciding whether a product meets an applicable DAL, FDA makes allowances, based upon a particular plant's processes, for tomato products that are homogenized.

Tomato Juice as an Ingredient of Tomato Juice From Concentrate

42. FDA believes that it is in the public interest to provide for the optional use of water and/or tomato juice in the preparation of tomato juice from concentrate. A provision for the use of tomato juice, in addition to water, for reconstituting concentrated tomato juice was inadvertently omitted from the proposal. The agency believes that to invite comment on this revision is impractical and contrary to the public interest and sees no prejudice resulting to interested persons. Therefore, § 156.145(a)(1)(i) is amended accordingly.

Definitions

43. Definitions applicable to tomato juice were inadvertently cross-referenced to § 155.3, the definitions for the canned vegetable standards. This has been corrected in the final regulation below by establishing, and appropriately referencing in § 156.145, a new § 156.3 in Part 156—Vegetable Juices, containing the procedures for

determining strength and redness of color, tomato soluble solids, salt, compliance of a lot, and sampling and acceptance that were proposed for canned vegetables (43 FR 19864; May 9, 1978).

Effective Date

44. Two comments requested that the proposed effective date be July 1, 1981, to provide processors with adequate time for any changes which may be required by a final regulation.

FDA is changing the effective date of the final regulation to the new uniform effective date of July 1, 1985.

Certain editorial changes, including insertion of a provision that the name "tomato concentrate" may be used in lieu of the name "tomato puree", "tomato pulp", or "tomato paste" in the ingredient statement for catsup, are made in the final regulation set forth below for the purpose of clarification. The proposed standard of quality for tomato concentrate incorrectly considered "pieces of seed" (seed particles) a defect when 3.2 millimeters (0.125 inch) or greater in length and provided that not more than four blemishes in the combined total of 36 defects allowed for pieces of peel, pieces of seeds (seed particles), and blemishes may exceed 1.6 millimeters (0.063 inch) in length. Based on USDA administrative guidelines for grading canned tomato paste and tomato puree, § 155.191(b)(1)(iii) (b) and (c) as set forth below considers "pieces of seed (seed particles)" a defect when 1 millimeter (0.039 inch) or greater in length, and considers blemishes, dark brown or black particles (specks), a defect when not more than four exceed 1.6 millimeters (0.0625 inch) in length of which not more than one exceeds 3.2 millimeters (0.125 inch) and none exceed 6.4 millimeters (0.25 inch).

In consideration of the comments received and other relevant information, FDA concludes that it will promote honesty and fair dealing in the interest of consumers and that it will facilitate international trade to amend the definition section for canned vegetables, to establish a definition section for vegetable juices and to amend the standards of identity, and to establish standards of quality and fill of container for tomato concentrates, catsup, and tomato juice as set forth below.

List of Subjects

21 CFR Part 155

Canned vegetables; Food standards; Incorporation by reference; Vegetables.

21 CFR Part 156

Food standards; Incorporation by reference; Vegetable juices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 155 and 156 are amended as follows:

PART 155—CANNED VEGETABLES

1. In Part 155:

a. By adding new paragraphs (d), (e), and (f) to § 155.3 to read as follows:

§ 155.3 Definitions.

(d) "Strength and redness of color" means at least as much red as is obtained by comparison of the prepared product, with the blended color produced by spinning a combination of the following concentric Munsell color discs of equal diameter, or the color equivalent of such discs:

Disc 1—Red (5R 2.6/13) (glossy finish)

Disc 2—Yellow (2.5 YR 5/12) (glossy finish)

Disc 3—Black (N1) (glossy finish)

Disc 4—Grey (N4) (mat finish)

Such comparison is to be made in full diffused daylight or under a diffused light source of approximately 2691 lux (250 footcandles) and having a spectral quality approximating that of daylight under a moderately overcast sky, with a correlated color temperature of 7,500 degrees Kelvin \pm 200 degrees. With the light source directly over the disc and product, observation is made at an angle of 45 degrees from a distance of about 24 inches from the product. Electronic color meters may be used as an alternate means of determining the color of tomato concentrates. Such meters shall be calibrated to indicate that the color of the product is as red or more red than that produced by spinning the Munsell color discs in the combination as set out above.

(e) "Tomato soluble solids" means the sucrose value as determined by the method prescribed in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, sections 32.014 to 32.016 and 52.012, under the headings "Soluble Solids in Tomato Products Official Final Action" and "Refractive Indices (n) of Sucrose Solutions at 20°," which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or are available

for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. If no salt has been added, the sucrose value obtained from the referenced tables shall be considered the percent of tomato soluble solids. If salt has been added either intentionally or through the application of the acidified break, determine the percent of such added sodium chloride as specified in paragraph (f) of this section. Subtract the percentage so found from the percentage of total soluble solids found (sucrose value from the refractive index tables) and multiply the difference by 1.016. The resultant value is considered the percent of "tomato soluble solids."

(f) "Salt" means sodium chloride, determined as chloride and calculated as percent sodium chloride, by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, sections 32.025 to 32.030, under the heading "Method III (Potentiometric Method)," which is incorporated by reference.

b. By revising § 155.191 to read as follows:

§ 155.191 Tomato concentrates.

(a) *Identity*—(1) *Definition*. Tomato concentrates are the class of foods each of which is prepared by concentrating one or any combination of two or more of the following optional tomato ingredients:

(i) The liquid obtained from mature tomatoes of the red or reddish varieties (*Lycopersicon esculentum* P. Mill).

(ii) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(iii) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining the tomatoes, with or without heating, as to exclude skins (peel), seeds, and other coarse or hard substances in accordance with good manufacturing practice. Prior to straining, food-grade hydrochloric acid may be added to the tomato material in an amount to obtain a pH no lower than 2.0. Such acid is then neutralized with food-grade sodium hydroxide so that the treated tomato material is restored to a pH of 4.2 ± 0.2 . Water may be added to adjust the final composition. The food contains not less than 8.0 percent tomato soluble solids as defined in § 155.3(e). The food is preserved by heat sterilization (canning), refrigeration, or freezing. When sealed in a container to be held at

ambient temperatures, it is so processed by heat, before or after sealing, as to prevent spoilage.

(2) *Optional ingredients.* One or any combination of two or more of the following safe and suitable ingredients may be used in the foods:

(i) In all tomato concentrates:

(a) Salt (sodium chloride formed during acid neutralization shall be considered added salt).

(b) Lemon juice, concentrated lemon juice, or organic acids.

(c) Sodium bicarbonate.

(d) Water, as provided for in paragraph (a)(1) of this section.

(ii) In tomato paste:

(a) Spices.

(b) Flavoring.

(3) *Labeling.* (i) The name of the food is:

(a) "Tomato puree" or "tomato pulp" if the food contains not less than 8.0 percent but less than 24.0 percent tomato soluble solids.

(b) "Tomato paste" if the food contains not less than 24.0 percent tomato soluble solids.

(c) The name "tomato concentrate" may be used in lieu of the names "tomato puree," "tomato pulp," or "tomato paste" whenever the concentrate complies with the requirements of such foods and the statement "for remanufacturing purposes only" is declared on No. 10 containers (3.1 kilograms or 109 avoirdupois ounces total water capacity) or containers that are smaller in size.

(d) "Concentrated tomato juice" if the food is prepared from the optional tomato ingredient described in paragraph (a)(1)(i) of this section and is of such concentration that upon diluting the food according to label directions as set forth in paragraph (a)(3)(iii) of this section, the diluted article will contain not less than 5.0 percent by weight tomato soluble solids.

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

(a) The statement "Made from" or "Made in part from," as the case may be, "residual tomato material from canning" if the optional tomato ingredient specified in paragraph (a)(1)(ii) of this section is present.

(b) The statement "Made from" or "Made in part from," as the case may be, "residual tomato material from partial extraction of juice" if the optional tomato ingredient specified in paragraph (a)(1)(iii) of this section is present.

(c) A declaration of any flavoring, as provided in paragraph (a)(2)(ii) of this section that characterizes the product as

specified in § 101.22 of this chapter and a declaration of any spice that characterizes the product, e.g., "Seasoned with _____," the blank to be filled in with the words "added spice" or, in lieu of the word "spice," the common name of the spice.

(iii) The label of concentrated tomato juice shall bear adequate directions for dilution to result in a diluted article containing not less than 5.0 percent by weight tomato soluble solids.

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

(v) Determine percent tomato soluble solids as specified in § 155.3(e). Determine compliance as specified in § 155.3(b). A lot shall be deemed to be in compliance for tomato soluble solids as follows:

(a) The sample average meets or exceeds the required minimum.

(b) The number of sample units that are more than 1 percent tomato soluble solids below the minimum required does not exceed the acceptance number in the sampling plans set forth in § 155.3(c)(2).

(b) *Quality.* (1) The standard of quality for tomato concentrate (except for concentrated tomato juice, which when diluted to 5.0 percent tomato soluble solids shall conform to the standard of quality for tomato juice set forth in § 156.145 of this chapter) is as follows:

(i) The strength and redness of color of the food, when diluted with water (if necessary) to 8.1 ± 0.1 percent tomato soluble solids is not less than the composite color produced by spinning the Munsell color discs in the following combination:

53 percent of the area of Disc 1;
28 percent of the area of Disc 2; and
19 percent of the area of either Disc 3 or Disc 4; or

9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the appearance of the sample.

(ii) Not more than one whole seed per 600 grams (21 ounces).

(iii) Not more than 36 of the following defects, either singly or in combination, per 100 grams (3.5 ounces) of the product when diluted with water to 8.1 ± 0.1 percent tomato soluble solids:

(a) Pieces of peel 5 millimeters (0.20 inch) or greater in length (without unrolling).

(b) Pieces of seed (seed particles) 1 millimeter (0.039 inch) or greater in length.

(c) Blemishes, such as dark brown or black particles (specks)—not more than

four exceed 1.6 millimeters (0.0625 inch) in length of which not more than one exceeds 3.2 millimeters (0.125 inch) and none exceed 6.4 millimeters (0.25 inch).

(2) *Methodology.* Dilute with water, if necessary, to 8.1 ± 0.1 percent tomato soluble solids.

(i) Determine strength and redness of color as prescribed in § 155.3(d).

(ii) Whole seeds—Weigh out 600 grams (21 ounces) of the well-mixed, diluted concentrate; place a U.S. No. 12 screen (1.68 millimeters (0.066 inch) openings) over the sink drain; transfer the product sample onto the screen; rinse container thoroughly with water and pour through screen; flush sample through screen by using an adequate spray of water; check screen for whole seeds; apply the appropriate allowance.

(iii) Peel, pieces of seed, and blemishes—Spread the prepared concentrate evenly on a large white tray and remove the individual defects, identify, classify, and measure.

(3) *Sampling and acceptance.* Determine compliance as specified in § 155.3(b).

(4) If the quality of the tomato concentrate falls below the standard prescribed in paragraph (b) (1) and (3) of this section, the label shall bear the general statement of substandard quality specified in § 130.14(a) of this chapter, in the manner and form therein specified, but in lieu of such general statement of substandard quality when the quality of the tomato concentrate falls below the standard in one or more respects, the label may bear the alternative statement, "Below Standard in Quality _____," the blank to be filled in with the words specified after the corresponding paragraph(s) under paragraph (b)(1) of this section which such tomato concentrate fails to meet, as follows:

(i) "Poor color."

(ii) "Excessive seeds."

(iii)(a) "Excessive pieces of peel."

(b) "Excessive pieces of seed."

(c) "Excessive blemishes."

(c) *Fill of container.* (1) The standard of fill of container for tomato concentrate, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter, is not less than 90 percent of the total capacity, except when the food is frozen.

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

(3) If the tomato concentrate falls below the standard of fill prescribed in paragraph (c) (1) and (2) of this section, the label shall bear the general statement of substandard fill specified

in § 130.14(b) of this chapter, in the manner and form therein prescribed.

§ 155.192 [Removed]

c. By removing § 155.192 *Tomato puree*.

d. By revising § 155.194 to read as follows:

§ 155.194 Catsup.

(a) *Identity*—(1) *Definition*. Catsup, ketchup, or catchup is the food prepared from one or any combination of two or more of the following optional tomato ingredients:

(i) Tomato concentrate as defined in § 155.191(a)(1) and in compliance with § 155.191(b).

(ii) The liquid derived from mature tomatoes of the red or reddish varieties *Lycopersicon esculentum* P. Mill.

(iii) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(iv) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is strained so as to exclude skins, seeds, and other coarse or hard substances in accordance with good manufacturing practice. Prior to straining, food-grade hydrochloric acid may be added to the tomato material in an amount to obtain a pH no lower than 2.0. Such acid is then neutralized with food-grade sodium hydroxide so that the treated tomato material is restored to a pH of 4.2 ± 0.2 . The final composition of the food may be adjusted by concentration and/or by the addition of water. The food ingredients may contain salt (sodium chloride formed during acid neutralization shall be considered added salt) and is seasoned with ingredients as specified in paragraph (a)(2) of this section. The food is preserved by heat sterilization (canning), refrigeration, or freezing. When sealed in a container to be held at ambient temperatures, it is so processed by heat, before or after sealing, as to prevent spoilage.

(2) *Ingredients*. One or any combination of two or more of the following safe and suitable ingredients in each of the following categories is added to the tomato ingredients specified in paragraph (a)(1) of this section:

(i) Vinegars.

(ii) Nutritive carbohydrate sweeteners. Such sweeteners if defined in Part 168 of this chapter shall be as defined therein.

(iii) Spices, flavoring, onions, or garlic.

(3) *Labeling*. (i) The name of the food is "Catsup," "Ketchup," or "Catchup."

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

(a) The statement "Made from" or "Made in part from," as the case may be, "residual tomato material from canning" if the optional tomato ingredient specified in paragraph (a)(1)(iii) of this section or tomato concentrate containing the ingredient specified in § 155.191(a)(1)(ii) is present.

(b) The statement "Made from" or "Made in part from," as the case may be, "residual tomato material from partial extraction of juice" if the optional tomato ingredient specified in paragraph (a)(1)(iv) of this section or tomato concentrate containing the ingredient specified in § 155.191(a)(1)(iii) is present.

(iii) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter except that the name "tomato concentrate" may be used in lieu of the names "tomato puree," "tomato pulp," or "tomato paste" and when tomato concentrates are used, the labeling requirements of § 155.191(a)(3)(ii) (a) and (b) do not apply.

(b) *Quality*. (1) The standard of quality for catsup is as follows: The consistency of the finished food is such that its flow is not more than 14 centimeters in 30 seconds at 20°C when tested in a Bostwick Consistometer in the following manner: Check temperature of mixture and adjust to $20 \pm 1^\circ\text{C}$. The trough must also be at a temperature close to 20°C . Adjust end-to-end level of Bostwick Consistometer by means of the spirit level placed in trough of instrument. Side-to-side level may be adjusted by means of the built-in spirit level. Transfer sample to the dry sample chamber of the Bostwick Consistometer. Fill the chamber slightly more than level full, avoiding air bubbles as far as possible. Pass a straight edge across top of chamber starting from the gate end to remove excess product. Release gate of instrument by gradual pressure on lever, holding the instrument down at the same time to prevent its movement as the gate is released. Immediately start the stop watch or interval timer, and after 30 seconds read the maximum distance of flow to the nearest 0.1 centimeter. Clean and dry the instrument and repeat the reading on another portion of sample. Do not wash instrument with hot water if it is to be used immediately for the next determination, as this may result in an increase in temperature of the sample. For highest accuracy, the instrument should be maintained at a temperature

of $20 \pm 1^\circ\text{C}$. If readings vary more than 0.2 centimeter, repeat a third time or until satisfactory agreement is obtained. Report the average of two or more readings, excluding any that appear to be abnormal.

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

(3) If the quality of catsup falls below the standard prescribed in (b) (1) and (2) of this section, the label shall bear the general statement of substandard quality specified in § 130.14(a) of this chapter, in the manner and form therein specified, but in lieu of such general statement of substandard quality when the quality of the catsup falls below the standard, the label may bear the alternative statement, "Below Standard in Quality—Low Consistency."

(c) *Fill of container*. (1) The standard of fill of container for catsup, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter, is not less than 90 percent of the total capacity except:

(i) When the food is frozen, or

(ii) When the food is packaged in individual serving-size packages containing 56.7 grams (2 ounces) or less.

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

(3) If the catsup falls below the standard of fill prescribed in paragraph (c) (1) and (2) of this section, the label shall bear the general statement of substandard fill as specified in § 130.14(b) of this chapter, in the manner and form therein specified.

PART 156—VEGETABLE JUICES

2. In Part 156:

a. By adding Subpart A, consisting of new § 156.3, to read as follows:

Subpart A—General Provisions

§ 156.3 Definitions.

For the purpose of this part:

(a) "Strength and redness of color" means at least as much red as obtained by comparison of the prepared product, with the blended color produced by spinning a combination of the following concentric Munsell color discs of equal diameter, or the color equivalent of such discs:

Disc 1—Red (5R 2.6/13) (glossy finish)

Disc 2—Yellow (2.5 YR 5/12) (glossy finish)

Disc 3—Black (N1) (glossy finish)

Disc 4—Grey (N4) (mat finish)

Such comparison is to be made in full diffused daylight or under a diffused light source of approximately 2691 lux (250 footcandles) and having a spectral quality approximating that of daylight

under a moderately overcast sky, with a correlated color temperature of 7,500 degrees Kelvin ± 200 degrees. With the light source directly over the disc and product, observation is made at an angle of 45 degrees from a distance of about 24 inches from the product. Electronic color meters may be used as an alternate means of determining the color of tomato juice. Such meters shall be calibrated to indicate that the color of the product is as red or more red than that produced by spinning the Munsell color discs in the combination as set out above.

(b) "Tomato soluble solids" means the sucrose value as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, sections 32.014 to 32.016 and 52.012, under the headings "Soluble Solids in Tomato Products Official Final Action" and "Refractive Indices (n) of Sucrose Solutions at 20," which is incorporated by reference. Copies are available from the Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. If no salt has been added, the sucrose value obtained from the referenced tables shall be considered the percent of tomato soluble solids. If salt has been added, either intentionally or through the application of the acidified break, determine the percent of such added sodium chloride as specified in paragraph (c) of this section. Subtract the percentage so found from the percentage of tomato soluble solids found (sucrose value from the refractive index tables) and multiply the difference by 1.016. The resultant value is considered the percent of "tomato soluble solids."

(c) "Salt" means sodium chloride, determined as chloride and calculated as percent sodium chloride, by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 13th Ed., 1980, sections 32.025 to 32.030, under the heading "Method III (Potentiometric Method)," which is incorporated by reference.

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

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

the acceptance number (c) in the sampling plans.

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

(e) "Sampling and acceptance procedure" means the following:

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

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

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

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

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

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

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

(2) Sampling plans:

ACCEPTABLE QUALITY LEVEL (AQL) 6.5

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

ACCEPTABLE QUALITY LEVEL (AQL) 6.5—Continued

Lot size (primary containers)	Size of container	
	Net weight greater than 4.5 kg (10 lb)	
	n	c
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

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

b. By revising § 156.145 to read as follows:

§ 156.145 Tomato juice.

(a) **Identity—(1) Definition.** Tomato juice is the food intended for direct consumption, obtained from the unfermented liquid extracted from mature tomatoes of the red or reddish varieties of *Lycopersicon esculentum* P. Mill, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such juice is strained free from peel, seeds, and other coarse or hard substances, but contains finely divided insoluble solids from the flesh of the tomato in accordance with current good manufacturing practice. Such juice may be homogenized, may be seasoned with salt, and may be acidified with any safe and suitable organic acid. The juice may have been concentrated and later reconstituted with water and/or tomato juice to a tomato soluble solids content of not less than 5.0 percent by weight as determined by the method prescribe in § 156.3(b). The food is preserved by heat sterilization (canning), refrigeration, or freezing. When sealed in a container to be held at ambient temperatures, it is so processed by heat, before or after sealing, as to prevent spoilage.

(2) **Labeling.** (i) The name of the food is:

(a) "Tomato juice" if it is prepared from unconcentrate undiluted liquid extracted from mature tomatoes of reddish varieties.

(b) "Tomato juice from concentrate" if the finished juice has been prepared from concentrated tomato juice as specified in paragraph (a)(1) of this section or if the finished juice is a mixture of tomato juice and tomato juice from concentrate.

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

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

(i) The strength and redness of color is not less than the composite color produced by spinning the Munsell color discs in the following combination:

53 percent of the area of Disc 1;
28 percent of the area of Disc 2; and
19 percent of the area of either Disc 3 or Disc 4; or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the appearance of the tomato juice.

(ii) Not more than two defects for peel and blemishes, either singly or in combination, in addition to three defects for seeds or pieces of seeds, defined as follows, per 500 milliliters (16.9 fluid ounces):

(a) Pieces of peel 3.2 millimeters (0.125 inch) or greater in length.

(b) Blemishes such as dark brown or black particles (specks) greater than 1.6 millimeters (0.0625 inch) in length.

(c) Seeds or pieces of seeds 3.2 millimeters (0.125 inch) or greater in length.

(2) *Methodology.* (i) Determine strength and redness of color as specified in § 156.3(a).

(ii) Examine a total of 500 milliliters for peel, blemishes, and seeds. Divide the 500-milliliter sample into two 250-milliliter aliquots and pour each aliquot onto separate 30.5 x 45.7 centimeters (12 x 18 inches) white grading trays. Remove defects and evaluate for color and size as defined in paragraph (b)(1)(ii) of this section.

(3) Determine compliance as specified in § 156.3(d).

(4) If the quality of the tomato juice falls below the standard prescribed in paragraph (b)(1) and (3) of this section, the label shall bear the general statement of substandard quality specified in § 130.14(a) of this chapter, in the manner and form therein specified, but in lieu of such general statement of substandard quality when the quality of the tomato juice falls below the standard in one or more respects, the label may bear the alternative statement, "Below Standard in Quality _____", the blank to be filled in with the words specified after the corresponding paragraph (s) under paragraph (b)(1) of this section which such tomato juice fails to meet, as follows:

(i) "Poor color".
(ii)(a) "Excessive pieces of peel".
(b) "Excessive blemishes".
(c) "Excessive seeds" or "excessive pieces of seed".

(c) *Fill of container.* (1) The standard of fill of container for tomato juice, as determined by the general method for fill of container prescribed in § 130.12(b)

of this chapter, is not less than 90 percent of the total capacity, except when the food is frozen.

(2) Determine compliance as specified in § 156.3(d).

(3) If the tomato juice falls below the standard of fill prescribed in paragraph (c)(1) and (2) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form therein prescribed.

§ 156.147 [Removed]

c. By removing § 156.147 *Yellow tomato juice.*

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 28, 1983, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin March 29, 1983, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985, shall fully comply. Notice of the filing of objections or lack thereof will be published in the *Federal Register*.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).

Dated: January 17, 1983.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-3096 Filed 1-27-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 176

[Docket No. 82F-0300]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of dialkyl(C₁₂-C₁₈)carbamoyl chloride as a sizing agent in the manufacture of paper and paperboard. This action is in response to a petition filed by AB Casco.

DATES: Effective January 28, 1983; objections by February 28, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of October 15, 1982 (47 FR 46139), FDA announced that a petition (FAP 0B3490) was filed by AB Casco, Box 11010, 100 61, Stockholm, Sweden, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) of the food additive regulations be amended to provide for the safe use of dialkyl(C₁₂-C₁₈)carbamoyl chloride as a sizing agent in the manufacture of paper and paperboard.

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

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are

not available for public disclosure before making the documents available for inspection.

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

List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), § 176.170 is amended in paragraph (a)(5) by alphabetically inserting a new item in the list of substances to read as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

- (a) * * *
- (5) * * *

List of substances	Limitations
Diskyt (C ₁₈ -C ₂₁)—carbamoyl chloride (CAS Reg. No. 41319-54-4) manufactured by the reaction of secondary amines derived from fatty acids of animal or vegetable sources with phosgene.	For use as a sizing agent at a level not to exceed 0.2 percent by weight of the dry fiber.

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 28, 1983, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objections shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall

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

Effective date. This regulation shall become effective January 28, 1983.

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

Dated: January 14, 1983.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-2225 Filed 1-27-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 436, 452, 455, and 555

[Docket No. 81N-0245]

Microbiological Turbidimetric Assay for Chloramphenicol and Troleandomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by revising the microbiological turbidimetric assay for chloramphenicol and troleandomycin for both human and veterinary use. The agency is taking this action to reduce assay costs for these antibiotic drugs.

DATES: Effective February 28, 1983; comments, notice of participation, and request for hearing by February 28, 1983; data, information, and analyses to justify a hearing by March 29, 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: In the *Federal Register* of October 2, 1981 (46 FR 48714), corrected December 22, 1981 (46 FR 62087), FDA proposed to amend the antibiotic drug regulations by revising the microbiological turbidimetric assay for chloramphenicol

and troleandomycin for both human and veterinary use by replacing the buffer solutions as diluents for the standard and sample preparation of these antibiotic drugs with distilled water.

In addition, FDA also proposed that the sample preparation for the microbiological turbidimetric potency assay of fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment be changed from a blending to an extraction method.

Interested persons were given until December 1, 1981, to submit written comments to this proposal and to November 2, 1981 to submit requests for an informal conference. No comments or requests for an informal conference were received.

The agency has considered the economic impact of this final rule and has determined that it does not require a regulatory flexibility analysis, as defined with the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the final rule would provide for the use of a less costly testing reagent, thus reducing the overall cost of the test method for the manufacturers of these antibiotic drugs, and would refine an existing technical provision without imposing a more stringent requirement. Accordingly, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 452

Antibiotics, Macrolide.

21 CFR Part 455

Antibiotics.

21 CFR Part 555

Animal drugs, Antibiotics, Chloramphenicol.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701(f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 375, 380b(n), 371(f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 436, 452, 455, and 555 are amended as follows:

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

§ 436.106 [Amended]

1. Part 436 is amended in § 436.106 *Microbiological turbidimetric assay*, in

the table of paragraph (a), for the item "Chloramphenicol" by inserting "Distilled water" in the first diluent column and for the items "Chloramphenicol" and "Troleandomycin" by changing in the second diluent column the figure "1" to read "Distilled water".

PART 452—MACROLIDE ANTIBIOTIC DRUGS

2. Part 452 is amended:

a. In § 452.75, paragraph (b)(1)(ii) is revised to read as follows:

§ 452.75 Troleandomycin.

(b) * * *

(1) * * *

(ii) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution containing 1,000 micrograms per milliliter. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

b. In § 452.175a, paragraph (b)(1) is revised to read as follows:

§ 452.175a Troleandomycin capsules.

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

c. In § 452.175b, paragraph (b)(1) is revised to read as follows:

§ 452.175b Troleandomycin oral suspension.

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution of 1,000

micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

d. In § 452.175c, paragraph (b)(1) is revised to read as follows:

§ 452.175c Troleandomycin for oral suspension.

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Dilute an accurately measured representative portion of the sample with sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

e. In § 452.175d, paragraph (b)(1) is revised to read as follows:

§ 452.175d Troleandomycin chewable tablets.

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 80 percent isopropyl alcohol solution to obtain a stock solution of 1,000 micrograms of troleandomycin per milliliter (estimated). Blend 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

3. Part 455 is amended:

a. In § 455.10, paragraph (b)(1)(i) is revised to read as follows:

§ 455.10 Chloramphenicol.

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for

assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 95 percent ethyl alcohol to obtain a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient distilled water to obtain a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

b. In § 455.10a, paragraph (b)(1)(i) is revised to read as follows:

§ 455.10a Sterile chloramphenicol.

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 95 percent ethyl alcohol to obtain a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient distilled water to obtain a concentration of 1,000 micrograms of chloramphenicol per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

c. In § 455.110, paragraph (b)(1) is revised to read as follows:

§ 455.110 Chloramphenicol capsules.

(b) * * *

(1) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Then add 400 milliliters of distilled water and blend again for 2 minutes. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

d. In § 455.210, paragraph (b)(1) is revised to read as follows:

§ 455.210 Chloramphenicol injection.

(b) * * *

(1) *Potency*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample in sufficient distilled water to obtain a stock of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

e. In § 455.310a, paragraph (b)(1) is revised to read as follows:

§ 455.310a Chloramphenicol ophthalmic solution.

(b) * * *

(1) *Potency*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

f. In § 455.310b, paragraph (b)(1)(i) is revised to read as follows:

§ 455.310b Chloramphenicol ophthalmic.

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

g. In § 455.310c, paragraphs (b)(1)(i) and (ii) are revised to read as follows:

§ 455.310c Chloramphenicol ointment (chloramphenicol cream).

(b) * * *

(1) * * *

(i) *If the ointment is water miscible*. Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient distilled water to obtain a

stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *If the ointment is not water miscible*. Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of distilled water and shake well. Allow the layers to separate. Remove the aqueous layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of distilled water. Combine the aqueous extractives in a suitable volumetric flask and dilute to volume with distilled water. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). The potency of chloramphenicol ointment is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain.

h. In § 455.410, paragraph (b)(1) is revised to read as follows:

§ 455.410 Chloramphenicol otic.

(b) * * *

(1) *Potency*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

i. In § 455.510d, paragraph (b) is revised to read as follows:

§ 455.510d Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.

(b) *Tests and methods of assay;*

potency. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of distilled water and

shake well. Allow the layers to separate. Remove the aqueous layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of distilled water. Combine the aqueous extractives in a suitable volumetric flask and dilute to volume with distilled water. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

4. Part 555 is amended:

a. In § 555.110a, paragraph (b)(1)(i) is revised to read as follows:

§ 555.110a Chloramphenicol tablets.

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Add 400 milliliters of distilled water and blend again for 2 minutes. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

b. In § 555.110c, paragraph (b)(1) is revised to read as follows:

§ 555.110c Chloramphenicol oral solution.

(b) * * *

(1) *Potency*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

c. In § 555.210, paragraph (b)(1) is revised to read as follows:

§ 555.210 Chloramphenicol injection.

(b) * * *

(1) *Potency*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of

convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

d. In § 555.310d, paragraph (b)(1)(i) is revised to read as follows:

§ 555.310d Chloramphenicol ophthalmic solution.

(b) ***

(1) ***

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample in distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

e. In § 555.310e, paragraph (b)(1) is revised to read as follows:

§ 555.310e Chloramphenicol-prednisolone-tetracaine-squalane topical suspension.

(b) ***

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a separatory funnel containing 500 milliliters of petroleum ether. Shake the separatory funnel vigorously to bring about complete mixing of the sample and the petroleum ether. Add 20 milliliters of distilled water and shake well. Remove the aqueous layer and repeat the extraction with three additional 20-milliliter portions of distilled water. Combine the extractives and dilute to an appropriate volume with distilled water. Further dilute an aliquot with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

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 28, 1983, a written notice of participation and request for hearing, and (2) on or before March 29, 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 requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (address above).

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

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

Effective date. This amendment shall become effective February 28, 1983.

(Secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n), 371 (f) and (g)))

Dated: January 5, 1983.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-2228 Filed 1-27-83; 8:49 am]

BILLING CODE 4160-01-M

21 CFR Parts 510, 520, and 558

Oral Dosage Form New Animal Drugs Not Subject to Certification; New Animal Drugs for Use in Animal Feeds; Sulfaquinoxaline

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

SUMMARY: The Food and Drug Administration (FDA) is amending the new animal drug regulations to reflect approval of supplemental new animal drug applications (NADA's) filed by Merck Sharp & Dohme Research Laboratories for the use of sulfaquinoxaline to treat certain conditions in chickens, turkeys, cattle,

calves, and rabbits. The supplemental applications provided revised labeling to conform with the National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group's review of the product.

EFFECTIVE DATE: January 28, 1983.

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

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, filed three supplemental new animal drug applications for sulfaquinoxaline. The applications are for a medicated premix containing 40 percent sulfaquinoxaline (NADA 8-391), a 20-percent solution (NADA 6-667), and a 25-percent soluble powder (NADA 7-087). The supplements contain revised labeling to conform with the recommendations of the NAS/NRC review of sulfaquinoxaline.

NAS/NRC evaluated sulfaquinoxaline as effective for control of acute fowl cholera in chickens, turkeys, pheasants, and other game birds and as effective for control of fowl typhoid in chickens and turkeys. These claims were inadvertently not included in the NAS/NRC review of sulfaquinoxaline which was published in the *Federal Register* of July 9, 1970 (35 FR 11069). This document covered the NAS/NRC evaluation of products covered by the three NADA's which are the subject of this final rule as well as other products containing sulfaquinoxaline.

The July 9, 1970 *Federal Register* document stated that NAS/NRC evaluated the drugs as: (1) Probably effective as an aid in prevention and control of outbreaks of coccidiosis in chickens, turkeys, pheasants (and other game birds), cattle, and sheep (provided the species of coccidia for the respective hosts are shown); (2) effective as an aid in prevention and control of coccidiosis (*Eimeria stiedae*) in rabbits; and (3) probably effective as an aid in the control, and treatment of bacterial infections in cattle, lambs, and swine when such infections are caused by pathogens sensitive to sulfaquinoxaline. NAS/NRC stated: (1) For systemic use the recommended dosage levels should be documented with regard to whether such dosage levels produce effective blood levels and tissue concentrations; (2) each disease claim should be properly qualified as to name of the disease caused by pathogens sensitive to sulfaquinoxaline; (3) the labels should warn that treated animals must actually

consume enough medicated water or medicated feed to provide a therapeutic dose under the conditions that prevail, and as a precaution the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of such preparations in drinking water or feed; (4) antibacterial claims "for prevention of" or "to prevent" to be replaced with "as an aid in the control of" or "to aid in the control of," and (5) caution statements need to be revised to incorporate current toxicology information. FDA concurred with the NAS/NRC findings and stated that to be marketed the drug must be the subject of an approved NADA and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act (the act).

Merck complied with the NAS/NRC review of the drug in the following manner: (1) The claims for coccidiosis in cattle, calves, chickens, turkeys, and rabbits were incorporated in the labeling with the species of coccidia named for each respective host; (2) each disease claim was properly qualified as to the name of the disease caused by pathogens sensitive to sulfaquinoxaline; (3) the firm demonstrated that the recommended dosage level produced effective blood levels, where the use is systemic; coccidiosis is a condition of the digestive system so blood level data are not necessary regarding this use; (4) Merck incorporated the statement that treated animals must actually consume enough water or feed to provide an adequate therapeutic dosage under the conditions that prevail; (5) labeling was revised to reflect current policy with regard to antibacterial claims and toxicology to the target species.

Based on data submitted, the supplemental new animal drug applications are approved.

The DESI evaluation was concerned only with the drug's effectiveness and safety to the animal being treated and did not take into account the safety of food derived from treated animals. However, the agency's practice has been to approve the NAS/NRC/DESI supplemental applications for sulfonamides covered by § 510.450 (21 CFR 510.450) only after sponsors have established tolerances in accordance with the requirements of the regulation, and only after sponsors have established adequate regulatory assay methods as well as practical withdrawal periods. The foregoing requirements have not yet been met for sulfaquinoxaline. However, the agency has determined that it should make an exception so that it can complete the

action begun by the NAS/NRC review of sulfaquinoxaline. Although FDA has notified the sponsors of approved sulfaquinoxaline NADA's that the agency requires additional human safety data, the agency anticipates that the required studies will not be completed for a substantial period of time. Sulfaquinoxaline is the only sulfonamide for which the NAS/NRC/DESI supplements have not been approved. Approving the supplemental applications filed by Merck will reduce the number of claims for the drug and update the remaining claims. This change will benefit both producers and consumers.

The agency is evaluating the use of sulfonamide-containing drugs in food-producing animals as presently covered under § 510.450 and expects to publish a separate document covering the use of all such products. Withdrawal periods will be further considered upon completion and evaluation of safety studies on sulfonamide residues in food resulting from use of sulfonamide products subject to § 510.450.

The amendment to § 510.450 in this document provides for a 10-day withdrawal period for use of sulfaquinoxaline in poultry. Section 510.450(a)(4) previously specified a 5-day withdrawal time for continuously used sulfonamides in poultry, while the withdrawal period has remained at 10 days when the drug is not used continuously. The Director of the Bureau of Veterinary Medicine has concluded that the reference in § 510.450 to a 5-day withdrawal period for continuous uses of sulfonamides in poultry should be removed. The Director has also determined that good cause exists for removing the 5-day withdrawal period without first publishing a proposal for public comment. Extending the interim withdrawal time to 10 days will enhance the public health. In addition, Merck has agreed to the change. The Director also notes that the agency originally adopted the 5-day withdrawal provision of § 510.450 without utilizing notice and comment procedures. Therefore, the agency has determined that good cause exists to find that notice, public procedures, and delayed effective date are impracticable, unnecessary, and contrary to the public interest.

The DESI evaluation was published to inform NADA holders of the findings of the NAS/NRC and FDA and to inform all interested persons that such articles may be marketed, provided they are the subject of approved NADA's and otherwise comply with the requirements of the act. NADA's that pertain to identical products and reflect those

conditions of use as set forth in this regulation do not require efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5)(ii)(a)(4) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(a)(4)) of the animal drug regulations. In lieu of such data, approval may require bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. In addition, applications must be accompanied by a written commitment to undertake the human safety studies required by FDA.

FDA is also removing the interim marketing provisions of § 558.15(g)(1) (21 CFR 558.15(g)(1)) for Merck's sulfaquinoxaline. The firm submitted data required by § 558.15. The data satisfactorily resolved questions raised in that section regarding subtherapeutic use of sulfaquinoxaline. The data reviewed by the National Advisory Food and Drug Committee (NAFDC) and their recommendations regarding sulfaquinoxaline were accepted by the agency April 15, 1977. A copy of the NAFDC reports is on file in the Dockets Management Branch under Docket No. 77N-0230.

New § 558.586 (21 CFR 558.586) established by publication does not require the submission of medicated feed applications. Such applications have not been required in the past because the premix was originally approved prior to the adoption of section 512(m) of the act. However, use of the premix may become subject to applicable requirements imposed upon completion of the restructuring of the agency's medicated feed program (46 FR 2456; January 9, 1981).

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above), from 9 a.m. to 4 p.m., Monday through Friday.

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

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

List of Subjects

21 CFR Part 510

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

21 CFR Part 520

Animal drugs, oral use.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510, 520, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. Part 510 is amended in § 510.450 by revising paragraph (a) (3)(i) and (ii), (4), and (5), and by removing paragraph (a)(6) to read as follows:

§ 510.450 Sulfonamide-containing drugs for oral, injectable, intramammary, or intrauterine use in food-producing animals.

(a) * * *

(3) * * *

(i) A statement that the use of the drug must be discontinued 10 days before treated animals are slaughtered for food; or

(ii) A statement of withdrawal period which has been established based upon data submitted to the Commissioner and found satisfactory for the elimination of drug residues from edible products.

(4) Labeling revisions required for compliance with this paragraph were made at the earliest possible time and, in any case by January 21, 1971. Any such products now on the market and not in compliance with this paragraph are subject to regulatory action.

(5) The labeling requirements of paragraph (a)(3)(ii) of this section were adopted as an interim measure. Sponsors of sulfonamide-containing drugs subject to the provisions of this section were required to submit by October 22, 1971, adequate data to permit the establishment of appropriate withdrawal periods as required by paragraph (a)(3)(ii) of this section.

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

2. Part 520 is amended by adding new §§ 520.2325, 520.2325a, and 520.2325b to read as follows:

§ 520.2325 Sulfaquinoxaline oral dosage forms.

§ 520.2325a Sulfaquinoxaline drinking water.

(a) [Reserved]

(b) [Reserved]

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

(d) *NAS/NRC status.* The conditions of use specified in this section have been reviewed by NAS/NRC and are found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency information. Applications must be accompanied by a written commitment to undertake the human safety studies required by FDA.

(e) *Conditions of use.* It is used in drinking water medicated with a 25-percent soluble powder or a 20-percent solution as follows:

(1) *Chickens.* (i) As an aid in the control of outbreaks of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, and *E. brunetti*.

(ii) Administer at the 0.04 percent level for 2 or 3 days, skip 3 days then administer at the 0.025 percent level for 2 more days. If bloody droppings appear, repeat treatment at the 0.025 percent level for 2 more days. Do not change litter unless absolutely necessary. Do not give flushing mash.

(2) *Turkeys.* (i) As an aid in the control of outbreaks of coccidiosis caused by *Eimeria meleagridis* and *E. adenoeides*.

(ii) Administer at the 0.025 percent level for 2 days, skip 3 days, give for 2 days, skip 3 days and give for 2 more days. Repeat if necessary. Do not change litter unless absolutely necessary. Do not give flushing mash.

(3) *Chickens and turkeys.* (i) As an aid in the control of acute fowl cholera caused by *Pasteurella multocida* susceptible to sulfaquinoxaline and fowl typhoid caused by *Salmonella gallinarum* susceptible to sulfaquinoxaline.

(ii) Administer at the 0.04 percent level for 2 or 3 days. Move birds to clean ground. If disease recurs, repeat treatment. If cholera has become established as the respiratory or chronic form, use feed medicated with sulfaquinoxaline. Poultry which have survived typhoid outbreaks should not

be kept for laying house replacements or breeders unless tests show they are not carriers.

(4) *Cattle and calves.* (i) For the control and treatment of outbreaks of coccidiosis caused by *Eimeria bovis* or *E. zurnii*.

(ii) Administer at the 0.015 percent level for 3 to 5 days in drinking water medicated with the 20 percent sulfaquinoxaline solution or give one teaspoon of 25 percent sulfaquinoxaline soluble powder per day for each 125 pounds of body weight for 3 to 5 days in drinking water.

(f) *Limitations.* Consult a veterinarian or poultry pathologist for diagnosis. May cause toxic reactions unless the drug is evenly mixed in water at dosages indicated and used according to directions. For control of outbreaks of disease, medication should be initiated as soon as the diagnosis is determined. Medicated chickens, turkeys, cattle, and calves must actually consume enough medicated water which provides a recommended dosage of approximately 10 to 45 milligrams per pound per day in chickens, 3.5 to 55 milligrams per pound per day in turkeys, and approximately 6 milligrams per pound per day in cattle and calves depending on the age, class of animal, ambient temperature, and other factors. Not for use in lactating dairy cattle. Do not give to chickens, turkeys or cattle within 10 days of slaughter for food. Do not medicate chickens or turkeys producing eggs for human consumption. Make fresh drinking water daily.

§ 520.2325b Sulfaquinoxaline drench.

(a) [Reserved]

(b) [Reserved]

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

(d) *NAS/NRC status.* The conditions of use specified in this section have been reviewed by NAS/NRC and are found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency information. Applications must be accompanied by a written commitment to undertake the human safety studies required by FDA.

(e) *Conditions of uses.* As a 25-percent sulfaquinoxaline soluble powder.

(1) For the control and treatment of outbreaks of coccidiosis in cattle and calves caused by *Eimeria bovis* or *E. zurnii*.

(2) Give one teaspoon of 25 percent sulfaquinoxaline soluble powder for each 125 pounds of body weight for 3 to 5 days as a drench.

(f) *Limitations.* For control of outbreaks of disease, medication should be initiated as soon as the diagnosis is determined. Consult a veterinarian for diagnosis. Do not give to cattle within 10 days of slaughter for food. Not for use in lactating dairy cattle.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. Part 558 is amended:

§ 558.15 [Amended]

a. In § 558.15 *Antibiotic, nitrofurantoin, and sulfonamide drugs in the feed of animals* by removing from the table in paragraph (g) (1) the three drug premix entries for sulfaquinoxaline, sponsored by Merck Sharp & Dohme Research Laboratories.

1b. By adding new § 558.586 to read as follows:

§ 558.586 Sulfaquinoxaline.

(a) [Reserved]

(b) *Approvals.* In dry premix, level of 40 percent; for sponsor see No. 000006 in § 510.600(c) of this chapter.

(c) *Assay limits.* Complete feed 85 to 115 percent of labeled amount.

(d) *NAS/NRC status.* The conditions of use specified in this section have been reviewed by NAS/NRC and are found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency information. Applications must be accompanied by a written commitment to undertake the human safety studies required by FDA.

(e) *Special considerations.* (1) For control of outbreaks of disease, medication should be initiated as soon as the diagnosis is determined. Medicated chickens, turkeys, and rabbits must actually consume enough medicated feed which provides a recommended dose of approximately 3.5 to 60 milligrams per pound per day in chickens, 2.5 to 100 milligrams per pound per day in turkeys, and 2.8 to 68 milligrams per pound per day in rabbits depending upon age and class of animal, ambient temperature, and other factors. Consult a veterinarian or poultry pathologist for diagnosis.

(2) Complete feed containing sulfaquinoxaline and conforming to the requirements of paragraph (f) (1), (2), and (3) of this section is not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(f) *Conditions of use.* It is used as follows:

(1) *Chickens* (i) *Amount.* 0.015 percent in complete feed.

(a) *Indications for use.* As an aid in preventing outbreaks of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, and *E. brunetti* under average conditions of exposure.

(b) *Limitations.* Feed continuously from the time birds are placed on litter and continue past the age when coccidiosis is ordinarily a hazard. If death losses exceed 0.5 percent in a 2-day period, obtain a laboratory diagnosis. If coccidiosis is the cause, use the sulfaquinoxaline levels recommended for control of outbreaks, returning to the original dosage schedule after the outbreak has subsided. Losses may result from intercurrent disease, other conditions affecting drug intake, or variant strains of coccidia species which can contribute to the virulence of coccidiosis under field conditions. Do not treat chickens within 10 days of slaughter. Do not medicate chickens producing eggs for human consumption.

(ii) *Amount.* 0.0175 percent in complete feed.

(a) *Indications for use.* As an aid in preventing outbreaks of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, and *E. brunetti* where excessive exposure to coccidia is increased due to overcrowding or other management factors.

(b) *Limitations.* Feed continuously from the time birds are placed on litter and continue past the age when coccidiosis is ordinarily a hazard. If death losses exceed 0.5 percent in a 2-day period, obtain a laboratory diagnosis. If coccidiosis is the cause, use the sulfaquinoxaline levels recommended for control of outbreaks, returning to the original dosage schedule after the outbreak has subsided. Losses may result from intercurrent disease, other conditions affecting drug intake, or variant strains of coccidia species which can contribute to the virulence of coccidiosis under field conditions. Do not treat chickens within 10 days of slaughter. Do not medicate chickens producing eggs for human consumption.

(iii) *Amount.* 0.1 to 0.05 percent in complete feed.

(a) *Indications for use.* As an aid in controlling outbreaks of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, and *E. brunetti*.

(b) *Limitations.* Feed in complete feed at 0.1 percent level for first 48 to 72 hours. Skip 3 days; 0.05 percent for 2 days, skip 3 days; 0.05 percent for 2 days. If bloody droppings recur, give 0.05 percent for another 2 days. Do not treat chickens within 10 days of

slaughter. Do not medicate chickens producing eggs for human consumption.

(2) *Turkeys* (i) *Amount.* 0.0175 percent in complete feed.

(a) *Indications for use.* As an aid in preventing outbreaks of coccidiosis caused by *Eimeria meleagridis* and *E. adenoides*.

(b) *Limitations.* Feed 0.0175 percent continuously during time birds are closely confined. May be continued for week to 10 days after flock is transferred to range to reduce danger of an outbreak following moving of the flock. Do not treat turkeys within 10 days of slaughter. Do not medicate turkeys producing eggs for human consumption.

(ii) *Amount.* 0.05 percent in complete feed.

(a) *Indications for use.* As an aid in controlling outbreaks of coccidiosis caused by *Eimeria meleagridis*, and *E. adenoides*.

(b) *Limitations.* Feed 0.05 percent for 2 days. Follow with 3 days on regular feed and 2 more days on 0.05 percent sulfaquinoxaline feed. Again follow with 3 days on regular feed and 2 more days on 0.05 percent sulfaquinoxaline feed. Continue this schedule if necessary till all signs of the outbreaks have subsided. Do not treat turkeys within 10 days of slaughter. Do not medicate turkeys producing eggs for human consumption.

(3) *Chickens and turkeys* (i) *Amount.* 0.05 or 0.1 percent in complete feed.

(a) *Indications for use.* As an aid in the control of acute fowl cholera caused by *Pasteurella multocida* susceptible to sulfaquinoxaline and fowl typhoid caused by *Salmonella gallinarum* susceptible to sulfaquinoxaline.

(b) *Limitations.* Feed 0.1 percent for 48 to 72 hours. Mortality should be brought under control. After medication, move birds to clean ground or to a clean house. If disease recurs, use 0.05 percent in feed again for 2 days. Do not treat chickens or turkeys within 10 days of slaughter for food. Do not medicate chickens or turkeys producing eggs for human consumption.

(ii) [Reserved]

(4) *Rabbits* (i) *Amount.* 0.025 percent in complete feed.

(a) *Indications for use.* As an aid in preventing coccidiosis caused by *Eimeria stiedae*.

(b) *Limitations.* Treatment to be started after weaning. Feed continuously for 30 days or feed medicated feed for 2 days out of every week until marketing. Do not treat within 10 days of slaughter.

(ii) *Amount.* 0.1 percent in complete feed.

(a) *Indications for use.* As an aid in controlling outbreaks of coccidiosis caused by *Eimeria stiedae*.

(b) *Limitations.* Feed for 2 weeks. Do not treat within 10 days of slaughter.

Effective date. January 28, 1983.

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

Dated: January 21, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-2332 Filed 1-27-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Lincomycin Hydrochloride Soluble Powder

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 safe and effective oral use of lincomycin soluble powder in swine drinking water for treating swine dysentery. This NADA provides an additional means of administering a currently approved animal drug in the same species for the same indication.

EFFECTIVE DATE: January 28, 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, MI 49001, filed NADA 111-636 which provides for oral use of Lincomix Soluble Powder (lincomycin hydrochloride) in swine drinking water at 250 milligrams per gallon for the treatment of swine dysentery (bloody scours). The firm submitted data and information to support the safe and effective use of the product. This NADA provides an additional means of administering a currently approved animal drug in the same species for the same indication. Under the Bureau of Veterinary Medicine's proposed supplemental approval policy (42 FR 64367; December 23, 1977), it was not necessary to review the underlying human safety data. The sponsor submitted residue data to show that the residue would not exceed the tolerance established in 21 CFR 556.360. The NADA is approved and the regulations are amended to reflect the approval.

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

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

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

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21-CFR 5.83), Part 520 is amended by adding new § 520.1263c, to read as follows:

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

§ 520.1263c Lincomycin hydrochloride soluble powder.

(a) *Specifications.* Each 1.41 ounce packet (40 grams) contains 16 grams of lincomycin hydrochloride.

(b) *Sponsor.* See No. 000009 in § 510.600(c) of this chapter.

(c) *Tolerances.* See § 556.360 of this chapter.

(d) *Conditions of use.* (1) *Amount.* 250 milligrams per gallon of drinking water.

(2) *Dosage.* 3.8 milligrams per pound of body weight per day.

(3) *Indications for use.* Treatment of swine dysentery (bloody scours).

(4) *Limitations.* Discard medicated drinking water if not used within 2 days. Prepare fresh stock solution daily. Do not use for more than 10 days. If clinical signs of disease have not improved within 6 days, discontinue treatment and reevaluate diagnosis. Not for use in swine weighing more than 250 pounds. Do not slaughter swine for 6 days following last treatment.

Effective date: January 28, 1983.

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

Dated: January 21, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-2227 Filed 1-27-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 89

Attorney Contracts With Indian Tribes; Payment of Tribal Attorney Fees With Appropriated Funds

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This final rule clarifies the circumstances under which the Bureau of Indian Affairs (BIA), in the performance of the Federal Government's trust responsibility to Indian tribes may provide Federally appropriated funds to an Indian tribe or other organization for the payment of a private attorney's legal services.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Ulyses S. St. Arnold, Rights Protection Officer, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Ave., NW., Washington, D.C. 20245, telephone number (202) 343-8216.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

The Bureau of Indian Affairs published a proposed rule on December 16, 1980 (45 FR 82667), that offered the public an opportunity to comment on regulations pertaining to attorney fees. Comments were received from five sources including Indian tribes, public interest organizations and tribal attorneys. The following paragraphs summarize the comments and suggestions received and actions taken.

This rule is being promulgated to eliminate uncertainty about the Bureau of Indian Affairs' current policy toward the payment or funding of private attorney fees for Indian tribes. The rule describes the circumstances under which the BIA will exercise its discretion to provide funds to a tribe to

pay private attorneys or other organizations to provide legal services to tribes, the factors to be considered in determining whether to provide such funds, and the procedures to be followed when requesting such funds.

Comments were received from five sources including Indian tribes, public interest organizations, and tribal attorneys. The following paragraphs summarize the comments and suggestions received and actions taken.

Comments Adopted

Section 89.41(d).—Two suggested that § 89.41(d) was too narrow and should be expanded to permit funding of private counsel for actual litigation purposes as well as for oversight activities even though the Department of Justice is representing the United States as trustee for the tribe. 25 U.S.C. 175, which provides for the representation of Indians by the United States attorney "in all suits at law and in equity" has been interpreted to prohibit the Department of the Interior from funding private tribal counsel in litigation unless the Attorney General refuses assistance or his/her assistance is otherwise unavailable. (See Comptroller General's Opinion, B-114868 of December 6, 1976). However, in *New Mexico v. Aamodt* the 10th Circuit has held that funds could be used for actual litigation. (*New Mexico v. Aamodt*, 537 F.2d 1102). For this reason, § 89.41(d) has been revised to provide that when the Department of Justice is representing the United States as trustee for a tribe, funds may be paid for intervention activities on the condition that all other requirements in paragraph (d) are met. These comments were, therefore, accepted.

Section 89.42.—One commentator suggested that "the importance of the litigation" for which funds are sought should be considered in determining whether to approve a request for funds. Paragraph (a) of § 89.42 states that the merits of the tribe's legal position will be a factor in determining whether to provide attorney fees. The significance of the legal question will be evaluated as part of determining the merit of a tribe's legal position. This comment has therefore been accepted.

Comments Rejected

Section 89.41(a).—Several comments suggested circumstances expanding the scope of § 89.41(a) to include those cases where a tribe seeks money to defend a suit involving its trust resources, rights claimed under a treaty, executive order, statutes, or its governmental powers, and the Department of Justice is unwilling or unable to represent the United States as

trustee for the tribe. These comments revealed an important oversight in the proposed regulations as drafted.

§ 89.41(a) has been revised to include funds requested to enable a tribe to defend a lawsuit as follows: § 89.41(a) where a tribe determines it necessary to bring a court action or to defend itself to protect its trust resources, rights claimed under a treaty, agreement, executive order, or statute, or its governmental powers; and the Attorney General refuses assistance or his assistance is unavailable. (Comptroller General's Opinion B-114868, December 6, 1976).

Another comment suggested expanding those provisions now contained in § 89.41(b) to permit the Bureau of Indian Affairs to fund private attorneys in situations other than those involving conflicts within the Department and those in which the Department declines to submit a request to the Department of Justice to initiate litigation.

The only foreseeable circumstances preventing the Department from submitting a meritorious request to the Department of Justice are: (1) A conflict of interest between different agencies of the Department, or (2) the Department officials' belief that a negotiated solution to the controversy is attainable and preferable to the initiation of litigation. The conflict of interest situation is presently addressed in § 89.41(b). In the second circumstance, although funds would not be available for litigation purposes, the tribe could apply for funds under § 89.41(e), which permits the funding of private counsel in situations where there exists a substantial possibility of a negotiated settlement or agreement. The Department is not aware of any circumstances, other than those addressed in the regulations as presently written, that would prevent the Solicitor from submitting a request to the Department of Justice to initiate litigation. Therefore, this comment was not accepted. One comment suggested that the exceptions to the policy listed in § 89.41(a) are too narrow. The comment suggested that § 89.41(a) be expanded to provide for the funding of private counsel when the Attorney General refuses or is unable to honor a Department request that he initiate litigation on behalf of a tribe because of conflicts between agencies of the government. Paragraphs (a) and (b) § 89.41, as presently written, clearly encompass such conflict of interest situations.

As was explained in the Supplementary Information section of the proposed rulemaking, § 89.41(a) permits the Bureau of Indian Affairs to

fund private counsel whenever the Attorney General advises the Solicitor, for reasons other than the lack of merit in the tribe's legal position, that the Department of Justice cannot or will not represent the United States as trustee for the tribes. Funding under this section is also available if the Attorney General advises the Solicitor that because of shortages of staff or particular time constraints, the Department of Justice cannot honor the Department of the Interior's request to initiate litigation. For this reason the above comment was not accepted.

Section 89.41(b).—Another comment suggested that the meaning of "conflict of interest" in § 89.41(b) should be defined. This term is not used in the regulations as a term of art. Rather, it generally refers to those circumstances where the programs, policies, actions or goals of one agency within the Department are in some measure inconsistent with and adverse to those of any other governmental agency. Because of the vast array of situations in which the programs, policies, actions or goals of one agency may affect and possibly interfere with those of another, an attempt to define the circumstances in which a legitimate conflict of interest arises would tend to restrict the freedom of the Committee and the Assistant Secretary to consider each request for funds in light of the particular factual context presented to make their discretionary determinations on a case-by-case basis. For this reason, the term is not specifically defined in the regulations.

Section 89.41(c).—Several commentators inquired whether funds for legal services rendered in connection with the negotiation or performance of contracts under Pub. L. 93-638 must be requested under the procedure of § 89.43. Although the proposed rule was ambiguous, incidental legal services performed in connection with Pub. L. 93-638 contracts are not subject to the procedural requirements of this rule unless such legal services are requested for litigation purposes. If a tribe requests funds for litigation purposes, the fact that the litigation arises out of or is connected with a Pub. L. 93-638 contract is irrelevant. The circumstances described in § 89.41 (a) or (b) must be present and the provisions of § 89.42 and § 89.43 must be followed in order for the tribe to obtain funds for attorneys' fees for litigation purposes. For instance, if the tribe requests attorneys' fees to enable the tribe to initiate or defend a law suit arising out of a Pub. L. 93-638 contract or legal services are the subject of a Pub. L. 93-

638 contract which itself authorizes payment for private legal representation to enable a tribe to initiate or defend a law suit, the restrictions contained in § 89.41 (a) and (b) would apply and the procedures of § 89-43 would have to be followed.

Two comments questioned the exclusion of funding for litigation purposes from those provisions now contained in § 89.41(c). This exclusion is mandated by the December 6, 1976, opinion of the Comptroller General (B-114868) that 25 U.S.C. 175 precludes the Department of the Interior from releasing funds for attorneys' fees for litigation purposes unless the Attorney General advises the Solicitor that the Department of Justice cannot or will not represent the United States as trustee for the tribe. This restriction is very broad and applies to all types of litigation including suits arising out of or connected with Pub. L. 93-638 contracts. Therefore, no additions or changes to these regulations are deemed necessary.

Section 89.41(e)(2).—One comment suggested that paragraph (2) of § 89.41(e) be revised to allow the Committee to consider the amount of legal fees and expenses a tribe has paid in the past in determining whether to grant the tribe's request. This comment was rejected as it applies to § 89.41(e)(2). However, the extent to which a tribe's past expenditures for legal representation affects its present ability to contribute funds on a matching basis for oversight and review activities will be considered under § 89.42(b). Section 89.42(b) establishes the ability of the tribe to pay for all or part of its legal expenses with its own money as a factor in deciding whether government funds should be made available.

Section 89.41(e).—One comment suggested that the provisions now contained in § 89.41(e) should be expanded to allow the Assistant Secretary, upon approval of a request for funds, to authorize the payment of fees incurred while the request was pending. This comment was rejected because it creates the potential for payment of unapproved requests.

Section 89.43 (b) and (c).—Several comments requested inclusion of a formal procedure by which a tribe whose request for funds is not recommended by the Committee, established by paragraph (b), for the approval of the Assistant Secretary may appeal that decision. These comments reflect legitimate concerns raised by the fact that the instant rule provides no mechanism for review of the Committee's initial decision not to forward the tribe's request to the Assistant Secretary. Several suggestions

of alternative appeals procedures were made.

One comment suggested allowing review of the Committee's adverse determination by the Board of Indian Appeals under 25 CFR Part 2. Under the provisions contained in that Part, an appeal to the Board of Indian Appeals is permitted where a decision by officials of the Bureau of Indian Affairs is protested as a violation of a right or privilege of the appellant, (25 CFR 2.2). The instant regulations do not create or confirm any right, privilege or entitlement in an Indian tribe. Rather, they describe the circumstances under which the Assistant Secretary, with the concurrence of the Solicitor, has discretionary administrative authority to fund private tribal counsel. As such, the regulations are an inappropriate subject for review by the Board whose jurisdiction does not extend to administrative actions on Indian matters which are based solely on the discretionary authority of the Assistant Secretary as delegated under 209 DM 8.1 by the Secretary. [211 DM 13.11(B)].

Revised paragraph (b) provides that the Committee shall review a tribe's request for funds and recommend approval or disapproval of the tribe's request. The Committee will then submit its recommendations, along with the tribe's request, to the Assistant Secretary for a final determination on whether to seek the concurrence of the Solicitor. Under this procedure, the Assistant Secretary will review each request for funds, as well as the Committee's accompanying recommendation, and will exercise, along with the Solicitor, final discretionary authority to approve or disapprove each request.

The formulation of an appeals procedure is not consistent with the discretionary nature of the Bureau of Indian Affairs' funding authority nor is such a procedure possible within the organizational framework of the Department. The appropriate avenue of appeal of the Assistant Secretary's adverse determination under § 89.43(b) is a judicial review of the decision under 5 U.S.C. 701-701e as an abuse of agency discretion. For these reasons, the above comment was rejected.

Several comments also requested that the regulations be revised to include a provision requiring the Assistant Secretary to provide the requesting tribe with a written statement of the reasons for denying the tribe's application for funds. These comments also suggested a time limit for acting on request for funds to be incorporated into the regulations. A tribe's decision to initiate litigation may often depend on the availability of

BIA funds to meet a portion of the legal expenses involved. Therefore, the tribe should expect the Assistant Secretary to consider their request within a reasonable time and, if the request is rejected, to state the reasons for the decision. However, to put a time restriction on the Assistant Secretary's decision making process would be inconsistent with Assistant Secretarial discretionary powers. Therefore, these comments, while not without merit, have also been rejected.

The primary author of this document is George Crossland, Special Assistant to the Assistant Secretary—Indian Affairs, Department of the Interior, 18th & C Sts., NW., Washington, D.C. 20240, telephone number (202) 343-6031.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The total amount disbursed will not exceed \$750,000. It is unlikely that any single outlay will exceed \$80,000, except for two which are mandated by law for up to \$160,000 each, and for which the Secretary has the option of expending additional funds. The Department has also determined that the National Environmental Policy Act is inapplicable to this proposed rule. The information collection requirements contained in § 89.43 do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because it is anticipated there will be fewer than 10 respondents annually.

List of Subjects in 25 CFR Part 89

Indians-Law and Lawyers.

Part 89 of Title 25 of the Code of Federal Regulations is amended as follows:

PART 89—ATTORNEY CONTRACTS WITH INDIAN TRIBES

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1. The Table of Contents is amended by adding four new sections and a center heading to read as follows:

Payment of Tribal Attorney Fees With Appropriated Funds

Sec.	
89.40	General policy.
89.41	Exceptions to policy.
89.42	Factors to be considered
89.43	Procedures.

2. The authority citation for Part 89 is revised to read as follows:

Authority: 5 U.S.C. 301; Secs. 89.1 to 89.6 also issued under 25 U.S.C. 476; Secs. 89.7 to 89.29 also issued under 25 U.S.C. 81; Secs. 89.30 to 89.35 also issued under 25 U.S.C. 2, 9 and 82(a); Secs. 89.40 to 89.43 also issued under 25 U.S.C. 13,450 et. seq.

3. New §§ 89.40, 89.41, 89.42, and 89.43 and a new center heading are added to read as follows:

Payment of Tribal Attorney Fees With Appropriated Funds

§ 89.40 General policy.

In ordinary circumstances, legal services with respect to trust resources are provided for Indian tribe(s): (a) By private counsel employed by tribes when such tribe is financially able and elects to do so, or (b) by the United States as trustee through the Office of the Solicitor and/or the Department of Justice. It is the policy of the Department of the Interior not to use federally appropriated funds to pay for private counsel to represent Indian tribes. Exceptions to that policy are listed in § 89.41 of this part.

§ 89.41 Exceptions to policy.

The Assistant Secretary—Indian Affairs upon concurrence of the Solicitor and receipt of a recommendation as provided by § 89.43 may, in his/her discretion, authorize the direct or indirect expenditure of appropriated funds to pay reasonable attorney's fees in order to permit an Indian tribe to secure private legal representation in the following circumstances:

(a) When a tribe determines it necessary to bring a court action or to defend itself to protect its trust resources, rights claimed under a treaty, agreement, executive order, or statute, or its governmental powers and the Attorney General refuses assistance or advises that assistance is not otherwise available (Comptroller General's Opinion B-114868, December 6, 1976).

(b) When a tribe determines it necessary to institute or to defend itself in an administrative proceeding to protect its trust resources, rights claimed under a treaty, agreement, executive order, or statute, or to protect its governmental powers and the Solicitor is unable to provide representation due to a conflict of interest or other reasons.

(c) When a tribe determines legal assistance necessary, other than for litigation, pursuant to a contract executed under Pub. L. 93-638 and the Solicitor has determined that the services of his office are not available.

(d) When a tribe determines it critical, and the Assistant Secretary—Indian Affairs finds the concerns of the tribe to

have merit after consultation with and the advice of the Solicitor, to intervene, in a lawsuit being handled by the Justice Department or in an administrative proceeding being handled by the Solicitor because the responsible Government Attorney refuses either to exclude or to include some facet of the suit or proceedings which the tribe claims renders such legal representation completely inadequate to protect or in contravention of the rights and interests of the tribe. Prior to consulting with and advising the Assistant Secretary—Indian Affairs, in a lawsuit being handled by the Justice Department, the Solicitor shall seek the comments and advice of the Attorney General.

(e) When a tribe determines, and the Assistant Secretary—Indian Affairs, after consultation with the Solicitor concurs, that a substantial possibility of a negotiated settlement or agreement exists.

(f) Payment of fees will not be allowed if such payment was not authorized before services were performed.

(g) This rule applies to expenditure of appropriated Federal funds and not a tribe's own funds on deposit in the U.S. Treasury.

§ 89.42 Factors to be considered.

The following factors are to be considered in determining whether funds should be paid to provide private legal representation for a tribe.

(a) The merits of the legal position which the tribe asserts. Greater weight will be given to those cases where the tribe's legal argument is deemed particularly meritorious than to those cases where the tribe's position, although not entirely without merit, may be relatively weak;

(b) The ability of the tribe to pay all or a part of its legal expenses out of its own funds. A review of the tribe's financial resources under this subsection will include an examination of the tribe's total expenditures to determine whether its expenditures for other purposes comport with the asserted importance of the case for which it seeks funds;

(c) Whether the question the tribe seeks to litigate is being litigated in another case by another tribe;

(d) Whether, as a matter of strategy, the issues the tribe seeks to litigate could be more satisfactorily resolved in another forum, in a different factual context, or a different time; and

(e) Whether the issue should be litigated at all in preference to a legislative or other solution.

§ 89.43 Procedures.

The information collection requirements contained in this section do not require approval by the Office of Management and Budget under 44 U.S.C. 3051 *et seq.*, because it is anticipated there will be fewer than 10 respondents annually.

(a) A tribe or other organization seeking funds under § 89.41 shall submit a written request through the Agency Superintendent and the Area Director, including

(1) A detailed statement describing the nature and scope of the problems for which legal services are sought;

(2) A statement of the terms, including total anticipated costs, of the requested legal services contract;

(3) A current financial statement and a statement that the tribe does not possess sufficient tribal funds or assets to pay for all or a part of the legal services sought; and

(4) A statement of why the matter must be handled by a private attorney as opposed to Department of Justice or Department of Interior attorneys.

All requests shall be considered by a committee consisting of the Deputy Assistant Secretary—Indian Affairs (Policy), or his delegate, the Director of the Office of Trust Responsibilities in BIA or his delegate, and the Associate Solicitor—Indian Affairs or his delegate.

(b) If two of the three committee members recommend approval of a tribe's request, the request, along with the committee's recommendation, shall be submitted to the Assistant Secretary for final determination after consultation with and the advice of the Solicitor. The committee's recommendation shall indicate the amount of funds recommended to assist the tribe, the hourly rate allowed, the maximum amount permitted to be expended in the recommended action and the tribal contributions, if any. The Assistant Secretary shall approve the request only with the concurrence of the Solicitor.

(c) The requirements imposed by this policy are supplementary to those contained in all existing regulations dealing with attorney contracts with Indian tribes and, in particular, those contained in Parts 88 and 89 of this Title.

Dated: August 6, 1982.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-2333 Filed 1-27-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[T.D. 7871]

Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Exempt Royalty Oil; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the Federal Register publication beginning at 48 FR 1711, January 14, 1983, of the full text of the regulations which were the subject of Treasury Decision 7871 relating to the windfall profit tax on domestic oil.

EFFECTIVE DATE: The regulations apply to oil removed after December 31, 1981. This correction is to be effective the same date.

FOR FURTHER INFORMATION CONTACT: David R. Haglund of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1983, the Federal Register published final regulations (48 FR 1711) relating to exempt royalty oil and the procedure for executing an exempt royalty owner's certificate.

Need for Correction

As published, the amendments to the regulations which were the subject of Treasury Decision 7871 inaccurately identified the area to be amended in instructional paragraph 1 as "paragraphs (b)(2) and (d)" rather than "paragraph (b)(2)". This error appeared on page 1712, in the left hand column.

Drafting Information

The principal author of this correction is David R. Haglund of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service.

Correction of Publication

Accordingly, the publication of the regulations which were the subject of FR Doc. 83-1127 is corrected by revising instructional paragraph 1 to read as follows:

Paragraph 1. Section 51.4995-2 is

amended by revising the ninth sentence in paragraph (a) and by revising paragraph (b) (2) to read as follows:

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-2500 filed 1-27-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 369

[DOD Directive 5105.2]

Delegation of Authority to Deputy Secretary of Defense

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule delegates authority to the Deputy Secretary of Defense granting him full power and authority to act for the Secretary of Defense. It is being incorporated into this title in compliance with 5 U.S.C. (a)(1) and 1 CFR 305.76-2.

EFFECTIVE DATE: The Secretary of Defense signed this rule to be effective January 12, 1983.

FOR FURTHER INFORMATION CONTACT:

Mr. Howard Becker, Office of the Deputy Assistant Secretary of Defense (Administration), Organizational and Management Planning, Washington, D.C. 20301, Telephone: 202-697-1143.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-15869 appearing in the Federal Register on May 23, 1980 (45 FR 34880) the Office of the Secretary of Defense published Part 369, and in FR Doc. 81-5847, appearing in the Federal Register on February 24, 1981, the first revision was published. This revision of Part 369 delegates authority to the present Deputy Secretary of Defense.

List of Subjects in 32 CFR Part 369

Authority delegations (Government agencies).

Accordingly, 32 CFR, Chapter I, is amended by revising Part 369 to read as follows:

PART 369—DELEGATION OF AUTHORITY TO DEPUTY SECRETARY OF DEFENSE

Sec.

369.1 Reissuance.

369.2 Purpose.

Authority: 10 U.S.C. 133.

§ 369.1 Reissuance.

This Rule is reissued and updated.

§ 369.2 Purpose.

(a) In accordance with Title 10, U.S.C. 133(d), I hereby delegate to Deputy Secretary of Defense Paul Thayer full power and authority to act for the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

(b) The authority delegated herein may not be redelegated.

M. S. Healy,

Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

January 25, 1983.

[FR Doc. 83-2496 Filed 1-27-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

32 CFR Part 832

Employment of Civil Air Patrol

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its public relations regulations by removing Part 832, Employment of Civil Air Patrol of Chapter VII, Title 32. The source documents, Air Force Regulations (AFRs) 46-3, 46-4, 46-5 and 46-6 are intended for internal guidance and have limited applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Maj. David G. Roerber, HQ USAF Office of Air Force Reserve, AF/REV, Pentagon, Washington, D.C. 20330, (202) 697-7036.

SUPPLEMENTARY INFORMATION:

PART 832—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 832.

List of Subjects in 32 CFR Part 832

Airmen, Disaster assistance, Volunteers, Organizations and functions (Government agencies).

(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-2470 Filed 1-27-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 72

Urban Park and Recreation Recovery Program

AGENCY: National Park Service, Interior.

ACTION: Amendment to Final Rule.

SUMMARY: Current regulations for the Urban Park and Recreation Recovery (UPARR) Program limit construction components of projects to three years or three construction seasons, whichever is greater. This document amends the rules of the UPARR Program to permit extensions of time for construction components, if, in the opinion of the Director, the extension will assure that completion of the grant objectives will be cost-effective, in accord with established goals of the UPARR Program, and of benefit to the federal government.

EFFECTIVE DATE: January 28, 1983.

ADDRESS: Comments should be directed to the Division of State, Local and Urban Programs, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel Hall, Division of State, Local and Urban Programs, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-3700.

SUPPLEMENTARY INFORMATION: Since the establishment of the UPARR Program in 1979, there have been delays in the implementation of construction components of some UPARR grants. These delays were beyond control of and not anticipated by the program administrators nor the grantees at the time of grant approval. Now, in the fourth year of program operations, time extensions beyond the three year or three construction season limit may be necessary for the cost-effective completion of grant construction components.

Therefore, because the final UPARR regulations (Federal Register, October 29, 1980, (45 FR 71714)) did not anticipate these delays, it may become necessary to allow extensions in construction time, if, in the opinion of the Director, such extensions will

facilitate cost-effective project completion and assure the advancement of the grant purposes. In such cases, time extension approvals will be made only after careful consideration of the circumstances involved in each request. The decision in all requests for time extensions will be based on the existence of extenuating circumstances which must be clearly outlined in writing by the grantee, and should include at a minimum:

1. A detailed explanation of the reasons for the delay in completion and closeout of the grant.

2. Steps that have been taken to correct delay-causing factors.

3. A detailed schedule of events that will carry the grant through to closeout.

4. A statement addressing the issue of whether or not remaining funds obligated to the approved project are sufficient to complete all work outlined in the grant agreement.

Recognizing that the effect of this amendment is to reflect delays which were beyond the control of program and grant administrators, that it may take as long as another construction season to publish and receive comments on this amendment as a proposed rule, and that a few jurisdictions may soon need a time extension to complete their projects in a cost-effective manner, it is expedient to publish this amendment as a final rule.

For these reasons, It has been determined that the responsibility to protect the advancement of grant purposes and facilitate cost-effective benefits makes it impracticable and contrary to the public interest to publish this amendment as a proposed rule, or to delay the effective date for this publication. Therefore, in accordance with the exceptions provided for in the Administrative Procedure Act in 5 U.S.C. 553(b)(B) and d(3), this amendment to the UPARR Grant Procedure regulations is published as a final rule effective immediately.

E.O. 12291 and the Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This amendment will only affect the time extension of 10 to 15 construction projects out of a total 670 UPARR projects. This will not have an annual gross effect on the economy of \$100 million or more because this grant

program has not exceeded \$100 million in annual appropriations. By allowing projects to be completed within a reasonable time extension, this amendment will not result in significant adverse effects on competition, investment or innovation, and does not pertain to U.S. or foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 36 CFR Part 72

Grant programs, Recreation, Urban parks.

(Catalog of Federal Domestic Assistance 15.919)

(Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 2501-2514)

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

PART 72—URBAN PARK AND RECREATION RECOVERY ACT OF 1978

Effective January 28, 1983, § 72.33 is amended by revising paragraph (a) as follows:

§ 72.33 Timing and duration of projects.

(a) Construction components of projects must be initiated during the first full construction season following grant approval. The time for completing construction components of either Rehabilitation or Innovation proposals will be limited to three years or three construction seasons, whichever is greater, unless in the opinion of the Director an extension of time not to exceed a designated period will assure that completion of the grant objectives will be cost-effective within funding currently available, in accord with established goals of the UPARR Program, and of benefit to the federal government. Any component of an Innovation proposal which is to provide services or programs, must be started within one year from grant approval. The grant project term and expiration date for Rehabilitation and Innovation proposals will be established by NPS at the time of grant approval.

* * * * *

[FR Doc. 83-2375 Filed 1-27-83; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF COMMERCE**Patent and Trademark Office****37 CFR Part 2**

[Docket No. 30120-11]

Trademark Oppositions; Petitions To Cancel and Affidavits or Declarations Under Section 8 of the Trademark Act**AGENCY:** Patent and Trademark Office, Commerce.**ACTION:** Final rule.

SUMMARY: The Patent and Trademark Office is amending the rules of practice in trademark cases to eliminate the requirement for verification of oppositions and petitions to cancel; to require that additional requests for extension of time to oppose be filed prior to the expiration of an extension; to require that affidavits or declarations filed under Section 8 of the Trademark Act show use of the mark in commerce; and to clarify and revise certain other procedures for oppositions and petitions to cancel. The amendments are necessary to implement certain trademark provisions of Pub. L. 97-247, enacted August 27, 1982, which provisions are effective six months after the date of enactment, and to revise and codify existing practices so as to assist the orderly and prompt resolution of the issues.

EFFECTIVE DATE: February 27, 1983.**FOR FURTHER INFORMATION CONTACT:**

As to the rules relating to oppositions and petitions to cancel, Ms. Janet Rice by telephone at (703) 557-3551 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: Ms. Janet Rice, Crystal Square 5, Suite 1008, Washington, D.C. 20231. As to the rules relating to affidavits or declarations under Section 8, contact Ms. Paula Hairston by telephone at (703) 557-3882 or by mail addressed to the Commissioner of Patents and Trademarks, Attention: Ms. Paula Hairston, Room CP2-3C-06, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

Amendments to rules 2.101, 2.102, 1.103, 2.111, and 2.112, among others, were proposed in a rulemaking notice published in the *Federal Register* on June 29, 1982, at 47 FR 28324, the Patent and Trademark Office Official Gazette of July 27, 1982, at 1020 O.G. 25, and Vol. 24 of BNA's Patent, Trademark & Copyright Journal (July 1, 1982) at p. 236. The purpose of these proposed amendments was to revise and codify existing practices. One of the proposed amendments (not adopted herein) was

to interchange rules 2.101 and 2.102. Interested parties were requested to submit written comments on or before October 4, 1982. An oral hearing was held on the same date. Written comments relating to proposed rules 2.101, 2.102, 2.103, 2.111, and 2.112 were submitted by four organizations and one individual. Three persons testified at the oral hearing.

Two of the individuals testified in behalf of organizations which also submitted written comments. Each of the two testified that the organization which he represented approved of the proposed amendments except as indicated in the organization's written comments. The third individual testified concerning the history and purpose of the proposed amendments and expressed his approval of them.

However, further changes to several of these proposed rules, as well as amendments to other trademark rules, were required in order to implement certain trademark provisions of intervening Pub. L. 97-247 enacted August 27, 1982. The text of the law is published in the Patent and Trademark Office Official Gazette of October 26, 1982, at 1023 O.G. 31.

Provisions of Pub. L. 97-247 relating to trademark fees were implemented by trademark fee rule changes which were published in the *Federal Register* on July 30, 1982 at 47 FR 33086 and which took effect on October 1, 1982. That final rule document was based on the public law in effect at that time, Pub. L. 96-517, and on H.R. 6260, which was then pending but is now Pub. L. 97-247. As a result of the fee rule changes, which were subsequently confirmed in a document published in the *Federal Register* on September 17, 1982 at 47 FR 41272, further changes to rule 2.101 (identified in the June 29, 1982 notice as 2.102) were required.

Additional changes to rules 2.101 (identified in the June 29, 1982 notice as 2.102), 2.103 and 2.111, as well as changes to rules 2.161 and 2.162, were required in order to implement the provisions of Sections 8 and 9 of Public Law 97-247. Section 8 of the new law amends Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) to require that an affidavit or declaration filed under Section 8 show use of the mark in commerce. Section 9(a) amends Section 13 of the Trademark Act (15 U.S.C. 1063) to eliminate the requirement for verification of oppositions (thus permitting a party's attorney to sign an opposition before the Trademark Trial and Appeal Board), and to require that additional requests for extension of time to oppose be filed prior to the expiration of the extension. Section 9(b) amends

Section 14 of the Trademark Act (15 U.S.C. 1064) to eliminate the requirement for verification of petitions to cancel (thus permitting a party's attorney to sign petitions to cancel before the Trademark Trial and Appeal Board). The provisions of Sections 8 and 9 of the new law which are implemented by the rules amended in the present notice are effective February 27, 1983.

The proposed changes to rules 2.101 (identified in the June 29, 1982 notice as 2.102), 2.103, 2.111, 2.161, and 2.162 required as a result of the enactment of Pub. L. 97-247 were published in the *Federal Register* on November 24, 1982 at 47 FR 53054. In that notice, as in the June 29, 1982, notice, rules 2.101 and 2.102 were interchanged, and it was indicated in the notice that although rules 2.102 (identified in the notice as 2.101) and 2.112, as proposed in the June 29, 1982, notice, already included the necessary changes called for by Pub. L. 97-247 and thus were not being republished, further comments on the two proposed rules would be entertained. Interested parties were requested to submit written comments on or before January 7, 1983. Comments were received from one organization.

Other provisions of Pub. L. 97-247 relevant to trademark cases either require no changes in Part 2 of Title 37 CFR or require changes in Part 1 which were proposed in a separate notice.

Sections 10, 11, and 14(c) of the new law amend the Trademark Act but require no changes in the trademark rules of practice. Section 10 amends Section 15 of the Trademark Act (15 U.S.C. 1065) relating to incontestability of registered marks. Under the amended section, a registered mark does not acquire incontestability if its use infringes a valid right acquired under the law of any state or territory by use of a mark or trade name continuing from a date prior to the date of registration. Before the section was amended, the date was the date of publication. Section 11 amends Section 16 of the Act (15 U.S.C. 1066) to correspond to the current practice relating to interferences. The amended section states that an interference will be declared only upon petition to the Commissioner showing extraordinary circumstances. Section 14(c) amends Section 11 of the Act (15 U.S.C. 1061) relating to acknowledgements and verifications. An official authorized to administer oaths in a foreign country may prove such authority by apostille if the foreign country accords like effect to apostilles of designated officials in the United States.

Section 12 of the new law affects practice in both patent and trademark cases. Amendments to the rules in Part 1 which apply to both patent and trademark cases were proposed in a separate notice published in the *Federal Register* on October 27, 1982 at 47 FR 47744.

In summary, this notice of final rulemaking is based upon the notices of proposed rulemaking published in the *Federal Register* on June 29, 1982, at 47 FR 28324 and on November 24, 1982 at 47 FR 53054.

Discussion of Specific Sections Changed

The rules which are being amended are discussed below. (The designation § is used in The Code of Federal Regulations to denominate a rule; lettered subdivisions ("a)", "b)", etc.) are subsections of rules; numbered subdivisions ("1)", "2)", etc.) are paragraphs within sections or subsections.)

It was proposed in the notice of June 29, 1982, that former §§ 2.101 and 2.102 be interchanged. That proposal has not been adopted in the amended rules. Further, § 2.101, as amended, eliminates the requirement for verification of oppositions.

Section 2.101(a), as amended, states when an opposition proceeding is commenced, which is important for the application of § 2.135.

Section 2.101(b), as amended, indicates that an opposition should be addressed to the Trademark Trial and Appeal Board, which helps to route mail within the PTO.

Section 2.101(c), as amended, requires that an opposition be filed within thirty days after publication of the application or prior to the expiration of a granted extension of time for filing an opposition.

Section 2.101(d)(1) requires the payment of the statutory fee for an opposition, and provides for the late payment of opposition fee or fees, when a notice of opposition is not accompanied by at least one full fee to oppose one class by one person, if the required fee(s) is submitted to the Patent and Trademark Office within the time limit set in the notification of the defect by the Office. This section incorporates the substance of, and replaces, § 2.101(c) which was adopted effective October 1, 1982, 47 FR 33086 at 33111.

Section 2.101(d)(2) and (3) provide, where the fees that are submitted are insufficient for the number of classes being opposed and/or for the number of persons joined as party opposer, an opportunity for submission of the required fees or specification of the class or classes opposed and/or of the

party opposers, and provides for the allocation of the insufficient fees if no such specification is made.

Sections 2.102 (a) and (b), as amended, repeat, with revisions to clarify the provisions, former § 2.102(a).

Section 2.102(c) requires that a notice of opposition be filed within thirty days after publication of the application or prior to expiration of a granted extension of time for filing a notice of opposition, and provides that extensions of time to file an opposition aggregating more than 120 days will not be granted except upon (1) the written consent of applicant, or (2) a written request by the potential opposer which states that applicant has consented to the request and which includes proof of service upon applicant, or (3) a showing of extraordinary circumstances.

Section 2.102(d) provides that a request to extend the time for filing a notice of opposition should be submitted in triplicate. This section codifies an existing practice which expedites notification of the Board's action on a request for an extension of time.

Section 2.103 is removed. Since § 2.101, as amended, eliminates the requirement for verification of an opposition and allows the attorney to sign an opposition without need for subsequent confirmation, § 2.103 is unnecessary.

Sections 2.111 and 2.112, as amended, eliminate the requirement for verification of petitions for cancellation. It was proposed in the notice of June 29, 1982 that the requirement for verification of a petition for cancellation be deleted from § 2.112 and be placed in § 2.111. The requirement is not included in either section, as amended.

Section 2.111(a) states when a cancellation proceeding is commenced, which is important for the application of § 2.134.

Section 2.111(b) incorporates most of the provisions of former § 2.111 and also indicates that a petition for cancellation should be addressed to the TTAB, which helps to route mail within the PTO.

Section 2.111(c) states the requirement for the payment of the fee(s) due upon filing a petition for cancellation; provides, where the fees that are submitted are insufficient for the number of classes sought to be cancelled and/or for the number of persons joined as party petitioners, an opportunity for submission of the required fees (provided that the five-year period, if applicable, has not expired) or specification of the class or classes sought to be cancelled and/or of the party petitioners; provides for the allocation of the insufficient fees if no such specification is made; and states

that the filing date of a petition for cancellation is the date of receipt in the Patent and Trademark Office of the petition with the required fee, and that if the amount of the fee filed with the petition is sufficient for at least one named party petitioner and one class of goods or services but is less than the required amount because multiple party petitioners and/or multiple classes in the registration for which cancellation is sought are involved, and the required additional amount of the fee is filed within the time limit set in the notification of the defect by the Office, the filing date of the petition with respect to the additional party petitioners and/or classes is the date of receipt in the Patent and Trademark Office of the additional fees.

Section 2.112(a) incorporates that part of former § 2.112 which described the contents of a petition for cancellation, except that the requirement for verification has been removed.

Section 2.112(b) states the conditions for filing a consolidated petition for cancellation of different registrations owned by the same party.

Section 2.161, as amended, requires that an affidavit or declaration filed under Section 8 of the Trademark Act of 1946 show that the mark is in use in commerce.

Sections 2.162(e), (f) and (g), as amended, require that the affidavit or declaration filed under Section 8 of the Trademark Act of 1946 state that the mark is in use in commerce, and specify the nature of such commerce. The latter requirement is consistent with § 2.33(vii) of the trademark rule which requires that the application for trademark registration specify the nature of the commerce in which the mark is used.

Response to Comments on the Rules

All of the comments received in response to the notices of proposed rulemaking published in the *Federal Register* on June 29, 1982, and November 24, 1982, have been given careful consideration, and a number of the suggested modifications have been adopted. The comments and responses appear below.

Comment: One organization opposed the proposal to reverse the order of §§ 2.101 and 2.102, asserting that a change in the location of § 2.101 would be likely to cause confusion, and that the more logical order is to first explain the substance of filing an opposition and then explain how to obtain an extension of time in which to act.

Response: To minimize confusion in view of the numerous recent rule

changes and proposed rule changes, the proposal to reverse the order of §§ 2.101 and 2.102 has been withdrawn.

Comment: One organization noted that in §§ 2.101 and 2.102, as proposed, the term "opposition", when used to refer to the complaint in an opposition proceeding, has been changed to "notice of opposition". The organization expressed its belief that there is no reason for reverting to the phrase "notice of opposition" except tradition, and that that phrase is confusingly similar to the phrase "notification of opposition".

Response: The proposal to change "opposition" to "notice of opposition" in certain instances has not been adopted.

Comment: Two organizations suggested that § 2.101(d) (identified as § 2.102(e) and as 2.102(d) in the notices of proposed rulemaking of June 29, 1982, and November 24, 1982, respectively), which deals with insufficient opposition fees and provides for the allocation of the fees submitted, be revised to give opposer(s) an opportunity to select the opposer(s) and/or classes to which the submitted fees apply. One of these organizations suggested that the opposer also be given an opportunity to submit the proper fee(s). Similar comments were made with respect to § 2.111(c) (identified in the June 29, 1982 notice as § 2.111(d)), which deals with insufficient cancellation fees.

Response: Where the fees submitted are insufficient for each named party opposer or petitioner for each class sought to be opposed or cancelled, it is in fact the practice of the Board to give the opposer(s) or petitioner(s) an opportunity to either submit the proper fees or to select the opposer(s) or petitioner(s) and/or classes to which the submitted fees apply. Accordingly, the sections have been changed to reflect this practice. See also, with respect to insufficient cancellation fees, § 2.85(e).

Comment: One member of one of the organizations suggested that the subsections identified as § 2.102 (e) and (f) in the notice of proposed rulemaking of June 29, 1982, and as § 2.102 (d) and (e) in the notice of proposed rulemaking of November 24, 1982, be consolidated into a single subsection so that all of the provisions concerning insufficient opposition fees will appear in the same subsection. Another organization suggested that these and certain other portions of the rules dealing with fees be moved to § 2.6 or a new § 2.7.

Response: The suggestion concerning consolidation has been adopted, and the two subsections in question have been consolidated into the single subsection now identified as § 2.101(d). Inasmuch as it is believed that the most logical

and effective location for these provisions is § 2.101, the suggestion that they be moved to § 2.6 or a new § 2.7 has not been adopted.

Comment: One individual suggested that § 2.101(a) (identified as § 2.102(a) in the notices of proposed rulemaking) and § 2.111(a) be modified by inserting the word "properly" before the work "executed" in order to make it clear that an opposition or cancellation proceeding is not commenced until a properly verified complaint has been filed.

Response: In view of the elimination of the requirement for verification of oppositions and petitions for cancellation, this suggestion is moot.

Comment: One organization suggested, with respect to the phrase "or other person authorized to represent the potential opposer" which appears in § 2.102(a) (identified as § 2.101(a) in the June 29, 1982 notice of proposed rulemaking), that the type of authorization intended here be explained by inserting a cross reference to § 2.12 (b) and (c) and § 2.17(b), the sections entitled "Persons who may practice before the Patent and Trademark Office in trademark cases" and "Recognition for representation", respectively.

Response: The subsection has been modified as suggested.

Comment: One organization stated, with respect to § 2.102(b) (identified in the June 29, 1982 notice of proposed rulemaking as § 2.101(b)), that it agreed with "the PTO's proposed amendment in paragraph (b) regarding 'privity,'" but believed that "the intent should be mentioned in the legislative history of the rules."

Response: The substance of § 2.102(b), as amended, is identical to the latter portion of former § 2.102(a). That is, the amendment is not substantive in nature but rather involves a slight improvement in the wording of the subsection. The provision concerning privity was added by an earlier amendment effective February 1, 1976. The legislative history of that rule change may be found in the notice of proposed rulemaking published in the Federal Register on February 11, 1975 at 40 FR 6363 and in the notice of final rulemaking published in the Federal Register at 41 FR 756.

Comment: One organization suggested that the phrase "under this section" be deleted from the subsection identified as § 2.101(c) in the June 29, 1982 notice of proposed rulemaking (§ 2.102(c), as amended) so that extensions can be granted without requiring a showing of good cause following an extension which is not made under this section, as, for example, after a blanket extension published in the Official Gazette.

Response: The suggestion has been adopted.

Comment: Two organizations and some of the members of the "cognizant committee" of a third organization commented, with respect to the subsection identified in the June 29, 1982 notice as § 2.101(c) (§ 2.102(c), as amended), that the requirement that a potential opposer seeking an extension of time beyond 120 days based upon the consent of applicant must furnish applicant's consent in writing is unduly harsh and that the potential opposer should be permitted to rely upon applicant's oral consent.

Response: Rule 2.102(c), as amended, permits the potential opposer to rely upon applicant's oral consent provided that the request to extend is accompanied by proof of service upon applicant or its authorized representative. Although proof of service of papers filed in connection with an inter partes proceeding before the Board upon the other parties to the proceeding is required after the proceeding commences, it is not normally required prior to that time. However, where a request for extension of time to oppose beyond 120 days is based upon potential opposer's assertion that applicant has given its oral consent thereto, the requirement for proof of service is necessary in order to provide applicant written confirmation of its oral consent.

Comment: Another portion of the "cognizant committee" of the organization referred to in the comment above suggested, with respect to the same subsection, that either the language regarding written stipulation be deleted or that the word "or" before the phrase "upon a showing of extraordinary circumstances" be changed to "and", thereby making a showing of extraordinary circumstances an essential requirement for any extension of time to oppose beyond 120 days.

Response: It is advantageous both to the Office and to the parties to a potential opposition if the conflict between the parties can be settled without resort to an opposition proceeding. It is believed that the changes suggested by this portion of the committee are unduly restrictive and would cause oppositions to be filed in cases where they might otherwise be avoided. Accordingly, the proposed changes have not been made. It should be noted in this regard that even when a request for extension of time beyond 120 days is based upon the written or oral consent of the applicant, good cause must still be shown for the requested extension. Thus the potential for abuse

of the extension of time process which would exist if there were no requirement for a showing of good cause is avoided in § 2.102(c) as amended.

Comment: One organization questioned the provisions in § 2.111 for the payment of late fees in connection with a petition for cancellation as being possibly inconsistent with § 14 of the Trademark Act of 1946, which states that the "petition * * * may, upon payment of the prescribed fee, be filed * * *"; noted that there is the possibility that the five-year period of § 14 would pass between the filing of the petition and the payment of the fee as to one or more classes; and suggested that a petition to cancel should not be effective as to any class or person until the fee for that class is paid and the filing is complete.

Response: While it has been held, because of the power granted to the Commissioner by § 13 of the Trademark Act of 1946 to extend the time for filing a notice of opposition and to fix a time within which an unverified opposition may be verified, that the payment of the required fee is not jurisdictional in the case of an opposition (See: *Marzall v. Libby, McNeill & Libby*, 89 USPQ 10 (D.C. Cir. 1951), and *Colgate-Palmolive Company v. Brenner*, 148 USPQ 535 (S.D.N.Y. 1965)), the Court of Customs and Patent Appeals has held, in *The Williamson-Dickie Manufacturing Company v. Mann Overall Company, Inc.*, 149 USPQ 518 (CCPA 1966), that the payment of the required fee for a petition for cancellation is a jurisdictional requirement without which a petition has not been filed in compliance with § 14 of the statute. Cf. § 9 of the Trademark Act of 1946 (which, like § 14, contains no provision granting the Commissioner the power to extend the time for filing). § 2.183(b) of the Trademark Rules of Practice, and in *re Michaels Stern & Company, Incorporated*, 199 USPQ 382 (Comr. 1978). Further, when multiple classes are combined in a single application or registration, the combined application or registration is regarded as though it were a group of individual applications which have been physically assembled within a single file wrapper bearing a single serial or registration number, and each of these individual applications or registrations must stand or fall on its own merits in pre-registration and post-registration *ex parte* and *inter partes* proceedings, so that if an opposition or petition for cancellation is filed with respect to more than one of the classes in the combined application or registration, there are effectively multiple separate proceedings, each of

which must be determined on its own facts and merits. See, for example: *Federated Foods, Inc. v. Fort Howard Paper Company*, 192 USPQ 24 (CCPA 1974), and *In re Bombardier Limited*, 204 USPQ 943 (Comr. 1979). Similarly, when multiple persons are named in a complaint as party opposers or petitioners, each must show that it would be damaged by the issuance or continued existence of the registration in question, so that if two different persons, for example, are joined as party petitioners, there are effectively two different cancellation proceedings, each of which must be determined on its own merits. It follows from the foregoing that when a petition for cancellation involves multiple classes and/or party petitioners, the required fee is jurisdictional with respect to each class and/or party petitioner, that is, that the petition for cancellation is not effective as to any class or person until the fee for that class or person has been received by the Office; and that if the five-year period of § 14 of the Trademark Act of 1946 expires between the filing of the petition and the payment of the fee as to one or more classes or party petitioners, the petition as to those classes or party petitioners can be entertained by the Trademark Trial and Appeal Board only to the extent that the petition is based upon the provisions of § 14 (c), (d) or (e) or § 24 of the statute or seeks cancellation of a registration issued under the Act of 1920. Accordingly, § 2.111(a) has been revised to state that a cancellation proceeding is commenced by the timely filing of a petition for cancellation, together with the required fee, in the Patent and Trademark Office; the last sentence of subsection (b) has been revised to indicate that in those cases where the five-year limitation is applicable, both the petition and the required fee must be filed within the five-year period; in subdivisions (1) and (2) of subsection (c) (identified in the notice of proposed rulemaking of June 29, 1982, as subsection (d)), the provision of an opportunity to submit additional fees is limited, if the five-year period is applicable, to those cases in which the period has not expired; and a new subdivision (3) has been added to subsection (c) stating that the filing date of a petition for cancellation is the date of receipt in the Patent and Trademark Office of the petition together with the required fee, and that if the amount of the fee filed with the petition is sufficient for at least one named party petitioner and one class of goods or services but is less than the required amount because multiple party petitioners and/or multiple classes in

the registration for which cancellation is sought are involved, and the required additional amount of the fee is filed within the time limit set in the notification of the defect by the Office, the filing date of the petition with respect to the additional party petitioners and/or classes is the date of receipt in the Patent and Trademark Office of the additional fees.

Comment: One organization suggested that a cross reference to § 2.6 be added to § 2.111(c)(1) (identified in the June 29, 1982, notice of proposed rulemaking as § 2.111(d)(1)) along with the reference to § 2.85(e).

Response: A cross reference to § 2.6 has been added to § 2.111(c)(1), along with the reference to § 2.85(e).

Comment: One organization objected to § 2.162(e) to the extent that it requires that a statement of use in commerce "must be supported by evidence which shows that the mark is in use in commerce * * *," and recommended that the words "in commerce" be deleted from the quoted phrase. The organization indicated that while it did not object to the requirement of use in commerce, nor to the requirement of a showing that the mark is in use, it did object to a requirement of a showing that the mark is in use in commerce since such a showing could not be accomplished by a mere specimen but would also require invoices or the like.

Response: The subsection has been modified as suggested.

Environmental, Energy, and Other Considerations

The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354). The rule change includes no additional or increased fees. Substantive rights to use valuable trademarks are not adversely affected. The rule change serves to implement the required trademark provisions of Pub. L. 97-247.

The rule change does not impose a record keeping or reporting burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. No additional information is required from the public. No additional records are required to be maintained by the Patent and Trademark Office because there are no additional fees or proceedings to monitor.

The Patent and Trademark Office has determined that this rule change is not a

major rule under Executive Order 12291. The annual effect on the economy will be less than \$100 million. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant, adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

List of Subjects in 37 CFR Part 2

Administrative practice and procedure, Courts, Lawyers, Trademarks.

Amendment of Regulations

After consideration of the comments received and pursuant to the authority contained in 15 U.S.C. 1123, Part 2 of Title 37 of the Code of Federal Regulations is amended as set forth below.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. Section 2.101 is revised to read as follows:

§ 2.101 Filing an opposition.

(a) An opposition proceeding is commenced by the filing of an opposition in the Patent and Trademark Office.

(b) Any person who believes that he would be damaged by the registration of a mark on the Principle Register may oppose the same by filing an opposition, which should be addressed to the Trademark Trial and Appeal Board.

(c) The opposition must be filed within thirty days after publication (§ 2.80) of the application being opposed or within an extension of time (§ 2.102) for filing an opposition.

(d)(1) The opposition must be accompanied by the required fee for each party joined as opposer for each class in the application for which registration is opposed (see § 2.6(1)). If no fee, or a fee insufficient to pay for one person to oppose the registration of a mark in at least one class, is submitted within thirty days after publication of the mark to be opposed or within an extension of time for filing an opposition, the opposition will not be refused if the required fee(s) is submitted to the Patent and Trademark Office within the time limit set in the notification of this defect by the Office.

(2) If the fees submitted are sufficient to pay for one person to oppose registration in at least one class but are insufficient for an opposition against all

of the classes in the application, and the particular class or classes against which the opposition is filed are not specified, the Office will issue a written notice allowing opposer until a set time in which to submit the required fee(s) or to specify the class or classes opposed. If the required fee(s) is not submitted, or the specification made, within the time set in the notice, the opposition will be presumed to be against the class or classes in ascending order, beginning with the lowest numbered class and including the number of classes in the application for which the fees submitted are sufficient to pay the fee due for each class.

(3) If persons are joined as party opposers, and the fees submitted are sufficient to pay for one person to oppose registration in at least one class but are insufficient for each named party opposer, the Office will issue a written notice allowing the named party opposers until a set time in which to submit the required fee(s) or to specify the opposer(s) to which the submitted fees apply. If the required fee(s) is not submitted, or the specification made, within the time set in the notice, the first named party will be presumed to be the party opposer and additional parties will be deemed to be party opposers to the extent that the fees submitted are sufficient to pay the fee due for each party opposer. If persons are joined as party opposers against the registration of a mark in more than one class, the fees submitted are insufficient, and no specification of opposers and classes is made within the time set in the written notice issued by the Office, the fees submitted will be applied first on behalf of the first-named opposer against as many of the classes in the application as the submitted fees are sufficient to pay, and any excess will be applied on behalf of the second-named party to the opposition against the classes in the application in ascending order.

2. Section 2.102 is revised to read as follows:

§ 2.102 Extension of time for filing an opposition.

(a) Any person who believes that he would be damaged by the registration of a mark on the Principal Register may file a written request to extend the time for filing an opposition. The written request may be signed by the potential opposer or by an attorney at law or other person authorized, in accordance with § 2.12 (b) and (c) and § 2.17(b), to represent the potential opposer.

(b) The written request to extend the time for filing an opposition must identify the potential opposer with reasonable certainty. Any opposition

filed during an extension of time should be in the name of the person to whom the extension was granted, but an opposition may be accepted if the person in whose name the extension was requested was misidentified through mistake or if the opposition is filed in the name of a person in privity with the person who requested and was granted the extension of time.

(c) The written request to extend the time for filing an opposition must be filed in the Patent and Trademark Office before the expiration of thirty days from the date of publication or within any extension of time previously granted, should specify the period of extension desired, and should be addressed to the Trademark Trial and Appeal Board. A first extension of time for not more than thirty days will be granted upon request. Further extensions of time may be granted by the Board for good cause. In addition, extensions of time to file an opposition aggregating more than 120 days from the date of publication of the application will not be granted except upon (1) a written consent or stipulation signed by the applicant or its authorized representative, or (2) a written request by the potential opposer or its authorized representative stating that the applicant or its authorized representative has consented to the request, and including proof of service on the applicant or its authorized representative, or (3) a showing of extraordinary circumstances, it being considered that a potential opposer has an adequate alternative remedy by a petition for cancellation.

(d) Every request to extend the time for filing a notice of opposition should be submitted in triplicate (original plus two copies).

§ 2.103 [Removed]

3. Section 2.103 is removed.

4. Section 2.111 is revised to read as follows:

§ 2.111 Filing petition for cancellation.

(a) A cancellation proceeding is commenced by the timely filing of a petition for cancellation, together with the required fee, in the Patent and Trademark Office.

(b) Any person who believes that he is or will be damaged by a registration may file a petition, which should be addressed to the Trademark Trial and Appeal Board, to cancel the registration in its entirety or for each class in the registration specified in the petition. The petition may be filed at any time in the case of registrations on the Supplemental Register or under the Act of 1920, or registrations under the Act of

1881 or the Act of 1905 which have not been published under § 12(c) of the Act of 1946, or on any ground specified in § 14 (c) or (e) of the Act of 1946. In all other cases the petition and the required fee must be filed within five years from the date of registration of the mark under the Act of 1946 or from the date of publication under § 12(c) of the Act of 1946.

(c)(1) The petition must be accompanied by the required fee for each class in the registration for which cancellation is sought (see §§ 2.6(1) and 2.85(e)). If the fees submitted are insufficient for a cancellation against all of the classes in the registration, and the particular class or classes against which the cancellation is filed are not specified, the Office will issue a written notice allowing petitioner until a set time in which to submit the required fee(s) (provided that the five-year period, if applicable, has not expired) or to specify the class or classes sought to be cancelled. If the required fee(s) is not submitted, or the specification made, within the time set in the notice, the cancellation will be presumed to be against the class or classes in ascending order, beginning with the lowest numbered class, and including the number of classes in the registration for which the fees submitted are sufficient to pay the fee due for each class.

(2) If persons are joined as party petitioners, each must submit a fee for each class for which cancellation is sought. If the fees submitted are insufficient for each named party petitioner, the Office will issue a written notice allowing the named party petitioners until a set time in which to submit the required fee(s) (provided that the five-year period, if applicable, has not expired) or to specify the petitioner(s) to which the submitted fees apply. If the required fee(s) is not submitted, or the specification made, within the time set in the notice, the first named party will be presumed to be the party petitioner and additional parties will be deemed to be party petitioners to the extent that the fees submitted are sufficient to pay the fee due for each party petitioner. If persons are joined as party petitioners against a registration sought to be cancelled in more than one class, the fees submitted are insufficient, and no specification of parties and classes is made within the time set in the written notice issued by the Office, the fees submitted will be applied first on behalf of the first-named petitioner against as many of the classes in the registration as the submitted fees are sufficient to pay, and any excess will be applied on behalf of the second-named

party to the petition against the classes in the registration in ascending order.

(3) The filing date of the petition is the date of receipt in the Patent and Trademark Office of the petition together with the required fee. If the amount of the fee filed with the petition is sufficient to pay for at least one person to petition to cancel one class of goods or services but is less than the required amount because multiple party petitioners and/or multiple classes in the registration for which cancellation is sought are involved, and the required additional amount of the fee is filed within the time limit set in the notification of the defect by the Office, the filing date of the petition with respect to the additional party petitioners and/or classes is the date of receipt in the Patent and Trademark Office of the additional fees.

5. Section 2.112 is revised to read as follows:

§ 2.112 Contents of petition for cancellation.

(a) The petition to cancel must set forth a short and plain statement showing how the petitioner is or will be damaged by the registration, state the grounds for cancellation, and indicate the respondent party to whom notification shall be sent. A duplicate copy of the petition, including exhibits, shall be filed with the petition.

(b) Petitions to cancel different registrations owned by the same party may be joined in a consolidated petition when appropriate, but the required fee must be included for each party joined as petitioner for each class sought to be cancelled in each registration against which the petition to cancel is filed.

6. Section 2.161 is revised to read as follows:

§ 2.161 Cancellation for failure to file affidavit or declaration during sixth year.

Any registration under the provisions of the Act of 1946 and any registration published under the provisions of section 12(c) of the Act (§ 2.153) shall be cancelled as to any class in the registration at the end of six years following the date of registration or the date of such publication, unless within one year next preceding the expiration of such six years the registrant shall file in the Patent and Trademark Office an affidavit or declaration in accordance with § 2.20 showing that said mark is in use in commerce as to such class or showing that its nonuse as to such class is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

7. Section 2.162 is amended by revising paragraphs (e), (f) and (g) to read:

§ 2.162 Requirements for affidavit or declaration during sixth year.

(e) State that the registered mark is in use in commerce and specify the nature of such commerce (except under paragraph (f) of this section). The statement must be supported by evidence which shows that the mark is in use, and normally such evidence consists of a specimen or a facsimile specimen which is currently in use, or a statement of facts concerning use. The supporting evidence should be submitted with the affidavit or declaration, but if it is not or if the evidence submitted is found to be deficient, the evidence, or further evidence, may be submitted and considered even though filed after the sixth year has expired:

(f) If the registered mark is not in use in commerce, recite facts to show that nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. If the facts recited are found not to be sufficient, further evidence or explanation may be submitted and considered even though filed after the sixth year has expired; and

(g) Contain the statement of use in commerce or statement as to nonuse and appropriate evidence, as required in paragraphs (e) and (f) of this section, for each class to which the affidavit or declaration pertains in this registration.

(Secs. 8 and 9, Pub. L. 97-247 (96 Stat. 320))

Dated: January 19, 1983.

Donald J. Quigg,
Deputy Commissioner of Patents and Trademarks.

[FR Doc. 83-2530 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 262, 264, and 265

[SW-FRL-2283-7]

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

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is today issuing final amendments to its hazardous waste regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) which change the reporting requirements for hazardous waste generators and owners or operators of hazardous waste treatment, storage, and disposal (TSD) facilities. These amendments will reduce the paperwork burdens on the regulated community and will allow EPA to obtain needed data on hazardous waste management. The amendments increase the interval between required reports from annual to biennial and require the biennial report to be submitted by March 1 of even numbered years describing hazardous waste activities during the previous calendar year. Under today's amendments, hazardous waste generators and TSD facilities are not required to submit an annual report for 1982.

EFFECTIVE DATE: February 28, 1983.

ADDRESSES: The public docket for this rulemaking is available at Room S-269, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA/Superfund Hotline at (800) 424-9346 (Toll-free) or in Washington, D.C. (202) 382-3000.

For technical information, contact Robert B. Axelrad, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460, (202) 382-5218.

SUPPLEMENTARY INFORMATION:

Preamble Outline

- I. General Authority
- II. Background of Annual Report Requirement
- III. Summary of Survey Proposal
- IV. Discussion of Comments
 - A. Burden Reduction Potential of the Proposed Rule
 - B. Elimination of Reporting by all Generators and TSD Facilities
- V. Revised Approach
- VI. Status of 1982 Annual Reports
- VII. Specific Amendments
- VIII. Executive Order 12291
- IX. Paperwork Reduction Act
- X. Regulatory Flexibility Act

I. General Authority

Today's amendments are issued primarily under the authority of Sections 3002 and 3004 of the Solid Waste Disposal Act, as amended by Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 *et seq.*

Section 3002(6) requires generators of hazardous waste to submit reports at

such times as the Administrator deems necessary, setting out the quantities of hazardous waste generated and their disposition. Section 3004(2) of RCRA requires EPA to establish reporting requirements respecting satisfactory reporting from hazardous waste TSD facilities.

II. Background of the Annual Report Requirement

In February and May of 1980, EPA promulgated regulations establishing the reporting requirements authorized by Sections 3002(6) and 3004(2) of RCRA. Under 40 CFR 262.41, generators who ship hazardous wastes off-site are required to submit reports annually by March 1 for the reporting year ending the previous December 31. The reports are to specify, among other things, the amount of each type of hazardous waste shipped to each TSD facility during the reporting year, as well as the names, addresses, and EPA identification numbers of all transporters utilized in such shipments. Under 40 CFR 264.75 and 265.75, the owners or operators of hazardous waste TSD facilities must submit annual reports specifying, among other things, the amount of each type of hazardous waste received from each generator from which the facility received hazardous waste during the reporting year.

In 1981, EPA began to reevaluate this reporting requirement in light of EPA's current and future information needs. This review led EPA to tentatively conclude that conducting periodic surveys of a representative sample of all generators and TSD facilities might be preferable to requiring annual reports only from handlers in unauthorized States.¹

On October 12, 1982, EPA published a notice of proposed rulemaking (47 FR 44932) requesting comment on the Agency's intention to replace the annual report requirement with a requirement that hazardous waste handlers respond to a biennial sample survey. As a result of comments received on that proposal, EPA has reconsidered the biennial survey approach and is today issuing amendments that will require reporting by all generators and TSD facilities in unauthorized States on a biennial basis.

III. Summary of the Survey Proposal

The biennial survey proposal was intended to permit EPA to obtain better and more reliable national data on hazardous waste management than is

currently available through the existing annual reporting system. EPA proposed to survey approximately 10% of the regulated community in all fifty States once every two years, using a statistical, stratified sampling technique. EPA explained in the October 12, 1982 notice that the survey would: (1) Provide more detailed information, (2) provide better national data, and (3) reduce paperwork burdens.

The biennial survey proposal sought public comment on a variety of issues including: (1) Whether a 10% survey of hazardous waste handlers in all fifty States was preferable to the existing annual report required of generators and TSD facilities in unauthorized States; (2) whether surveys should be conducted biennially or at some other frequency; (3) the size and scope of the surveys; (4) mechanisms for cooperation with States to minimize the reporting burden and maximize sharing of information obtained; and (5) the Agency's intention to make the amendments effective immediately to relieve hazardous waste handlers in the unauthorized States from having to submit 1982 annual reports to EPA.²

IV. Discussion of Comments

EPA received 44 comments on the biennial survey proposal from a cross section of the regulated community, State and Federal government agencies and environmental organizations. The comments covered a wide range of issues. The major issues raised by commenters were: (A) The degree of burden reduction that would be achieved through the proposed amendments; and (B) whether it is appropriate to rescind the requirement that all generators and TSD facilities report to EPA on their hazardous waste activities.

A. Burden Reduction Potential of the Proposed Rule

In the October 12, 1982 Federal Register notice, EPA explained that the biennial survey proposal would substantially reduce the paperwork burden on the regulated community by requiring only 10% of hazardous waste handlers to respond to a survey to be conducted every two years. However, while some commenters agreed that the biennial survey would result in a significant decrease in reporting burden, the majority of commenters disagreed. These commenters believed that the proposed biennial survey would result in a substantial increase in reporting

¹ EPA's annual report requirement applies only to generators and TSD facilities located in States that have not received Phase I Interim Authorization or Final Authorization to operate their own hazardous waste programs.

² 1982 Annual Reports would be due on March 1, 1983.

burden for most hazardous waste handlers since it would add an additional information requirement in many States rather than eliminating a reporting burden. In particular, commenters expressed concern that States which have independent reporting requirements would probably retain those requirements even if EPA rescinds its annual report. Firms would therefore be required to comply with State annual (or more frequent) reporting requirements as well as respond to EPA surveys. Many commenters argued that EPA's inability to preempt State requirements² would result in a multi-layered set of reporting requirements under which: (1) Many States would continue to require their own version of reports, (2) other States which are prevented by State legislation from establishing more stringent requirements than EPA's would develop their own survey programs to remain consistent with EPA requirements, and (3) handlers in all States would be subject to EPA surveys. These commenters felt that such a system of duplicative and overlapping requirements would substantially increase the recordkeeping and reporting burdens, particularly for firms that operate interstate or have a large number of installations and must comply with multiple State as well as EPA reporting requirements.

Virtually all of the commenters strongly recommended that EPA obtain whatever information it needed from the authorized State agencies themselves rather than impose a new requirement or duplicate reporting requirements in the authorized States. Comments from State hazardous waste management agencies also supported this approach.

In proposing the biennial survey, EPA believed that the variations among State reporting requirements would prohibit EPA from obtaining usable nationwide information. EPA was also concerned that the limited nature of the annual report data would not be sufficient to meet the Agency's information needs. However, EPA finds the arguments presented by commenters to be persuasive. EPA agrees that the use of existing data wherever possible to minimize reporting burden is a desirable approach and that further efforts to utilize existing State data should be made prior to imposing a new or potentially duplicative reporting requirement on installations that must submit annual or more frequent reports to State agencies.

² RCRA does not prohibit States from promulgating more stringent requirements than the Federal regulations.

The Agency now believes that much of the information needed for general management purposes (e.g. determining who is generating, treating, storing or disposing of hazardous waste as well as where and how such wastes are being handled) can be gleaned from existing State reporting systems. In order to obtain the necessary management information directly from State agencies, EPA intends to modify the State/EPA Memoranda of Agreement as necessary to provide for the transfer of such information.

EPA is still convinced, however, that it will periodically require more detailed information for specific rulemaking purposes than is available from the existing report forms, regardless of frequency of reporting or whether the reports are submitted to EPA or to State agencies. A number of commenters argued that Section 3007 of RCRA could not be construed to authorize a national survey in authorized States since Section 3007 focuses on site-by-site inspections and should not be used to circumvent restrictions on reporting embodied in Section 3006 (which states that once a State receives program approval, "such State is authorized to carry out such program in lieu of the Federal program * * *") and Section 3002(6), which commenters argue limits submission of reports to " * * * State Agency in any case in which such State carries out an authorized permit program * * *".

EPA does not agree that Sections 3002 and 3006 restrict the Agency's authority under Section 3007 to obtain information it deems necessary for rulemaking or enforcement purposes. In addition, many commenters agreed that EPA would occasionally need additional data and that such data could properly be collected through the use of small statistically valid samples. The Agency will, therefore, periodically conduct special surveys of small samples of the regulated community on an as needed basis for specific rulemaking activities.

However, in light of the large number of comments indicating that the biennial survey would increase rather than decrease reporting burden if conducted in authorized States, and because the Agency now believes it can obtain the necessary information directly from the States, EPA has decided not to impose any additional routine reporting requirements on handlers in States with interim or final authorization.

B. Elimination of Reporting by All Generators and TSD Facilities

A high percentage of commenters strongly objected to EPA's proposal to eliminate the requirement that all

generators and TSD facilities report on their hazardous waste activities on a regular basis. Many commenters felt that: (1) Reporting at regular intervals was essential to the development of a strong national data base on hazardous waste activities; (2) across-the-board reporting was important as a compliance incentive and enforcement mechanism as well as to improve public confidence in the hazardous waste regulatory program; and (3) the current reporting requirement was the least burdensome reporting mechanism since the annual report forms request easily accessible information in a format compatible with existing recordkeeping systems.

The Agency is not convinced that a carefully designed 10 percent survey conducted every two years would provide EPA with insufficient data to characterize hazardous waste activity and trends. However, EPA does recognize that the implementation of the program would benefit from a sound data base on all facilities.

Also, EPA does find some merit to the arguments presented by commenters that requiring reports from all generators and TSD facilities provides stronger incentives for firms to maintain proper and complete records than would a random and occasional sampling system. The Agency also agrees that the development and maintenance of public confidence in the hazardous waste management program is an important goal and that the elimination of publicly accessible information on all hazardous waste handlers might reduce confidence in EPA's ability to protect the public from future hazardous waste incidents.

EPA found the comments of several major associations representing a large portion of the hazardous waste management industry to be of particular interest. These commenters, although generally supportive of EPA efforts to reduce regulatory burden, nevertheless felt that EPA should have information on the activities of all hazardous waste generators and TSD facilities and that the current annual report was the least burdensome reporting system for two reasons: (1) The required report is of minimal length and requests information that is easily accessible using current recordkeeping procedures; and (2) the least burdensome requirements are those that are known and consistent, characteristics that these commenters felt were not embodied in the biennial survey proposal.

V. Revised Approach

As a result of the comments received on its October 12, 1982 proposal, EPA

has reconsidered the biennial survey approach and instead is implementing minor modifications to its existing reporting requirements to increase the interval between reports from one year to two years and to bring all of EPA's existing regulations into conformance with this amendment. EPA believes that these modifications address the comments received and will achieve real and substantial reductions in burden while permitting EPA to obtain the information it needs to update and refine the regulatory program.

This approach incorporates the following features:

(1) Retention of the requirement that all generators and TSD facilities in the unauthorized States submit reports to EPA on their hazardous waste activities.

The majority of commenters indicated that EPA should not collect information directly from handlers located in authorized States since a majority of States intend to retain requirements that all handlers submit annual or more frequent reports on their activities. As stated previously, EPA may not prevent States from adopting more stringent requirements than the Federal regulations. In addition, many States currently require reports to be submitted in a format similar or identical to EPA's existing annual report. Retaining across-the-board reporting by all generators and TSD facilities in States where EPA operates the hazardous waste program will therefore serve to maintain a maximum degree of consistency between State and Federal requirements and maximize the potential for EPA to obtain uniform information from both authorized and unauthorized States. This approach also responds to comments indicating that the existing reporting requirement is the least burdensome reporting system and necessary to establish a sound data base, promote confidence in the hazardous waste management system, and support enforcement of the regulatory program.

(2) Amending §§ 262.41, 264.75, and 265.75 to require such reports to be submitted biennially instead of annually. The reports will cover only hazardous waste generated and/or treated, stored or disposed of in *odd* numbered years and will be required to be submitted by March 1 of each *even* numbered year.

As stated in the biennial survey proposal, EPA believes that requiring reporting every year is unnecessarily burdensome and that biennial reporting is adequate to characterize hazardous waste activity, update the data base, and ensure compliance with recordkeeping requirements and other

provisions of RCRA. A large majority of commenters support reducing the frequency of required reports.

(3) Modification of existing State authorization requirements to require States to require, at a minimum, biennial reports, and to submit certain data to EPA by the authorized States on a biennial basis.

As discussed above, EPA needs certain information on hazardous waste activity in order to refine and update its hazardous waste regulations. In response to comments on the biennial survey proposal, EPA intends to obtain as much of the data the Agency requires as possible from the State agencies in the authorized States. Summary information on the quantities and types of hazardous waste generated, transported, stored, treated, or disposed of is currently required to be submitted to EPA by the States on an annual basis (40 CFR § 122.18). Under today's amendments, these summaries will be required biennially to conform to the biennial report schedule. EPA is now in the process of exploring whether modifications to the Memoranda of Agreement should be made to more precisely specify the form and content of these summaries.

VI. Status of 1982 Annual Reports

Under the existing regulations, generators of hazardous waste and owners or operators of treatment, storage and disposal facilities are required to submit reports on their 1982 activities by March 1, 1983.

Since the Summer of 1982, EPA has collected substantial quantities of data through the RIA survey process and submission of 1981 annual reports and the Agency is now in the process of collating and evaluating this information. This should provide EPA sufficient data to characterize current hazardous waste management activities. For this reason, the Agency does not intend to collect a 1982 annual report. EPA will eliminate the requirement to submit a 1982 annual report by making today's amendments effective before March 1, 1983, the date the 1982 report is currently due. Thus, the next generator and TSD facility report will be due on March 1, 1984, covering the 1983 calendar year.

Section 3010(b) of RCRA requires that revisions to RCRA Subtitle C regulations take effect six months after date of publication. The purpose of this provision is to allow the regulated community adequate lead time to prepare to comply with major new regulatory requirements. Because the amendments promulgated today reduce reporting requirements for hazardous

waste handlers, EPA does not believe that making them effective less than six months after date of publication would be contrary to the purposes of Section 3010(b).

EPA also believes that relieving hazardous waste handlers of the obligation to file 1982 annual reports is consistent with both the comments received on the proposed rule and the shift from annual to biennial reports.

VII. Specific Amendments

EPA is today finalizing the following amendments to bring all of EPA's existing RCRA regulations into conformance with the shift to a biennial report requirement.

1. 40 CFR 262.40 and 262.41 have been revised to reflect the shift to biennial reports and to bring the regulatory language of Part 262 into conformance with that in 40 CFR Parts 264 and 265. In addition, the annual report forms (EPA Forms 8700-13 and 8700-13A) and their associated instructions are being deleted from the Appendix to Part 262. EPA is now making clarifying modifications to the generator report instructions and will publish revised forms and instructions in the *Federal Register* as soon as possible, subject to OMB approval. These revisions will not substantively alter the information required to be submitted. For recordkeeping purposes, it should be noted that the DOT Hazard Class code numbers which appeared in the 1981 Generator Annual Report instructions will not be further revised.

2. 40 CFR Parts 264 and 265 are being revised to reflect the shift to a biennial reporting period.

The annual report forms contained in Appendix II to the TSD facility regulations at 40 CFR Parts 264 and 265 (EPA Forms 8700-13 and 8700-13B) will also be deleted. EPA is now in the process of making clarifying modifications to the facility report forms and instructions and will publish revised forms in the *Federal Register* as soon as possible, subject to OMB clearance. These modifications will correct inconsistencies in the handling codes between the biennial report and Part A permit applications and will permit the revised form 8700-13B to also serve as the Unmanifested Waste Report forms, required for use by facility owners and operators under 40 CFR 264.76 and 265.76. Firms may continue to use the Unmanifested Waste report forms and instructions which appeared in the May 19, 1980 *Federal Register* (45 FR 33239) until EPA publishes the revised forms and instructions. The revisions to the facility report form and instructions will

not alter the information required to be submitted.

3. 40 CFR 265.94 (Ground-water Monitoring Reporting).

Section 265.94 currently requires owners and operators of surface impoundments, landfills, and land treatment facilities to submit annual ground-water monitoring data and analyses as part of, or attached to, their annual reports to EPA's Regional Administrators. Because today's amendments require owners and operators to report on their hazardous waste activities on a biennial basis, and because the Agency is still requiring ground-water information on an annual basis, EPA is amending § 265.94 to require this annual ground-water monitoring data to be submitted independently to Regional Administrators by March 1 of each year. This amendment does not affect the nature or frequency of the data required to be submitted.

4. 40 CFR 122.18 is being revised to require States to provide certain summary information to EPA biennially instead of annually.

5. 40 CFR 122.26 and 122.28 are being revised slightly to bring them into conformance with the shift to biennial reports.

Today's amendments apply only to generators and TSD facilities in States that do not have interim or final authorization to operate their own hazardous waste program. However, authorized States must comply with the provisions for interim or final authorization specified in 40 CFR Part 123, including requirements that States have reporting requirements substantially equivalent, or equivalent, to those specified in Parts 262, 264, and 265. States with interim or final authorization must therefore require, at a minimum, reporting by all generators and TSD facilities on a biennial basis.

VIII. Executive Order 12291

In accordance with Executive Order 12291, EPA has determined that today's revisions of the RCRA regulations will not result in: an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, today's amendments are not subject to the major rule provisions of the Executive Order and

no regulatory impact analysis is required.

These amendments have been submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. OMB's comments, and EPA's responses will be made available for public inspection at the Office of Solid Waste Public Docket (see addresses, above, for location and public hours).

IX. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., authorizes the Office of Management and Budget (OMB) to review information collection requirements in Federal regulations. EPA will shortly submit to OMB information necessary for approval of the amended reporting requirements promulgated today.

X. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., Federal Agencies must prepare regulatory flexibility analyses for all rules to assess their impact on small entities. No regulatory analysis is required, however, where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The economic impact of this regulation will be to reduce the costs of complying with EPA's hazardous waste management regulations for generators of hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities, including small entities. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601(b), that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects

40 CFR Part 122

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting requirements, Waste treatment and disposal, Water pollution control, Confidential business information.

40 CFR Part 262

Hazardous materials, Labeling, Packaging and containers, Reporting requirements, Waste treatment and disposal.

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

Dated: January 21, 1983.

Anne M. Gorsuch,
Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 262—STANDARDS FOR GENERATORS OF HAZARDOUS WASTE

1. The authority citation for Part 262 reads as follows:

Authority: Secs. 1006, 2002, 3002, 3003, 3004, and 3005, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), (42 U.S.C. 6905, 6912, 6922, 6923, 6924, 6925).

2. 40 CFR 262.40(b) is revised to read as follows:

§ 262.40 Recordkeeping.

(b) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.

3. 40 CFR 262.41 is revised to read as follows:

§ 262.41 Biennial report.

(a) A generator who ships his hazardous waste off-site must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA Form 8700-13 A and must cover generator activities during the previous calendar year, and must include the following information:

(1) The EPA identification number, name, and address of the generator;

(2) The calendar year covered by the report;

(3) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility to which waste was shipped during the year; for exported shipments, the report must give the name and address of the foreign facility.

(4) The name and EPA identification number of each transporter used during the reporting year.

(5) A description, EPA hazardous waste number (from 40 CFR Part 261, Subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site. This information must be listed by EPA identification number

of each off-site facility to which waste was shipped.

(6) The certification signed by the generator or his authorized representative.

(b) Any generator who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering those wastes in accordance with the provisions of 40 CFR Parts 122, 264, 265, and 266.

Appendix [Removed]

4. The Appendix to 40 CFR Part 262, entitled Appendix—Form—Annual Report (EPA Form 8700-13), and the associated section entitled General Instructions, Hazardous Waste Report (EPA Form 8700-13), are removed from the Code of Federal Regulations.

PART 264—STANDARDS APPLICABLE FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

5. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6924).

6. The introductory text of 40 CFR 264.75 is revised to read as follows:

§ 264.75 Biennial report.

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA form 8700-13B. The report must cover facility activities during the previous calendar year and must include:

7. Section 264.76 is amended by revising the first paragraph to read as follows:

§ 264.76 Unmanifested waste report.

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in § 263.20(e)(2) of this Chapter, and if the waste is not excluded from the manifest requirement by § 261.5 of this Chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such

report must be designated 'Unmanifested Waste Report' and include the following information:

8. The introductory text of 40 CFR 264.77 is revised to read as follows:

§ 264.77 Additional reports.

In addition to submitting the biennial reports and unmanifested waste reports described in §§ 264.75 and 264.76, the owner or operator must also report to the Regional Administrator:

Appendix II [Removed]

9. Appendix II to 40 CFR Part 264 entitled Appendix II—EPA Report Form and Instructions is removed from the Code of Federal Regulations.

PART 265—INTERIM STATUS STANDARDS APPLICABLE FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

10. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

11. The introductory text of 40 CFR 265.75 is revised to read as follows:

§ 265.75 Biennial report.

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA Form 8700-13B. The report must cover facility activities during the previous calendar year and must include the following information:

12. 40 CFR 265.76 is amended by revising the introductory paragraph to read as follows:

§ 265.76 Unmanifested waste report.

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in § 263.20(e)(2) of this Chapter, and if the waste is not excluded from the manifest requirement by § 261.5 of this Chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must be

submitted on EPA form 8700-13B. Such report must be designated 'Unmanifested Waste Report' and include the following information:

13. 40 CFR 265.77 is amended by revising the introductory paragraph to read as follows:

§ 265.77 Additional reports.

In addition to submitting the biennial report and unmanifested waste reports described in §§ 265.75 and 265.76, the owner or operator must also report to the Regional Administrator:

Appendix II [Removed]

14. Appendix II to 40 CFR Part 265, entitled Appendix II—EPA Report Form and Instructions is removed from the Code of Federal Regulations.

15. 40 CFR 265.94 is amended by revising paragraphs (a)(2) (ii) and (iii) and (b)(2) to read as follows:

§ 265.94 Recordkeeping and reporting.

(a) * * *

(2) * * *

(ii) Annually: Concentrations or values of the parameters listed in § 265.92(b)(3) for each ground-water monitoring well, along with the required evaluations for these parameters under § 265.93(b). The owner or operator must separately identify any significant differences from initial background found in the upgradient wells, in accordance with § 265.93(c)(1). During the active life of the facility, this information must be submitted no later than March 1 following each calendar year.

(iii) No later than March 1 following each calendar year: Results of the evaluations of ground-water surface elevations under § 265.93(f), and a description of the response to that evaluation, where applicable.

(b) * * *

(2) Annually, until final closure of the facility, submit to the Regional Administrator a report containing the results of his or her ground-water quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the ground water during the reporting period. This information must be submitted no later than March 1 following each calendar year.

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND INJECTION CONTROL PROGRAM

16. The authority citation for Part 122 reads as follows:

Authority: Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.; Safe Drinking Water Act, 42 U.S.C. 3007 et seq.; and Clean Water Act, 33 U.S.C. 1251 et seq.

16. 40 CFR 122.18(c)(3) is revised to read as follows:

§ 122.18 Non-compliance and program reporting by the Director.

(c) * * *

(3) For RCRA only, in addition to the annual non-compliance report, the Director shall prepare a "program report" which contains information (in a manner and form prescribed by the Administrator) on generators and transporters and the permit status of regulated facilities. The Director shall also include, on a biennial basis, summary information on the quantities and types of hazardous wastes generated, transported, treated, stored, and disposed during the preceding odd numbered year. This summary information shall be reported in a manner and form prescribed by the Administrator and shall be reported according to EPA characteristics and lists of hazardous wastes at 40 CFR Part 261.

17. 40 CFR 122.26(a)(3) (v) and (c)(3)(v) and (vi) are revised to read as follows:

§ 122.26 Permits by rule.

(a) * * *

(3) * * *

(v) 40 CFR 264.75, Biennial report; and

(vi) * * *

(b) * * *

(c) * * *

(3) * * *

(v) 40 CFR 264.75, Biennial report;

(vi) 40 CFR 264.76, Unmanifested waste report; and

18. 40 CFR 122.28 is amended by revising paragraph (e)(3) to read as follows:

§ 122.28 Additional conditions applicable to all RCRA permits.

(e) * * *

(3) Biennial report: A biennial report must be submitted covering facility

activities during odd numbered calendar years. (See 40 CFR 264.75.)

[FR Doc. 83-2334 Filed 1-27-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 123

[HW-4-FRL 2294-3]

Hazardous Waste Management Programs; Kentucky; Authorization for Interim Authorization Phase II, Components A and B

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Hazardous Waste Management Program.

SUMMARY: The Commonwealth of Kentucky has applied for Interim Authorization, Phase II, Components A and B, which would allow the State, rather than EPA, to issue or deny permits regulating the operation of facilities that treat and store hazardous waste. EPA has reviewed Kentucky's application and has determined that Kentucky's hazardous waste program is substantially equivalent to the Federal program. Therefore, EPA is granting the Commonwealth of Kentucky Interim Authorization for Phase II, Components A and B.

EFFECTIVE DATE: Interim Authorization Phase II, Components A and B, for Kentucky is effective on January 28, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881-3016.

SUPPLEMENTARY INFORMATION:

Background

In the May 19, 1980, Federal Register (45 FR 33063) the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), to protect human health and the environment from the improper management of hazardous waste. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program

under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

Phase I regulations were published on May 19, 1980, and became effective on November 19, 1980. The Phase I regulations include the identification and listing of hazardous wastes, standards for generators and transporters of hazardous waste, standards for owners and operators of treatment, storage and disposal facilities, and requirements for State Programs. The Phase II regulations cover the procedures for issuing permits under RCRA and the standards that will be applied to treatment, storage, and disposal facilities in preparing permits. In the January 26, 1981, Federal Register (46 FR 7965), the Environmental Protection Agency announced that States could apply for Components A and B of Phase II of Interim Authorization. Component A, analogous to Federal regulations published in the Federal Register January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments, and waste piles. Component B, analogous to Federal regulations published in the Federal Register January 23, 1982 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123, Subpart F, as amended at 47 FR 32373 (July 26, 1982).

The Commonwealth of Kentucky received Interim Authorization for Phase I on April 1, 1981.

Draft Application

The Commonwealth of Kentucky submitted its draft application for Phase II Interim Authorization, Components A and B, on December 21, 1981. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration.

Major issues raised during EPA's review of the draft application were:

(1) Kentucky adopted many of EPA's regulations by reference, but it was not clear if the State had adopted the amended version of these Federal regulations. EPA asked the State to clarify which amendments were included in that adoption by reference.

(2) The State's adoption of financial responsibility regulations appeared to conflict with Kentucky's Statute (KRS 224.866).

State officials resolved these issues through revisions in the Program Description, Memorandum of Agreement, Attorney General's Statement, and the Authorization Plan.

Final Application

On September 30, 1982, Kentucky submitted to EPA a final application for Interim Authorization, Phase II, Components A and B, under RCRA. An EPA review team consisting of both Headquarters and Regional personnel made a detailed analysis of Kentucky's hazardous waste management program.

EPA comments were forwarded to the State on November 24, 1982. The comments requested clarification on a number of issues: whether the permitting procedures in the Program Description corresponded to the State's regulations; the effect of the State's permits; the State's authority to hold informal public hearings; the State's ability to apply interim status standards to existing facilities; the possible divergence between the financial assurance mechanism authorized by State statute and those authorized by the regulations.

By letter dated November 29, 1982, the State responded satisfactorily to the issues raised by EPA by clarifying the above issues. One further clarification to the General Counsel's Statement was made on January 6, 1983.

Public Hearing and Comment Period

As noticed in the Federal Register on October 28, 1982 (47 FR 47871), EPA gave the public until November 29, 1982, to comment on the State's application. EPA also issued a public notice that a hearing would be held in Kentucky on December 14, 1982, if significant public interest was expressed.

EPA received written comments supporting the hazardous waste program in Kentucky, two of which requested a public hearing to provide public understanding of the State's program. A public hearing was held in Frankfort, Kentucky on December 14, 1982. No oral comments were received at the public hearing; one written comment submitted directly to EPA was in support of the proposed authorization of the State program. The public comment period

was extended to December 20, 1982, so that comments on any issues raised by the presentation at the hearing could be received.

Decision

EPA has reviewed the Commonwealth of Kentucky's complete application for Interim Authorization Phase II, Components A and B, and has determined that the State program is substantially equivalent to Phase II, Components A and B of the Federal program as defined in 40 CFR Part 123, Subpart F. In accordance with Section 3006(c) of RCRA and implementing regulations, the Commonwealth of Kentucky is hereby granted Interim Authorization for Phase II, Components A and B, to operate the State's hazardous waste program for permitting the construction and operation of facilities that treat and store hazardous waste in lieu of the Federal program.

Executive Order 12291

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

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 123

Hazardous materials, Reporting requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: January 5, 1983.

Charles R. Jeter,
Regional Administrator.

[FR Doc. 83-2429 Filed 1-27-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 256

[SW-10-FRL 2286-1]

Partial Approval of Washington Solid Waste Management Plan

AGENCY: Environmental Protection Agency, Region 10.

ACTION: Final rule; partial approval.

SUMMARY: As provided by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) the State of Washington has received Federal financial assistance for development of a State solid waste management plan. The State of Washington has submitted to the U.S. Environmental Protection Agency (EPA or the Agency) its adopted State solid waste management plan. Today, EPA is announcing its partial approval of the Washington solid waste management plan. Partial approval of the Washington plan means that the EPA is approving the portion of the plan that provides for issuance of compliance schedules with regard to the open dumping prohibition. In obtaining partial approval of its plan, the State has committed to completing the plan in a timely and orderly manner.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Betty Wiese, Waste Management Branch, U.S. EPA, Region 10, 1200 6th Avenue, Seattle, Washington 98101, (206) 442-2857.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1979, (44 FR 45066) EPA published Guidelines for the Development and Implementation of State Solid Waste Management Plans. These guidelines were required by Section 4002(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA).

On September 23, 1981, (46 FR 47048) EPA published amendments to the Guidelines for Development and Implementation of State Solid Waste Management Plans and Criteria for the Classification of Solid Waste Disposal Facilities and Practices (40 CFR Parts 256 and 257). In part, these amendments allow EPA to give partial approval for that part of the adopted State plan that covers State issuance of compliance timetables while the State is developing the other parts of the plan. The completion of the remaining parts of the

plan will be conducted in a timely and orderly manner as set forth in a schedule mutually agreed upon by the State and EPA.

Response to Comments

On November 4, 1981 at (46 FR 54772) the Washington solid waste management plan was noticed for public review and comment. Comments on the Washington plan were received for 30 days. During that period comments from two parties were received as follows:

One comment recommended Washington's plan not be approved because it does not satisfy statutory requirements of RCRA Section 4003 for upgrading/closure of existing open dumps. The comment further asserted requirements of 40 CFR 256.23 have not been met because the plan does not contain provisions for orderly time-phasing of disposal facilities classified as open dumps.

Response: The Washington plan provides for an orderly, time-phased classification of existing facilities according to the Federal disposal criteria and is based on established priority considerations. The EPA regulations do not require plans to provide site-specific phasing of remedial actions, but rather to provide for orderly time-phasing of the classifications. Plans provide the process through which the State will work toward closing or upgrading of non-complying facilities. For each facility classified as an open dump, States are to take steps to close or upgrade; the Washington plan provides for such steps to be taken, leading to closure/upgrading of all facilities classified as open dumps.

The second comment noted that restrictions on use of single service products for food as a means to waste reduction would be regressive and opposed to proven health practices.

Response: While Washington's plan does include a component for waste reduction it does not present any posture specific to single service food products. There are no mandatory provisions contemplated since Washington indicated it would follow an approach of encouraging voluntary means to reduce volumes of waste.

Finding

I have found the Washington plan does not meet all the requirements of Section 4007(a) of RCRA for approval. The plan and supporting materials do not demonstrate that the requirements for legal and regulatory authorities to prohibit establishment of new open dumps have been met.

While the State has several authorities or mechanisms to rely on,

there are Federal criteria that cannot be enforced. In addition, the State's legal authority to fully regulate liquid waste disposal is unclear since the State's Solid Waste Management Act does not include liquids as defined solid waste.

Through the Solid Waste Management Act (RCW 70.95) and implementing regulations of Washington Administrative Code 173-301, local health departments can issue compliance schedules to disposal facilities which fail to comply with State Minimum Functional Standards. The State's regulations do not adequately address two of the Federal disposal criteria—protection of endangered species and application of waste to land used for food chain crops. Since the Minimum Functional Standards do address the remaining Federal criteria, compliance schedules can be issued to enforce the Federal criteria for floodplains, surface water, groundwater, disease, air and safety. In an informal opinion, the Attorney General's Office concluded the State has the authority to enforce these Minimum Functional Standards if local agencies fail to do so. The State's Solid Waste Management Act (RCW 70.95) does not include liquids as defined solid waste and therefore does not clearly extend enforcement of the minimum Functional Standards to liquid waste disposal facilities (i.e., pits, ponds, and lagoons). However, in many instances the State relies on water discharge permit authorities of Washington Water Pollution Control Act (RCW 90.48) to regulate not only liquid waste disposal facilities, but any disposal practice which threatens surface water or groundwater. In addition, according to the Attorney General's Office informal opinion, once the water discharge authorities are invoked, all the Federal criteria can be enforced because of broad discretionary authority. Permits or other enforceable actions taken pursuant to the authority of RCW 90.48 (Water Pollution Control) which requires compliance with any or all of the Federal disposal criteria also constitute compliance schedules issued pursuant to the State's plan.

Section 4005 of RCRA prohibits the open dumping of solid waste. However, the prohibition does not extend to any practice or disposal of solid waste under a compliance schedule which:

- (1) Includes an enforceable sequence of action leading to compliance with the prohibition on open dumping;
- (2) Does not extend beyond September 13, 1984;
- (3) Is preceded by a determination that the entity was unable to utilize other public or private alternatives for

solid waste management to comply with the prohibition on open dumping; and

(4) Is issued by a State having an approved solid waste management plan.

I am today approving that part of the plan that provides for the issuance of compliance schedules for the wastes and criteria described above. As of this date, those engaged in open dumping in Washington may receive compliance schedules from the local health department of jurisdiction or the State that will, to the extent of the State's legal authority described above, protect them from open dumping suits as long as they remain in compliance with such schedules. As stipulated by Section 4005 of RCRA, these protections cease after September 13, 1984.

In accordance with 40 CFR 256.04(f) Washington has submitted a schedule outlining the steps that will be taken in completing the plan to meet the remaining requirements of Section 4007(a) of RCRA for approval of the complete plan. Necessary legislative changes will be sought during the next legislative session in 1983. Rulemaking will follow thereafter to update rules by mid-1983.

Compliance with Executive Order 12291

Under Executive Order 12291 effective February 17, 1981, EPA must judge whether a rule is "Major" and, therefore subject to the requirement for a Regulatory Impact Analysis. Partial approval of the Washington solid waste management plan is not a "major rule" because it does not result in an annual effect on the economy of \$100 million or more; result in increases in costs or prices; or pose significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Any costs which the State or the regulated community must incur to satisfy the State plan arise, not from EPA's partial approval but because the plan complies with earlier requirements issued by EPA (Guidelines, 40 CFR Part 256, and the "Criteria for Classification of Solid Waste Disposal Facilities and Practices", 40 CFR Part 257, as amended). Today's action neither alters these earlier regulatory requirements nor imposes new or additional costs.

This notice of approval was submitted to the Office of Management and Budget ("OMB") for review under Executive Order 12291.

Authority

Section 4007(a), Pub. L. 94-580, 90 Stat. 2817 (42 U.S.C. 6947).

Certification Under the Regulatory Flexibility Act

I certify under 5 U.S.C. 605(b) that the partial plan approval of the Washington solid waste management plan will not have a significant economic impact on a substantial number of small entities. This approval will reduce burdens on small entities by establishing a mechanism to insulate them from citizen suits to enforce the open dumping prohibition. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 256

Grant programs—Environmental protection, Waste treatment and disposal.

Dated: January 5, 1983.

John R. Spencer,
Regional Administrator.

[FR Doc. 83-2336 Filed 1-27-83; 8:45 am]

BILLING CODE 5550-50-M

40 CFR Part 256

[HW-6-FRL 2294-4]

Approval of Texas Solid Waste Management Plan

AGENCY: Environmental Protection Agency, Region 6.

ACTION: Final rule.

SUMMARY: As provided by the Resource Conservation and Recovery Act (RCRA), two agencies (Texas Department of Health and Texas Department of Water Resources) of the State of Texas have received Federal financial assistance for development of a State Solid Waste Management Plan. These agencies have submitted to the U.S. Environmental Protection Agency (EPA or the Agency) an adopted State Solid Waste Management Plan. Today, EPA is announcing its approval of the Texas Solid Waste Management Plan. Approval of the Texas Plan indicates that the Plan meets the requirements set forth in the RCRA, which provides for the identification of State, local and regional responsibilities for solid waste management; the encouragement of resource conservation and recovery; and the development and application of State controls to provide for environmentally sound solid waste disposal practices.

EPA has determined that a small portion of the universe of solid waste in Texas is not regulated by the Texas

Department of Health nor by the Texas Department of Water Resources. These wastes regulated by the Texas Railroad Commission are excluded from the approved portion of the Plan. This means that facilities disposing of wastes which are regulated by the Railroad Commission cannot be protected from Citizen Suits under Section 7003 or RCRA by operating under compliance schedules issued by the Railroad Commission.

The purpose of this notice is to inform the public that the Agency is approving the Texas Solid Waste Management Plan.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas D. Clark, U.S. Environmental Protection Agency, Hazardous Materials Branch, 1201 Elm Street, Dallas, Texas 75270, telephone number 214-767-2645.

SUPPLEMENTARY INFORMATION:**Background**

On July 31, 1979 (44 FR 45066) EPA published *Guidelines for the Development and Implementation of State Solid Waste Management Plans* (40 CFR Part 256). These guidelines were required by Section 4002(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA).

The guidelines reflected the statutory requirements for State plans and recommended methods and procedures to meet those requirements. Under Section 4007 of RCRA, the Administrator approves State plans which meet the requirements of paragraphs (1), (2), (3), and (5) of Section 4003 of RCRA and which contain provisions for revisions.

The guidelines also addressed Section 4005 of RCRA which requires a mechanism in the State plan for establishment of compliance schedules for entities engaged in the prohibited act of open dumping. These compliance schedules may not extend beyond September 13, 1984. The plan must provide that, in attempting to obtain such compliance schedules, entities must demonstrate their inability to utilize other public or private alternatives to comply with the prohibition.

Response to Public Comments

On November 4, 1981, (46 FR 54772) the Texas Solid Waste Management Plan was noticed for review and comment. Comments on the Texas plan were received for 30 days. By the end of the comment period on December 4, 1981, no substantive comments were received by Region 6 regarding the plan.

Finding

Section 4007 of RCRA contains the statutory policy for approval of State solid waste management plans. The authority to approve State plans has been delegated to the Regional Administrator. I have reviewed the Solid Waste Management Plan submitted by the State of Texas. I find that the Texas Plan meets the requirements of 40 CFR Part 256 developed pursuant to RCRA. Under authority of Section 4007 of RCRA, I approve the Texas Solid Waste Management Plan.

The Plan prohibits the establishment of open dumps, and that State prohibition became effective on November 19, 1980, for municipal sites and June 12, 1981, for industrial sites.

Also, the Plan provides for compliance schedules for entities engaged in open dumping where those entities can demonstrate that they are unable to utilize other public or private alternatives for solid waste management to comply with the RCRA prohibition of open dumping. As of this date, entities engaged in open dumping may, pursuant to the Plan, approach the State for further information on compliance schedules and necessary demonstration. The RCRA prohibition of open dumping does not extend to open dumping under such compliance schedules.

The Governor of Texas designated the Texas Department of Health (TDH) and the Texas Department of Water Resources (TDWR) as the agencies responsible for the development of a State Solid Waste Management Plan. TDH has jurisdiction over municipal solid waste and TDWR has jurisdiction over industrial solid wastes. EPA has determined that a small portion of the universe of solid waste (i.e. wastes associated with the exploration, development, or production of oil, gas or geothermal energy and some surface mining wastes) is not regulated by TDH or TDWR. These wastes are regulated by the Texas Railroad Commission (TRC) under the authorities of the Texas Natural Resources Code and the Texas Water Code. Coal mining wastes are controlled by TRC regulations that ensure that these wastes are disposed of in a manner that is consistent with EPA's criteria. TRC is currently developing amendments to the oil, gas and geothermal energy regulations that should further ensure that these wastes are disposed of in an environmentally sound manner.

An amendment to the Texas Solid Waste Disposal Act, which became effective on September 1, 1981, required the TDH, TDWR, and TRC to develop a

Memorandum of Understanding (MOU) that specified each agency's jurisdiction over waste materials that result from or are related to activities associated with the exploration for and the development and production of oil or gas. While there were no gaps in coverage of solid waste, the MOU ensures that the appropriate agency regulates specific wastes with no overlapping of responsibilities. This MOU was developed and became effective on January 1, 1982.

Based on these facts and correspondence with these State agencies, EPA has determined that all solid waste regulated by TDH and TDWR in the State of Texas will be regulated in a manner consistent with RCRA.

Compliance With Executive Order 12291

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

List of Subjects in 40 CFR Part 256

Grant programs—Environmental protection, waste treatment and disposal.

Authority

Section 4007(a) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6947(a).

Dated: January 20, 1983.

Dick Whittington,
Regional Administrator.

[FR Doc. 83-3426 Filed 1-27-83; 9:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

41 CFR Part 10-12

Contract Compliance Program

AGENCY: Treasury Department.

ACTION: Final rule. (Notice of transfer of functions).

SUMMARY: The Treasury's Contract Compliance Program was transferred to the Department of Labor on October 8, 1978, by E.O. 12086. The Contract Compliance Program is presently administered under 41 CFR Chapter 60 in lieu of 41 CFR Part 10-12.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas P. O'Malley, Director Office of Procurement, Office of the Secretary, Department of the Treasury, Washington, D.C. 20220, (202-566-2586).

List of Subjects in 41 CFR Part 10-12

Equal employment opportunity.
Government procurement, Labor.

Therefore, 41 CFR 10-12.801 through 10-12.815 are hereby removed.

Thomas P. O'Malley,

Director, Office of Procurement.

[FR Doc. 83-3458 Filed 1-27-83; 8:45 am]

BILLING CODE 4510-25-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3410 and 3420

[Circular No. 2518]

Interim Final Rulemaking Amending the Coal Management Regulations

Correction

In FR Doc. 83-385 beginning on page 1303 in the issue of Wednesday, January 12, 1983, make the following corrections:

1. On page 1305, first column, the caption for § 3410.3-4 now reading "Surface protection and reclamation" should have read:

§ 3410.3-4 Bonds

2. On the same page, middle column, the caption for § 3420.4-3 now reading "Preliminary tract delineation" should have read:

§ 3420.4-3 Consultation with Governors.

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6484]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to

determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in third column of list of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT:

Dr. Brian Mrazik, Acting Chief, Engineering Branch, Natural Hazards Divisions, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazards areas of the specified community and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State and county	Community	Date of conversion to regular program
New Jersey, Sussex	Township of Andover	Feb. 4, 1983.

State and county	Community	Date of conversion to regular program
Warren	Township of Frelinghuysen	Do
Ohio:		
Cuyahoga	City of Fairview Park	Do
Do	Village of Orange	Do
Pennsylvania:		
Wayne	Township of Clinton	Do
Mercer	Township of Findlay	Do
Susquehanna	Borough of Uniondale	Do
Mercer	Township of Wilmington	Do
Do	Township of Worth	Do
Michigan:		
Charlevoix	City of Charlevoix	Feb. 11, 1983
Calhoun	Township of Convis	Do
Do	Township of Marshall	Do
New York:		
Stueb	Town of Thurston	Do
Pennsylvania:		
Northampton	Township of East Allen	Do
Chester	Township of London Grove	Do
Berks	Borough of Strausstown	Do
Virginia: Grayson	Town of Fries	Do
Illinois: Cook & Will	Village of Steger	Feb. 18, 1983
Michigan:		
Calhoun	Township of Clarence	Do
New York:		
Chemung	Town of Veteran	Do
Pennsylvania:		
Lawrence	Township of Mahoning	Do
Virginia: Uninc. Area	Carroll County	Do
Illinois: St. Clair	Village of St. Libory	Feb. 25, 1983
New Jersey:		
Sussex	Township of Hardyston	Do
Do	Township of Stillwater	Do
Pennsylvania:		
Chester	Borough of Elverson	Do
Mercer	Township of Pine	Do
Washington	Township of Robinson	Do
Fulton	Township of Union	Do
Northampton	Township of Upper Nazareth	Do
Chester	Township of Upper Oxford	Do
Virginia: Uninc. Area	Lunenburg County	Do
Charlotte	Town of Phenix	Do

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: January 17, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

(FR Doc. 83-2406 Filed 1-27-83; 8:45 am)

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Mesa, Arizona; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesa, Arizona. It has been determined by the Acting Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesa, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. 040048 Panel 0020B, published on May 15, 1980, in 45 FR 66116, indicates that the existing structure located on Lots 67, 68, 93 through 99, 106, and 107 of Hohokam Trails, Unit Two, being a 24.431-acre tract of land located in the Southwest Quarter of Section 11, Township 1 North, Range 5 East, Gila and Salt River Base and Meridian, Mesa, Arizona, and being a portion of the Deed Recorded as Instrument No. 417006 in Docket 15721, pages 1155 and 1156, in the Office of the Recorder, Maricopa County, Arizona, is located within the Special Flood Hazard Area.

Map No. 040048 Panel 0020B is hereby corrected to reflect that the existing structures located on the above-mentioned lot are not within the Special Flood Hazard Area identified on May 15, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Acting 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 70

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; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 5, 1983.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

(FR Doc. 83-2355 Filed 1-27-83; 8:45 am)

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Mesa, Arizona; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesa, Arizona. It has been determined by the Acting Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesa, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within

the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT:

Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. 040048, Panel 0020B, published on May 15, 1980, in 45 FR 66116, indicates that the existing structure located on Lots 69, 70, and 86 of Hohokam Trails, Unit Two, being a 24.431-acre tract of land located in the Southwest Quarter of Section 11, Township 1 North, range 5 East, Gila and Salt River Base and Meridian, Mesa, Arizona, and being a portion of the Deed recorded as Instrument No. 417006 in Docket 15721, pages 1155 and 1156, in the Office of the Recorder, Maricopa County, Arizona, is located within the Special Flood Hazard Area.

Map No. 040048, Panel 0020B is hereby corrected to reflect that the existing structures located on the above-mentioned lot are not within the Special Flood Hazard Area identified on May 15, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Acting 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 70

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; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 5, 1983.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-2386 Filed 1-27-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6018]

Letter of Map Amendment for Village of Oak Brook, Illinois; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map amendment.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Oak Brook, Illinois. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Oak Brook, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT:

Mr. John T. Anderson, Regional Director, Federal Emergency Management Agency, 300 South Wacker Drive, 24th Floor, Chicago, Illinois 60606, (312) 353-1500.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or

acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b): Map Number 170214, Panel 0002B published on March 28, 1981, in 46 FR 18712 indicates that Lot Number 30, Merry Lane Subdivision, according to the plat thereof, recorded December 15, 1964, in Book York-1, Page 60, in the Office of the Recorder of DuPage County, Illinois, is located within the Special Flood Hazard Area.

Map Number 170214, Panel 0002B is hereby corrected to reflect that the residential structure located on the above-mentioned property is not located within the Special Flood Hazard Area identified on February 18, 1981. The structure is located in Zone C.

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 70

Flood insurance, Floodplains.

(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; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 13, 1983.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-2354 Filed 1-27-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Coon Rapids, Minnesota; Under National Flood Insurance Program; Correction**AGENCY:** Federal Emergency Management Agency.**ACTION:** Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Coon Rapids, Minnesota. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Coon Rapids, Minnesota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), P.O. Box 34294, Bethesda, Maryland 20034, Phone (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number 270011A, Panel H&I-01 published on October 6, 1980 in 45 FR 660082 indicates that Lot 19 in Block 2 of the property known as The Timbers 2nd Addition, City of Coon Rapids,

Minnesota, as recorded in Deed Book 32, Page 43 of the Office of County Recorder for Anoka County, Minnesota, is located within the Special Flood Hazard Area.

Map Number 270011A, Panel H&I-01 is hereby corrected to reflect that Lot 19 in Block 2 is not within the Special Flood Hazard Area identified on March 15, 1977. Lot 19 in Block 2 is located in Zone C.

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 70

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; Executive Order 12127, 44 FR 19387; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 14, 1983.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-2353 Filed 1-27-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6349]

Letter of Map Amendment for the City of Junction City, Oregon; Under National Flood Insurance Program; Correction**AGENCY:** Federal Emergency Management Agency.**ACTION:** Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Junction City, Oregon. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Junction City, Oregon,

that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 28, 1983.**FOR FURTHER INFORMATION CONTACT:**

Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410124 Panel 0001B, published on July 13, 1982, in 47 FR 30251, indicates that Lot 15, Block 1, Third Addition to Brentwood Homes, Junction City, Oregon, recorded as Instrument Number 7930998, in the Office of the Recorder, Lane County, Oregon, is located within the Special Flood Hazard Area.

Map No. H & I 410124 Panel 0001B is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special Flood Hazard Area identified on June 15, 1982. This structure is in Zone C.

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 70

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; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 3, 1983.

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 83-2357 Filed 1-27-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 30121-14]

Atlantic Bluefin Tuna

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; technical change and notice of regulatory area extension.

SUMMARY: NOAA issues notice to the public that the Federal regulatory area for Atlantic bluefin tuna has been extended to include waters within the boundaries of the State of Rhode Island, and within the adjacent territorial sea of the United States. This extension is necessary to make measures carrying out U.S. international obligations under the International Convention for the Conservation of Atlantic Tunas applicable within waters where Atlantic bluefin tuna may be found. The effect of the technical amendment published today is to make Federal regulations governing Atlantic tuna apply within the waters of Rhode Island, in addition to those of other States already covered by

previous extensions of the Federal regulatory area.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT:

David Allan Fitch, 202-634-4224; or William C. Jerome, Jr., 617-281-3600, ext. 325.

SUPPLEMENTARY INFORMATION: To carry out recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), NOAA publishes regulations governing fishing for Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction.

Section 9(d) of the Atlantic Tunas Convention Act (the Act) provides that the Secretary of Commerce (Secretary) may apply these Federal regulations to waters within the boundaries of a State if, within a reasonable period after their adoption, a State has not adopted equally restrictive regulations to implement the ICCAT recommendation. In 1977 the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), to whom the Secretary's authority has been delegated, determined that such application was appropriate for several States, and published notice that the Federal regulatory area was extended to include waters within the boundaries of Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, New Hampshire, Puerto Rico, and the Virgin Islands. These extensions of the regulatory area were recorded in the regulations at 50 CFR 285.1(d). Similar determinations were made for the States of Texas, Louisiana, and Alabama and published in the Federal Register on November 10, 1982 (47 FR 50886).

After consultation, the State of Rhode Island has indicated that it has no fishery regulations for bluefin tuna, and that Rhode Island has no objection to extension of the Federal regulatory area for Atlantic bluefin tuna to include waters within its boundaries and the adjacent territorial sea of the United States. Therefore, the Federal regulations contained at 50 CFR Part 285 governing fishing for Atlantic bluefin tuna are amended to apply within the

boundaries of Rhode Island and within the adjacent territorial sea of the United States.

This action is taken under authority of 16 U.S.C. 971g and 50 CFR 285.7 and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 285

Administrative practice and procedure, Fish, Fisheries, Fishing, Imports, International organizations, Penalties, Reporting requirements.

Dated: January 24, 1983.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

50 CFR Part 285 is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for Part 285 reads as follows:

Authority: 16 U.S.C. 971-971h.

2. Section 285.1(d) is revised by adding "Rhode Island" to the text to read as follows:

§ 285.1 Purpose and scope.

* * * * *

(d) Under Section 9(d) of the Act and § 285.7, determinations made by the Assistant Administrator that the provisions of this part apply within the territorial sea of the United States adjacent to, and within the boundaries of the States of Texas, Louisiana, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Massachusetts, New Hampshire, and the Commonwealths of Puerto Rico and the Virgin Islands, and, with the exceptions of §§ 285.30(a), 285.30(d) (2) and (3), 285.31(a) and 285.32(c), within the territorial sea of the United States adjacent to, and within the boundaries of the State of Maine, continue in effect.

[FR Doc. 83-2497 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 20

Friday, January 28, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1046

[Docket No. AO-123-A50]

Milk in the Louisville-Lexington-Evansville Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held at the request of Dairymen, Inc. (DI), a cooperative that represents a large portion of the dairy farmers that supply milk for the market. DI proposes replacing the order's seasonal production incentive program known as the "Louisville plan" with a seasonal base-excess plan. Under the Louisville plan, money is withheld from payments to producers in the spring when supplies are heavy and is distributed to producers through their pay prices in the fall when supplies are short. The purpose of the plan is to encourage a more level production pattern throughout the year to match the relatively level demand.

Under the proposal, each producer would establish a production "base" during the fall months. The following spring, producers would be paid a relatively low price for any milk marketed in excess of that base. DI claims that a base-excess plan would achieve a better leveling of seasonal production than can be obtained under the current program.

DATE: The hearing will convene February 15, 1983.

ADDRESS: The hearing will be held at the Executive West Motor Hotel, Freedom Way at the Fairgrounds, Louisville, Kentucky 40209, 502/367-2251, beginning at 9:30 a.m., local time.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4829.

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 Executive West Motor Hotel, Freedom Way at the Fairgrounds, Louisville, Kentucky, beginning at 9:30 a.m., local time, on February 15, 1983, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville 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.

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

PART 1046—MILK IN THE LOUISVILLE—LEXINGTON—EVANSVILLE MARKETING AREA

Proposed by Dairymen, Inc.

Proposal No. 1

1. Add a heading and four new sections to read as follows:

Base-Excess Plan

§ 1046.90 Base Milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month.

§ 1046.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1046.92 Computation of base for each producer.

(a) Subject to § 1046.93, the base for each producer shall be an amount obtained by dividing the total pounds of his producer milk during the immediately preceding months of September through December by the number of days' production represented by such producer milk or by 100, whichever is more.

(b) The base for a producer whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period (September-December) shall be calculated as if the plant were a pool plant for the entire base-forming period. A base thus assigned shall not be transferable.

§ 1046.93 Base rules.

(a) Except as provided in § 1046.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Such application shall be on a form approved by the market administrator and signed

by the baseholder or his heirs and the person to whom the base is to be transferred. If a base is held jointly, the application shall be signed by all joint holders or their heirs.

(b) A producer who transferred base on or after February 1 may not receive by transfer additional base that would be applicable during March through June of the same year. A producer who received base by transfer on or after February 1 may not transfer a portion of his base to be applicable during March through June of the same year, but may transfer his entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) The base assigned a person who was a producer during any of the immediately preceding months of September through December may be increased to 90 percent of his average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (d)(1), (2), or (3) of this section occurred, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through December base-forming period the amount of milk produced on his farm was substantially reduced because of conditions beyond his control, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk on his farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in his milking herd as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents him from supplying milk from his farm to a plant.

§ 1046.94 Announcement of established bases.

On or before February 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through December and shall notify each producer and the handler receiving milk from him, of the base established by the producer. If requested by a cooperative association, the market administrator shall notify the cooperative association of each producer-member's base.

2. Add a new paragraph (d) to § 1046.32 to read as follows:

§ 1046.32 Other reports.

(d) Each handler shall report to the market administrator on or before the 8th day after the end of each month of March through June the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of March through June the pounds of base milk received from each producer during the month.

3. Revise § 1046.61 to read as follows:

§ 1046.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of July through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1046.60 for all handlers who filed the reports prescribed in § 1046.30 for the month and who made the payments pursuant to § 1046.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund;

(3) Add an amount equal to the total value of the minus location adjustments and subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1046.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1046.60(f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of July through February.

(b) For each month of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such

handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price, and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a) (1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price base milk.

§ 1046.62 [Amended]

4. In § 1046.62, paragraph (b) is amended by replacing the words "uniform price" with the words "uniform price(s)."

§ 1046.71 [Amended]

5. In § 1046.71, paragraph (a)(2)(i) is amended by replacing the words "uniform price" with the words "uniform price(s)."

§ 1046.73 [Amended]

6. Amend § 1046.73 by replacing the words "uniform price" each time they appear with the words "uniform price(s)."

7. Add two new paragraphs (d)(7) and (e)(3) to § 1046.73 to read as follows:

§ 1046.73 Payment to producers and to cooperative associations.

(d) * * *

(7) For the months of March through June the total pounds of base milk received from each producer.

(e) * * *

(3) On or before the 7th day of the month following each of the months of March through June the total pounds of base milk received from each producer.

§ 1046.75 [Amended]

8. In § 1046.75, paragraph (a) is amended by replacing the words "uniform price for producer milk" with the words "uniform price and the uniform price for base milk."

*Proposed by the Dairy Division,
Agricultural Marketing Service*

Proposal No. 2

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 18030, Louisville, Kentucky 40218, 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,
Louisville-Lexington-Evansville Marketing Area

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

List of Subjects in 7 CFR Part 1046

Milk marketing orders Milk, Dairy products.

Signed at Washington, D.C. on January 25, 1983.

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

[FR Doc. 83-2495 Filed 1-27-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1098

Milk in the Nashville, Tennessee, Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions affecting the regulatory status of milk plants under the Nashville, Tennessee, Federal milk order. The action, which would apply during February through August 1983, was requested by the operator of a distributing plant that is regulated under the order. The proposal would suspend the requirement that a distributing plant must have Class I disposition of at least 50 percent of its total receipts to qualify as a pool plant.

DATE: Comments are due by February 4, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the required suspension procedures and the inclusion of February 1983 in the suspension period if this is found necessary. The initial request for the action was received on January 10, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Nashville, Tennessee, marketing area is being considered for February through August 1983.

In § 1098.7(a) the words "not less than 50 percent of the" and the words "that are physically received at such plant or diverted as producer milk to a pool or nonpool plant pursuant to § 1098.13."

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the *Federal Register*. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include February 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for February through August 1983 the provision that a distributing plant must dispose of at least 50 percent of its milk receipts in Class I to qualify as a pool plant. The suspension action was requested by Kraft, Inc., which operates a pool distributing plant regulated under the order. Kraft stated that its milk production has increased steadily during the past few years, while its Class I use has remained about the same. Because of this, the handler indicated that during 1982 it was frequently necessary not to pool all of the milk of individual producers or to shift some producers to another market in order to maintain pool plant status for its Nashville distributing plant. In addition to the continuing imbalance between supply and demand, Kraft expects that beginning in February 1983

about one-half to one million pounds of Class I sales per month that the handler bottles for a distributing plant in Memphis will be lost.

Kraft contended that unless the suspension is granted it is likely that its Nashville plant will not be able to qualify as a pool plant during the months of February through August 1983. The handler stated that pool status for the plant could be maintained only at great expense to the handler by shifting some producers to another market or by withholding from the pool substantial quantities of milk produced by individual dairy farmers. Kraft indicated that either of these methods would be disruptive to producers who have been regularly associated with the Nashville fluid market. According to Kraft, the requested suspension would avoid development of such uneconomic and disorderly marketing conditions.

List of Subjects in 7 CFR Part 1098

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: January 24, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-2493 Filed 1-27-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1124

[Docket No. AO-368-A12]

Milk in the Oregon-Washington Marketing Area; Notice of 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 Oregon-Washington milk order. One proposal would increase the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. Another proposal would change the method used to calculate the daily base of a producer under the base-excess plan of the order.

DATE: The hearing will convene February 15, 1983.

ADDRESS: The hearing will be held at the Nendels Motor Inn, 9900 Southwest Canyon Road, Portland, Oregon 97225.

FOR FURTHER INFORMATION CONTACT: Martin Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing

Service, U.S. Department of Agriculture, Washington, D.C. 202-447-7311.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 566 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 Nendels Motor Inn, 9900 Southwest Canyon Road, Portland, Oregon 97225, beginning at 9:30 a.m. local time, on February 15, 1983, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oregon-Washington 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.

PART 1124—[AMENDED]

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

Proposed by Northwest Dairymen's Association

Proposal No. 1

Revise § 1124.11 (a) and (b) to read as follows:

§ 1124.11 Producer.

(a) A cooperative association may divert for its account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October and November is received at a pool plant, except that in the case of any producer whose milk has not been received at a pool plant for at least one day during each of the preceding months of September-November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September-November period. The aggregate quantity diverted may not exceed 60 percent of the producer milk which the association or its agent causes to be delivered to pool plants, or diverted therefrom. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any over-diverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a pool plant may divert for his account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October and November is received at his pool plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that in the case of any producer whose milk has not been received at a pool plant for at least one day during each of the preceding months of September-November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September-

November period. The aggregate quantity diverted may not exceed 60 percent of the producer milk received at or diverted from such handler's pool plant(s) and for which the operator of such plant(s) is the handler during the month;

Proposal No. 2

Revise § 1124.19(b) to read as follows:

§ 1124.19 Base, base milk, and excess milk.

(b) "Base milk" means milk delivered by a producer during the month which is not in excess of:

(1) His daily base computed pursuant to § 1124.65(a) multiplied by the number of days in the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of the amount computed by multiplying his daily base times the number of days in the month less the number of days for which no producer milk is delivered; or

(2) His monthly base computed pursuant to § 1124.65(b).

Proposal No. 3

§ 1124.65 [Amended]

Revise § 1124.65(a) to read as follows:

(a) The daily base of each producer whose milk was received at a pool plant(s) or diverted as producer milk from a pool plant during the four months in each January-December period in which the average daily receipts of total producer milk are lowest shall be an amount computed by dividing such producer's total pounds of milk delivered in such base-earning period by the number of days in such period: *Provided*, that a producer who delivers producer milk for only part of such period, but not less than 90 days, shall have a daily base computed by dividing such producer's total deliveries of producer milk by the number of days in the four-month period less the number of days for which no producer milk is delivered. The base so computed shall be recomputed each year, shall become effective on the first day of February next following, and shall remain in effect through January of the next succeeding year:

(1) Any dairy farmer for whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of the plant to which his milk was delivered

during the base-earning period subsequently being qualified as a pool plant, a daily base shall be computed pursuant to this paragraph; and

(2) A dairy farmer who qualified as a producer-handler pursuant to § 1124.12 for not less than 90 days during the period specified in paragraph (a) of this section shall upon becoming a producer have a base computed as if he had been a producer during such period.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 4

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, James A. Burger, P.O. Box 23606, Portland, Oregon 97223, 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,
Oregon-Washington Marketing Area.

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

List of Subjects in 7 CFR Part 1124

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on January 25, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 2494 Filed 1-27-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 83-5]

Rules, Policies and Procedures for Corporate Activities

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: As a part of the ongoing Corporate Activities Review and Evaluation (CARE) Program, the Office of the Comptroller of the Currency (Office) is proposing to amend its policy statements and procedures concerning publication requirements for Notice of filing of an application (12 CFR 5.8) and to make technical changes concerning the written comment period (12 CFR 5.10), customer-bank communication terminal (CBCT) branches (12 CFR 5.31), Change in location of head office, domestic branch or CBCT branch (12 CFR 5.40), and Relocation of a Federal branch or Federal agency of a foreign bank (12 CFR 5.41). The Office proposes to reduce the publication requirement from two notices to one and to eliminate the requirement that an applicant furnish an affidavit evidencing publication. These proposals will shorten the time required for a bank to receive a decision on an application, facilitate more efficient corporate activities planning by national banks and enable them to compete more effectively.

DATE: Written comments must be submitted on or before February 28 1983.

ADDRESS: Comments should be sent to: [Docket No. 83-5], Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219. Attention: C. Christine Jones. Comments will be available for inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Manager, Policy and Procedures, or Joseph W. Malott, Policy Analyst, Bank Organization and Structure, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219. Telephone: (202) 447-1184. Information also may be obtained from the Regional Director or Corporate Activities in any OCC regional office.

SUPPLEMENTARY INFORMATION: The primary drafter of this document is Joseph W. Malott, Policy Analyst, Bank Organization and Structure.

Background

The Office's CARE Program, described in 45 FR 68586, dated October 15, 1980, involves a comprehensive review of the Office's rules, policies, procedures and forms governing filings for corporate expansion and structural changes for national banks. The goals of the CARE Program are to minimize costs and burdens on applicants, the agency and the public, to provide a better understanding of policies; to modify or eliminate rules, policies, procedures and forms which are unnecessary or lead to inefficiencies; and to remove barriers to competition.

Proposal

Publication requirements of 12 CFR 5.8 currently require applicants to publish a notice of filing of an application on the same day for two consecutive weeks with the first publication to occur 15 days after an application has been accepted for filing. The regulation also requires applicants to furnish the Regional Administrator with an affidavit evidencing publication(s). The Office views multiple publication as time-consuming, expensive, and unnecessary but considers some publication necessary to inform interested parties and to allow an opportunity to comment. Therefore, it is proposed that applicants be required to publish a notice of filing of an application once rather than twice, except when more extensive notice is required by statute.

In order to eliminate delays in application processing time, the Office also proposes to require that the application be mailed or hand-delivered to the appropriate Regional Administrator on the date notice is published. Once a notice is published, the application is considered accepted by the Office and the 21-day written comment period begins simultaneously. Consequently, this proposed change will require applicants to complete an application before notice is published.

The Office believes that only under rare circumstances would an application not be submitted on the date notice is published. Further, the Office realizes that transmittal delays may occur, therefore a commenter might request to review an application before it is received by the Office. The Office believes that the 21-day comment period allows for ample time to review an application even if delays occur. However, if situations arise where the Office believes that a commenter was not allowed sufficient time for review, i.e., the application was not received by the appropriate regional or Washington office within five days of publication,

the Office may extend the comment period. The Office requests that respondents specifically comment whether this proposed procedural change allows sufficient time for comment.

In order to further simplify the procedure, the Office proposes to delete the requirement that the contents of the notice contain "the date upon which the application was accepted for filing", since that date will be the same as the date on which the notice is published. The Office also proposes to eliminate the requirement that an applicant provide an affidavit evidencing publication to the Regional Administrator. The affidavit will be replaced by a requirement that a statement, containing the date published and the name and address of the newspaper in which the notice was published, be furnished on the last page of the application.

Technical amendments are proposed for § 5.10 to accommodate changes made in publication requirements, and in order to consolidate the comment period with the statutory publication period for mergers into one 30-day period.

The Office is also revising § 5.40, Change in location to head office, domestic branch or CBCT branch, to accommodate the recent changes in 12 U.S.C. 30, enacted under section 405 of Pub. L. 97-320, and to eliminate the additional publication requirements associated with relocating an office. Paragraph 5.40(a), Authority, is modified to exempt from Office approval, the relocation of a bank's main office to any authorized branch location within the limits of the same city, town or village. The bank is only required to submit a notice to this Office identifying the relocation and therefore is not subject to any publication requirements. No application or filing fee is required to relocate a main office under such circumstances as long as the vacated premises are not retained as a branch. Section 5.40(e), Rules of General Applicability, is eliminated. That paragraph requires a relocating office to publish twice in a newspaper of general circulation in the community in which the office is currently located and to place a notice in the lobby of the relocating office for 28 days. This publication requirement is in addition to the publication required for the proposed location. The Office finds that this additional requirement is unnecessary since the publication for the proposed site generally covers the area of the relocating office.

Section 5.41(d), Rules of General Applicability, contains the same additional publication requirement for the relocation of a Federal branch or Federal agency of a foreign bank as currently required to relocate a head office or domestic branch. Since a Federal branch or agency is legally subject to the same restrictions as a domestic branch of a national bank, the paragraph is unnecessary. However, a Federal branch or agency is still required to publish at the proposed location.

The Office is also revising the CBCT publication requirements in § 5.31(g)(2), Application filing requirements. The phrase, "once, in a newspaper of general circulation in the community in which the applicant's head office is located, and" is eliminated. The requirement to furnish the Regional Administrator with a copy of the newspaper notice is replaced by a requirement that the Regional Administrator be furnished a statement containing the date of publication and the name and address of each newspaper in which the notice was published. Publication in more than one newspaper is required for an application to establish CBCT branches in more than one community. Consequently, publication requirements for the establishment of CBCT branches will be similar to the publication requirements now applicable for the establishment of domestic branches and seasonal agencies.

Regulatory Flexibility Act Analysis

Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. 601 *et seq.*), the Secretary of the Treasury has certified that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendments would ease the application of the existing regulations. The effect of the amendments is expected to be beneficial rather than adverse, and small entities are generally expected to share the benefits of the amendments equally with larger institutions.

Regulatory Impact Analysis

The Office has determined that the proposed amendments do not constitute a major rule within the meaning of Executive Order 12291. The amendments would ease burdens imposed by regulations and would have no adverse effect on the operations of the depository institutions subject to them. As such, the amendments would not have an annual effect on the economy of \$100 million or more, would not affect

costs or prices for consumers, individual industries, government agencies or geographic regions, and would not have an adverse effect on competition, employment investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 12 CFR Part 5

National banks, Administrative procedure and practice.

Authority and Issuance

PART 5—[AMENDED]

Accordingly, the Comptroller of the Currency proposes to amend 12 CFR Part 5 as follows:

1. The authority citation for PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES—reads as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. In § 5.8, paragraph (a) is revised to read as follows:

§ 5.8 Notice of filing of an application.

(a) *By the applicants.* Except in the case of proposed transactions where more extensive notice is required by statute, the applicant shall publish a notice in a newspaper of general circulation in the community in which the applicant proposes to engage in business. The notice shall state that an application is being filed as of the date of notice, and the notice shall contain the name of the applicant(s) and the subject matter of the application. The application shall be mailed or delivered to the Regional Administrator on the same day the notice is published. A statement containing the date of publication and the name and address of the newspaper in which the notice was published, shall be furnished with the application.

3. In § 5.10, paragraphs (a) and (b) are revised to read as follows:

§ 5.10 Written comments and requests for a hearing.

(a) *Written comments.* within 21 days after notice by publication required by 5.8(a), or within 30 days after the first notice by publication required by 12 U.S.C. 1828(c), any person may submit to the Regional Administrator written comments and data on an application. The Regional Administrator may extend the 21 or 30-day comment period if, in the Regional Administrator's judgment, the applicant has failed to file all required supporting data in time to permit review by interested persons or if other extenuating circumstances exist.

(b) *Requests for a hearing.* (1) Within 21 days after notice by publication required by 5.8(a), or within 30 days after the first notice by publication required by 12 U.S.C. 1828(c), or within the extended comment period described in paragraph (a), any person may submit to the Regional Administrator a written request for a hearing on an application.

4. In § 5.31, paragraph (g)(2) is revised to read as follows:

§ 5.31 Establishment of CBCT branches.

(g) * * *

(2) Within 5 days after filing an application, the applicant shall publish once in a newspaper of general circulation in each community in which the applicant proposes to establish a CBCT branch, a notice containing the name of applicant, the subject matter of the application, the date on which the application was filed, and a statement that written comments on the application must be submitted by interested persons within 10 days after the newspaper publication date to the appropriate Regional Administrator. Immediately thereafter, the applicant shall furnish the Regional Administrator with a statement containing the date of publication and the name and address of each newspaper in which the notice was published.

5. Section 5.40 is amended by removing paragraph (e); and redesignating paragraphs (f) through (j) as paragraphs (e) through (i); and revising paragraph (a) to read as follows:

§ 5.40 Change in location of head office, domestic branch or CBCT branch.

(a) *Authority.* A national bank may change the location of its head office in accordance with 12 U.S.C. 30 or change the location of a branch office in accordance with 12 U.S.C. 36(e), and 12 U.S.C. 2901 *et seq.*, subject to the additional requirements below. All changes in location are subject to approval by this Office except where specifically exempted by statute.

§ 5.41 [Amended]

6. Section 5.41 is amended by removing paragraph (d) and redesignating paragraphs (e) through (h) as paragraphs (d) through (g).

Dated: January 10, 1983.

C. T. Conover,
Comptroller of the Currency.

[FR Doc. 83-2414 Filed 1-27-83; 8:45 am]
BILLING CODE 4810-33-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[EDR-454; Docket: 41219]

Carrier Credit Terms and Related Practices for the Sale of Passenger and Cargo Air Transportation; Proposed Removal of Tariff Filing Requirements

Dated: January 12, 1983

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to remove tariff filing requirements for carrier credit terms and related practices for the sale of passenger and cargo air transportation. These provisions now appear to be unnecessary, because the Board does not prescribe the terms of credit plans or review them for sufficiency.

DATES: Comments by: February 28, 1983. Reply comments by: March 15, 1983.

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

Requests to be put on the Service List: February 7, 1983.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41219, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Myers or Joanne Yancey Hitchcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5205 and 202-673-5442, respectively.

SUPPLEMENTARY INFORMATION: 14 CFR 221.38(i) currently requires foreign and domestic air carriers to set forth in their tariffs their principal charges, rules, regulations and practices relating to the extension of credit for the purchase of passenger air transportation, as well as

their principal billing rules and practices, including late payment charges, for the purchase of cargo air transportation. These express requirements were imposed in the 1960's as a reflection of the Board's growing concern that all factors potentially affecting the economics of airline pricing and the treatment of different classes of customers be subject to direct regulatory scrutiny through the tariff mechanism.

The Board imposed the requirement with regard to cargo transportation in ER-353 (27 FR 4509, June 11, 1962) and with regard to passenger credit plans in ER-451 (31 FR 2424, February 2, 1966). Relying in each case upon an earlier ruling in *Universal Air Travel Plan*, 12 CAB 601 (1951), that the extension of credit by carriers for the sale of air transportation is a practice "in connection with" air transportation under section 403(a) of the Act, and hence subject to filing in tariffs at the Board's discretion, the Board assumed that an explicit filing requirement would enhance both the public notice and the substantive regulatory functions of tariffs. In the case of passengers, various credit plans had been filed for years, both voluntarily and in response to the Board's ruling in *Universal Air Travel Plan*, *supra*, but the filings were clearly not comprehensive. The tariffs presumed that full payment would be made in advance of travel unless credit arrangements, typically in the form of an installment payment plan, an on-line (carrier) credit card, or a general purpose (third-party) credit card, were made. In the case of cargo, the Board found that the billing and payment practices of carriers, particularly the conditions for imposing "late payment" charges, determined the extent to which they grant (or deny) credit to shippers, and it therefore required a full disclosure of the principal practices in tariffs. Substantively, the Board wanted to insure that the extension of credit not be used to drive up carrier costs or to discriminate unreasonably among customers.

Aside from certain ancillary provisions of the *Universal Air Travel Plan* (UATP), however, the Board has not revised any filed credit terms, and, despite two early attempts, has not been able to develop standards for the assessment of the reasonableness of either consumer credit (interest) levels or remittance terms to the carriers. Nor has it been successful in developing a full evidentiary record on such issues. The extension of credit is fundamentally a separate business, one to a great extent involving the costs of independent credit companies. Similarly,

the Board has twice found no grounds for believing that the carriers' credit terms unreasonably discriminate against cash-paying customers. Of equal or even greater importance, moreover, is the fact that the original reasons for the imposition of a filing requirement for credit plans and practices have diminished greatly in importance as the carriers have acquired pricing flexibility under the Airline Deregulation Act and the International Air Transportation Competition Act. The Board therefore does not review credit tariffs for economic sufficiency.

Only two investigations have examined the lawfulness of credit plans filed in tariffs: *Passenger Credit Plans Investigations*, Order E-14548, October 14, 1959, and *Time Payment Plan Tariff Revisions*, Docket 21169, Order 69-7-36, July 7, 1969, and Order 74-8-7, August 2, 1974. In the absence of an adequate record on the costs of credit, the Board did not find the plans unlawful. In addition, the Board dismissed a petition for rulemaking by Consumers Union to require carriers to "unbundle" the costs of credit from regular fares, finding that the probable difference in cost to the carriers between credit and cash was so slight on a per passenger basis that no unreasonable discrimination or other basis for imposing a fare differential could be found. Order 76-11-43, November 9, 1976.

The Board has also considered carrier agreements on the extension of credit under section 412 of the Federal Aviation Act. See *Universal Air Travel Plan*, 12 C.A.B. 601 (1951); *Universal Air Travel Plan, Silver Card*, Order 75-8-35, August 8, 1975; and *UATP 1976 Agreements*, Order 80-6-66, June 12, 1980. Neither the investigations noted above nor the examination of carrier agreements under section 412 of the Act included specific findings on the cost of credit underlying the finance charges contained in carriers' credit plans.

Under section 1601(a)(2) of the Act, section 403 as it applies to domestic passenger transportation ceased to be in effect on January 1, 1983. The Board retains the authority to regulate foreign air transportation, and carriers engaged in foreign air transportation are still required to fulfill the requirements of 14 CFR 221.38(i) and file credit plans. To eliminate any confusion that could result from a system that might subject domestic transportation and foreign transportation to differing terms of credit, the Board proposes to eliminate the requirement that credit plans be filed in tariffs for foreign as well as domestic transportation. The Board exercises no economic oversight over

credit plans or practices now, and it is unlikely that the Board's role in this area will expand in the future.

The proposed rule would prohibit carriers from filing such tariffs for "information" or other purposes. In addition to the paperwork burden on the Board's staff, it is unlikely that informational tariffs would be maintained in a current and orderly manner, or would be readily accessible for use by the public. Furthermore, such filings, unsupervised by the Board, might mislead the public if carriers attempted to incorporate them into their contracts of carriage.

The Board remains empowered to require the production of information on credit plans, if necessary, as part of its oversight and enforcement authority under section 407 of the Act. For example, the Board retains the responsibility for implementing Title I (the Truth in Lending Act as supplemented by the Fair Credit Billing Act), Title V (General Provisions), Title VI (Fair Credit Reporting Act), and Title VII (Equal Credit Opportunity Act) of the Consumer Credit Protection Act, 15 U.S.C. 1601-1607, 1681-1681t, 1691-1691f and Regulations B and Z of the Board of Governors of the Federal Reserve System, 12 CFR Parts 202 and 226, and insuring the compliance of all air carriers with these provisions. 14 CFR Part 374. Air carriers that violate these provisions are subject to enforcement proceedings under Part 302 of the Board's Rules of Practice, 14 CFR Part 302, and may be assessed civil penalties.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a substantial number of small entities. This rule will eliminate a filing requirement.

List of Subjects in 14 CFR Part 221

Air rates and fares, Credit, Explosives, Freight, Handicapped.

PART 221—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 221, Tariffs, as follows:

1. In § 221.38, *Rules and regulations*, paragraph (i) would be revised to read:

§ 221.38 Rules and regulations.

(i) *Carriers' extension of credit—passenger tariffs, property tariffs.*
Air carriers and foreign air carriers should not file tariffs that set forth

charges, rules, regulations, or practices relating to the extension of credit for payment of charges applicable to the air transportation of persons or property.

§ 221.107a [Removed]

2. Section 221.107a would be removed.

(Secs. 102, 204, 401, 402, 404, 411, 418, 1001, 1002, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1374, 1381, 1386, 1481, 1482)

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-2511 Filed 1-27-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-160 (Texas—30)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Vicksburg Formation in southwestern Hidalgo County, Texas, be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on March 10, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 10, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of

the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On November 17, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Vicksburg Formation located in southwestern Hidalgo County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Vicksburg Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Vicksburg Formation located in southwestern Hidalgo County, Texas, Railroad Commission District 4, be designated as a tight formation. The recommended area is approximately 15 miles west of McAllen, Texas, and consists of the westerly portion of the Los Ejidos de Reynosa Vieja Survey, A-70. The area is bounded to the west and north by the boundary lines of the aforementioned survey. The eastern boundary is a line beginning at a point on the north line of the survey 1,200 feet east of the southwestern corner of the Yedifonso Ramirez Survey, A-584, and extending south for a distance equal and parallel to the length of the western survey boundary line. The southern boundary is a line extending from the south end of the eastern boundary westward to the Rio Grande River which forms the remainder of the southern boundary of the area. The recommended area which lies in the Rio Grande embayment includes portions of two established fields, the Penitas and the Tobasco Fields.

The Vicksburg Formation consists of a series of fine grain sands and shales that appear to have been deposited in a low energy deltaic flank or a deep water environment during early Oligocene time. The gas productive sand units have been designated as Vicksburg A, B, and C for purposes of this recommendation and the A sand is the equivalent of the sand in the Tobasco Field previously designated as the X sand.

In a typical well log for the area, the ABCO Energy Corporation No. 3 H. I. Martin well, the top of the Vicksburg Formation is encountered at 8,585 feet. Although the base of the C sand has not been penetrated, the sand is estimated to be between 800 feet and 700 feet thick. The estimated thickness of the entire Vicksburg Formation is approximately 2,600 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on June 4, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Vicksburg Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 10, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-160 (Texas—30) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to

whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 10, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d) (157) to read as follows:

§ 271.703 Tight formations.

.....

(d) *Designated Tight formations.*

(157) *Vicksburg Formation in Texas.* RM79-76-160 (Texas—30).

(i) *Delineation of formation.* The Vicksburg Formation is located in southwestern Hidalgo County, Texas, Railroad Commission District 4, approximately 15 miles west of the city of McAllen. The area comprises the westerly portion of the Los Ejidos de Renosa Viejo Survey A-70 and is bounded on the north and west by the boundary lines of that survey. The eastern boundary is a line equal in length and parallel to the western boundary line of the survey and extending south from a point on the north survey line which is 1,200 feet east of the southwestern corner of the Yldifonso Ramirez Survey A-584. The southern boundary is a line parallel to the northern boundary line of the survey and extending from the most southerly point of the eastern boundary westward

to the Rio Grande River which forms the remainder of the southern boundary.

(i) *Depth.* The top of the Vicksburg Formation is found at 8,585 feet on the log of the ABCO Energy Corporation No. 3 H. I. Martin well, which is the type log for the designated area. The estimated thickness of the Vicksburg Formation is approximately 2,600 feet.

[FR Doc. 83-2343 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-162 (Texas—31)]

High-Cost Gas Produced From Tight Formations: Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas production from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Upper Wilcox (Mackhank) (First Tom Lyne) Formation in Live Oak County, Texas, be designated as a tight formation under § 217.703(d).

DATE: Comments on the proposed rule are due on March 10, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on February 10, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

Issued January 24, 1983.

I. Background

On November 28, 1982, the Railroad Commission of Texas (Texas) submitted

to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 5603, August 22, 1980), that the Upper Wilcox (Mackhank) (First Tom Lyne) Formation in Live Oak County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Upper Wilcox (Mackhank) (First Tom Lyne) Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Upper Wilcox (Mackhank) (First Tom Lyne) Formation in the southwest portion of Live Oak County, Texas, Railroad Commission District 2, be designated as a tight formation. The recommended area is located approximately five miles east of the townsite of Clegg, Texas, and consists of the following surveys: A.B. & M. 167 A-47, and 173 A-50, B.S. & F. 301 A-741, 29 A-132, 251 A-113, 253 A-114, 255 A-115, 257 A-116, 259 A-117, 177 A-92, 261 A-118, 181 A-94, 263 A-19, 265 A-120, 175 A-81, and 179 A-93, F.L. Beall 178 A-823, R.H. Brown 526 A-34, and 525, A-732, R. F. Byler 530 A-999, T.J. Davis 32 A-567, A.A. Dinn 182 A-941, 82 A-940, and 90 A-939, James Dinn 296 A-942, J.A. Dowdy 298 A-944, and 266 A-919, C.R. Evans 36 A-969, and 176 A-945, G.H. & RR. 1 A-198, G.M. & D. 4 A-214, F.E. Goodwin 2 A-640, H. & G.N. RR. 45 A-249, and 47 A-248, D. Harris 7 A-235, J.A. Harrymans 174 A-922, Hooper & Wade 303 A-251, James Latham 3 A-275, R. McCampbell 262 A-929, 96 A-928, 94 A-927, and 50 A-926, Jno. McClane 48 A-765, L.A. McIntosh 31 A-542, J. Poitevent 95 A-378, 93 A-377, 49 A-350, 35 A-347, 31 A-363, 29 A-359, 95 A-1084, 91 A-376, and 89 A-375, Joe Russell 36 A-932, S.K. & K. 297 A-515, Pat Sheean 254 A-783, O.B. & E.E. Shipp 92 A-811, J.M. Torres 62 A-884, O Torres 60 A-882, Pedro Torres 61 A-883, 264 A-1023 and A-1083, and 50 A-1036 and A-926, W. Tullos 3 A-1037, G.I. Varmeter 168 A-848, and 46 A-847, Geo. W. West 408 A-794, and 260 A-818, Ike West 3 A-822, Issac West 258 A-819, and 186 A-820, Jacob White 174 A-955, O.P. Williams 6 A-487, W. Williams 67 A-908, and Jessie Wilson 2 A-995.

The average depth to the top of the Upper Wilcox (Mackhank) (First Tom Lyne) Formation is approximately 14,000 feet and the thickness is between 300 feet and 400 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average in situ gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Upper Wilcox (Mackhank) (First Tom Lyne) Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 10, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-162 (Texas-31) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than February 10, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(158) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* * * *
(158) *Upper Wilcox (Mackhank) (First Tom Lyne) Formation in Texas.* RM79-76-162 (Texas-31).

(i) *Delineation of formation.* The Upper Wilcox (Mackhank) (First Tom Lyne) Formation is located in the southwestern portion of Live Oak County, Texas, Railroad Commission District 2, approximately five miles east of the townsite of Clegg, Texas, and consists of the following surveys: A. B. & M. 167 A-47, and 173 A-50, B. S. & F. 301 A-741, 29 A-132, 251 A-113, 253 A-114, 255 A-115, 257 A-116, 259 A-117, 177 A-92, 261 A-118, 181 A-94, 263 A-19, 265 A-120, 175 A-81, and 179 A-93, F. L. Beall 178 A-823, R. H. Brown 526 A-734, and 525 A-732, R. F. Byler 530 A-999, T. J. Davis 32 A-587, A. A. Dinn 182 A-941, 82 A-940, and 90 A-939, James Dinn 296 A-942, J. A. Dowdy 298 A-944, and 266 A-919, C. R. Evans 36 A-969, and 176 A-945, G. H. & RR. 1 A-198, G. M. & D. 4 A-214, F. E. Goodwin 2 A-640, H. & G. N. RR. 45 A-249, and 47 A-248, D. Harris 7 A-235, J. A. Harrymans 174 A-922, Hooper & Wade 303 A-251, James Latham 3 A-275, R. McCampbell 262 A-929, 96 A-928, 94 A-927, and 50 A-926, Jno. McClane 48 A-765, L. A. McIntosh 31 A-542, J. Poitevent 95 A-378, 93 A-377, 49 A-350, 35 A-347, 31 A-363, 29 A-359, 95 A-1084, 91 A-376, and 89 A-375, Joe Russell 36 A-932, S. K. & K. 297 A-

515, Pat Sheeran 254 A-783, O. B. & E. E. Shipp 92 A-811, J. M. Torres 62 A-884, O. Torres 60 A-882, Pedro Torres 61 A-883, 264 A-1023 and A-1083, and 50 A-1036 and A-926, W. Tullos 3 A-1037, G. I. Vanmeter 188 A-848, and 46 A-847, Geo. W. West 408 A-794, and 260 A-818, Ike West 3 A-922, Isaac West 258 A-819, and 186 A-820, Jacob White 174 A-955, O. P. Williams 6 A-487, W. Williams 67 A-908, and Jessie Wilson 2 A-995.

(ii) *Depth.* The average depth to the top of the Upper Wilcox (Mackhank) (First Tom Lyne) Formation is approximately 14,000 feet and the thickness is between 300 feet and 400 feet.

[FR Doc. 83-2344 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 77N-0039]

Sodium Alginate; Proposed Amendment of Affirmed GRAS Status

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

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the generally recognized as safe (GRAS) affirmation regulation for sodium alginate to include an additional use of this ingredient. The agency has concluded on the basis of available data that no harm will result from the increase in human exposure to alginate salts that will result from this use. The agency inadvertently omitted this use from the July 9, 1982 (47 FR 29946) final rule.

DATE: Comments by March 29, 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: Leonard C. Gosule, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 27, 1978 (43 FR 3725), FDA published a proposal to affirm that several salts of alginic acid, including sodium alginate, are GRAS for use as direct human food ingredients.

Subsequently, in response to comments submitted by alginate

producers, food processors, trade associations, and one physician, FDA modified the proposal to reflect more accurately current safe conditions of use of these ingredients in food. The agency published a final rule incorporating these changes in the *Federal Register* of July 9, 1982 (47 FR 29946). However, after publication of the final rule, a food manufacturer informed FDA that the use of sodium alginate at a level of 4.0 percent in processed fruits, which had been reported in the comments, had not been addressed in the final rule. The food manufacturer also informed the agency that the use level of sodium alginate in these products is currently 2.0 percent rather than 4.0 percent, as reported in the original comment.

FDA has determined that this use of sodium alginate was reported in comments on the proposal, and that the agency did inadvertently omit this use from its discussion in the preamble to the final rule and from the regulation. The agency has concluded on the basis of the available data that no harm will result from the increase in human exposure to alginate salts that will result from this use, and that, therefore, this use is GRAS. Thus, FDA is proposing to amend 21 CFR 184.1724 to include the use of sodium alginate in processed fruits and fruit juices at a level of 2.0 percent.

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 substance 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 in 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 Part 184 be amended in the table in § 184.1724(c) by adding the item "Processed fruits and fruit juices" after the item "Condiments and relishes," to read as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

§ 184.1724 Sodium alginate.

Category of food	Maximum level of use in food (as served) (percent)	Functional use
Processed fruits and fruit juices, § 170.3(n)(35) of this chapter.	2.0	Formulation aid, § 170.3(o)(14) of this chapter; texturizer, § 170.3(o)(32) of this chapter.

Interested persons may, on or before March 29, 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: January 12, 1983.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-2331 Filed 1-27-83; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Part 357

Anthelmintic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph; Correction

AGENCY: Food and Drug Administration.
ACTION: Notice of proposed rulemaking; correction.

SUMMARY: The Food and Drug Administration is correcting a document on anthelmintic drug products (products that destroy pinworms) for over-the-counter (OTC) use.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFN-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-23024 at page 37062 in the issue for Tuesday, August 24, 1982, the following changes are made:

- On page 37064:
 - In the first column, under "Reference" change "OTC Volume 16BTFM" to "OTC Volume 17FTFM."
 - In the third column in the paragraph designated "7.", in the 7th line change "equivalent" to "equivalent."
- On page 37065 in the first column, under "Reference" change "OTC Volume 16BTFM" to "OTC Volume 17FTFM."

Dated: January 24, 1983.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 83-2331 Filed 1-27-83; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD Directive 1340.xx]

32 CFR Part 63

Former Spouse Payments From Retired Pay

AGENCY: Office of the Secretary, DOD.
ACTION: Proposed rule.

SUMMARY: This proposed rule implements section 1002 of the Uniformed Services Former Spouses' Protection Act, (Pub. L. 97-252). It authorizes direct payments to former spouses from the retired pay of members in response to court-ordered alimony, child support, or division of property. The rule establishes policy, defines terms, sets eligibility, prescribes application procedures, lists the Uniformed Service officials who will process applications, establishes court order and garnishment action review procedures, describes the limitations placed on payments to former spouses, provides instructions for the notification of members, and gives payment procedures.

DATE: Written comments must be received by March 15, 1983.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Management Systems), Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Mr. James T. Jasinski, (202) 697-0536.

SUPPLEMENTARY INFORMATION: Comments will be available for public inspection by request. See § 63.6(b)(5). Because of the large number of comments anticipated, we do not plan to acknowledge or respond to individual comments, but we will respond to the comments in the preamble of the final rule. Inquiries concerning a specific case of eligibility and questions concerning satisfaction of the application requirements should be addressed directly to the designated agent of the Uniformed Service concerned who is identified in this proposed rule.

To effect implementation beginning February 1, 1983, the Uniformed Services shall follow the proposed rule until a final rule is issued. Applications from former spouses will be accepted beginning February 1, 1983.

Executive Order 12291

The Department of Defense has determined that this rule is not a major rule for the purposes of E.O. 12291, because it is not likely to result in an annual effect on the economy of \$100 million or more, and therefore does not require a regulatory impact analysis.

Paperwork Reduction Act

This rule imposes information requirements that have been submitted to OMB for review and approval.

Regulatory Flexibility act of 1980

The Assistant Secretary of Defense (Comptroller) certifies that this rule, if promulgated, shall be exempt from the requirements under 5 U.S.C. 601-612. In addition, the rule does not have a significant economic effect on small entities as defined in the Regulatory Flexibility Act.

List of Subjects in 32 CFR Part 63

Uniformed Services, Payments to former spouses, Military retired pay. M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

January 24, 1983.

Accordingly, it is proposed to amend Chapter I, 32 CFR, by adding a new Part 63, reading as follows:

**PART 63—FORMER SPOUSE
PAYMENTS FROM RETIRED PAY**

Sec.
63.1 Purpose.

Sec.
63.2 Applicability and scope.
63.3 Definitions.
63.4 Policy.
63.5 Responsibilities.
63.6 Procedures.

Authority: 10 U.S.C. 1408.

§ 63.1 Purpose.

Under the authority of 10 U.S.C. 1408, this part establishes policy and authorizes direct payments to a former spouse of a member from retired pay in response to court ordered division of property, alimony, or child support.

§ 63.2 Applicability and scope.

(a) This guidance applies to the Office of the Secretary of Defense, the Military Departments, the Coast Guard under agreement with the Department of Transportation, the Public Health Service under agreement with the Department of Health and Human Services; and the National Oceanic and Atmospheric Administration under agreement with the Department of Commerce.

(b) The provisions of this part relate to members retired from the active and reserve components of the Uniformed Services who are subject to court orders awarding a division of retired pay as property, alimony, or child support.

§ 63.3 Definitions.

(a) *Alimony.* Periodic payments for the support and maintenance of a spouse or former spouse in accordance with state and local law. It includes, but is not limited to, separate maintenance, alimony pendente lite, and maintenance. Alimony does not include any payment for the division of property.

(b) *Annuity.* A person receiving a monthly payment under a survivor benefit plan related to retired pay.

(c) *Child Support.* Periodic payments for the support and maintenance of a child or children, subject to and in accordance with state or local law. It includes, but is not limited to, payments to provide for health care, education, recreation, clothing, or to meet other specific needs of such a child or children.

(d) *Court.* Any court of competent jurisdiction of any state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any court of the United States (as defined in 28 U.S.C. 451) having competent jurisdiction; or any court of competent jurisdiction of a foreign country with which the United States has an agreement requiring the United States to honor any court order of such country.

(e) *Court Order.* A final decree of divorce, dissolution, annulment, or legal separation issued by a court, or a court-ordered, ratified, or approved property settlement incident to such a decree. It includes a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or a court-ordered, ratified, or approved property settlement incident to such previously issued decree. The court order must provide for the payment of retired pay to a member's former spouse for payment of child support, alimony, or a division of property.

(f) *Creditable Service.* Service counted towards the establishment of any entitlement for retired pay. See paragraphs 10102 through 10108 of DoD 1340.12-M.

(g) *Designated Agent.* The representative of the Uniformed Service who will receive and process court orders under this Directive.

(h) *Division of Property.* Any transfer of property or its value by an individual to his or her former spouse in compliance with any community property settlement, equitable distribution of property, or other distribution of property between spouses or former spouses.

(i) *Entitlement.* The legal right of the member to receive retired pay.

(j) *Final Decree.* A decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for taking such appeals under the laws applicable to such appeals. Or, a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

(k) *Former Spouse.* The former husband or former wife, or the husband or wife, of a member.

(l) *Garnishment.* The legal procedure through which payment is made from an individual's pay, that is due or payable, to another party in order to satisfy a legal obligation to provide child support, to make alimony payments, or both under 42 U.S.C. 659 and 5 CFR Part 581 or to enforce a division of property under 10 U.S.C. 1408.

(m) *Member.* A person originally appointed or enlisted in, or conscripted into, a Uniformed Service who has retired and is now carried on one of the lists of retired personnel from the regular or reserve components of the Uniformed Services.

(n) *Renounced Pay.* Retired pay to which the member has an entitlement, but for which receipt of payment has been waived by the member.

(o) *Retired pay.* The gross entitlement due a member based on conditions of the retirement law, pay grade, years of service for basic pay, years of service for percentage multiplier, if applicable, and date of retirement (transfer to the Fleet Reserve or Fleet Marine Corps Reserve); also known as retainer pay. It does not include benefits paid to a member for disability under 10 U.S.C. Chapter 61.

(p) *Uniformed Services.* The Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

§ 63.4 Policy.

It is the policy of the Department of Defense to honor a former spouse's request for direct payment from a given member's retired pay in enforcement of a court order that provides for the division of retired pay as property, alimony, or child support, when the terms, conditions and requirements in this Part are satisfied.

§ 63.5 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller), shall establish policies and procedures, provide guidance, and supervise the implementation of this part.

(b) The Secretaries of the Military Departments and Heads of the Other Uniformed Services shall implement the provisions of this part for their members.

§ 63.6 Procedures.

(a) *Eligibility of Former Spouse.*—(1) A former spouse of a member is eligible to receive direct payment from the retired pay of that member only if such payment is expressly provided in a court order that satisfies the requirements and conditions specified in this Directive.

(2) For establishing eligibility for direct payment under a court order that provides for a division of retired pay as property, the former spouse must have been married to the member for ten years or more, during which the member performed ten years creditable service. If a court order specifies payment to the former spouse for only child support, alimony, there is no 10 year marriage requirement.

(b) *Application By Former Spouse.*—(1) The former spouse must serve on the appropriate designated agent of the member's Uniformed Service a signed statement that includes:

(i) Notice to initiate direct payment to the former spouse from a member's retired pay.

(ii) A certified copy of the court order and other certified accompanying documents, if applicable, that provide

for payment of child support, payment of alimony, or division of retired pay as property.

(iii) A statement that the court order has not been amended, superseded, or set aside.

(iv) Sufficient identifying information about the member to enable processing of the application. The identification should give the full name, social security number, and appropriate Uniformed Service.

(v) The full name, address, and social security number of the former spouse.

(2) If the court is for a division of the retired pay as property and it does not state that the former spouse satisfied the eligibility criteria found in paragraph (a)(2), of this section, then the former spouse must furnish sufficient evidence for the designated agent to verify that the requirement was met.

(3) The notification of the designated agent shall be accomplished by certified or registered mail, return receipt requested, or by personal service. Effective service is not accomplished until received in the office of the appropriate designated agent, who shall note the date and time of receipt on the notification document.

(4) The designated agent will respond to the applicant former spouse not later than 90 days after effective service. In the response, the designated agent shall inform the former spouse that: (i) The court order will or will not be honored; (ii) the date that payments will tentatively commence; (iii) the amount of payment and how the amount was computed; and (iv) other relevant information, if applicable.

(5) The designated agents for each of the Uniformed Services who are authorized to receive and to process court orders under this Part are:

(i) Army: Commander, Army Finance and Accounting Center, ATTN: FINCL-G, Indianapolis, IN 46249, (317) 542-2155.

(ii) Navy: Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (216) 522-5301.

(iii) Air Force: Commander, Air Force Accounting and Finance Center, ATTN: JA, Denver, CO 80279, (303) 370-7524.

(iv) Marine Corps: Commanding Officer, Marine Corps Finance Center (Code AA), Kansas City, MO 64197, (816) 928-7103.

(v) Coast Guard: Commandant (G-LGL), General Law Division, United States Coast Guard, 2100 2nd Street, SW., Washington, D.C. 20593, (202) 426-1553.

(vi) Public Health Service: Office of General Counsel, Public Health Service, Room 5362, North Building, 330

Independence Avenue SW., Washington, D.C. 20201, (202) 472-3109.

(vii) National Oceanic and Atmospheric Administration: Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (216) 522-5301.

(c) *Review of Court Orders.*—(1) The court order must be regular on its face, meaning that it is issued by a court of competent jurisdiction, in accordance with the laws of the jurisdiction.

(2) The court order shall be legal in form and include nothing on its face that provides reasonable notice that it is issued without authority of law. It is required that the court order be authenticated or certified within 90 days immediately preceding its service on the designated agent.

(3) The court order must be a final decree. Evidence of finality will be required.

(4) When the court order was issued while the member was on active duty and the member was not represented in court, the court order or other court documents shall certify that the rights of the member under the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. Appendix 501-591) were complied with.

(5) Sufficient information must be contained in the court order to identify the member.

(6) For court orders that provide for the division of retired pay as property, the following conditions apply:

(i) The court must have jurisdiction over the member by reason of: (A) the member's residence, other than because of military assignment in the territorial jurisdiction of the court; (B) the member's domicile in the territorial jurisdiction of the court; or (C) the member's consent to the jurisdiction of the court.

(ii) The treatment of retired pay as property solely of the member or as property of the member and the former spouse of that member shall be in accordance with the law of the jurisdiction of such court.

(iii) The court order or other accompanying documents served with the court order must show the former spouse was married to the member ten years or more, during which the member performed at least ten years of creditable service.

(7) Court orders awarding a division of retired pay as property that were issued prior to June 26, 1981, will be honored, if they otherwise satisfy the requirements and conditions specified in this part. A modification on or after June 26, 1981, of a court order that originally awarded a division of retired pay as

property prior to June 26, 1981, may be enforced for subsequent court ordered changes made for clarification purposes, such as the interpretation of a computation formula in the original court order. For court orders issued prior to June 26, 1981, subsequent amendments after that date to provide for a division of retired pay as property are unenforceable under this Directive. All court orders awarding a division of retired pay as property issued on or after June 28, 1981, will be enforced, if they otherwise satisfy the requirements and conditions specified in this part.

(8) The court order shall provide specifically for payment of a fixed amount expressed in United States dollars or payment as a fixed percentage of retired pay. Court orders specifying a percentage of retired pay will be construed as a percentage of disposable retired pay.

(d) *Garnishment Orders.*—(1) If a court order provides for the division of property in addition to specifying an amount of disposable retired pay to be paid to the member's former spouse, the former spouse may garnish the member's retired pay in order to enforce the division of property. The limitations of the Consumer Credit Protection Act, as amended (15 U.S.C. 1673) and the limitations of paragraph (e) of this section apply in determining the amount payable to a former spouse.

(2) Service of process of garnishment orders shall be accomplished as provided in paragraph (b) of this section.

(3) Garnishment orders for division of property, child support and/or alimony shall be processed in the manner prescribed in 5 CFR Part 581, to the extent that the procedures are consistent with the provisions of this part.

(e) *Limitations.*—(1) Upon proper service, the member's retired pay may be paid directly to a former spouse in the amount necessary to comply with the court order, providing the maximum amount of the payment to the former spouse does not exceed:

(i) 50 percent of the disposable retired pay for court orders and garnishment actions paid pursuant to this part.

(ii) 65 percent of the disposable retired pay when the member's pay is also subject to garnishment and other legal process under 42 U.S.C. 659.

(2) Disposable retired pay is the gross pay entitlement less authorized deductions. The pay entitlement is limited to that computed under 10 U.S.C. Chapter 71 and 42 U.S.C. 212 for the Public Health Service, including renounced pay. Disposable retired pay does not include the retired pay of a member retired for disability under 10

U.S.C. Chapter 61 or annuitant payments under 10 U.S.C. Chapter 73. The authorized deductions are:

(i) Amounts owed to the United States.

(ii) Fines and forfeitures ordered by a court-martial.

(iii) Amounts waived in order to receive compensation under 5 or 38 U.S.C.

(iv) Federal employment taxes and income taxes withheld to the extent that the amount deducted is consistent with the member's tax liability.

(v) Premiums paid as a result of an election under 10 U.S.C. Chapter 73 to provide an annuity to a spouse or former spouse to whom payment of a portion of such member's retired pay is being made pursuant to a court order under this part.

(vi) Premiums deducted for National Service Life Insurance.

(vii) Other amounts required by law to be deducted.

(f) *Notification of Member.*—(1) As soon as possible, but not later than 30 calendar days after effective service of a court order or garnishment action under this part the designated agent shall send written notice to the affected member at his or her last known address.

(2) This notice must include:

(i) A copy of the court order and accompanying documentation.

(ii) An explanation of the limitations placed on the direct payment to a former spouse from a member's retired pay.

(iii) A request that the member submit notification to the designated agent, if the court order had been amended, superseded, or set aside. The member is obligated to provide an authenticated or certified copy of the operative court documents, when there are conflicting court orders.

(iv) The amount or percentage that will be deducted, if the member fails to submit the documentation necessary to enable the designated agent to respond to the court order within the time limits set forth.

(v) The effective date that direct payments to the former spouse will tentatively begin.

(vi) Notification that the member has 30 days to contest the court order. Failure to respond within the 30 day notice period may result in the payment of retired pay as provided in the notification.

(3) If the member responds to the notification, the designated agent will consider the response and deny the order whenever it is shown that:

(i) The court order is defective.

(ii) The court order is inconsistent with a contemporaneous or subsequent court order.

(iii) The member objects to the validity of the court order and submits evidence that legal action has commenced to contest that court order. In such cases, the order will be treated as a conflicting order and the amount involved will be retained pending resolution by the court that has jurisdiction.

(g) *Designated Agent Liability.*—(1) The United States and any officer or employee of the United States shall not be liable with respect to any payment made from retired pay to any member or former spouse pursuant to a court order, that is regular on its face if such payment is made in accordance with this part.

(2) An officer or employee of the United States, who under this part has the duty to respond to interrogatories, shall not be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or because of, any disclosure of information made by him in carrying out any of the duties which directly or indirectly pertain to answering such interrogatories.

(h) *Payments.*—(1) Subject to the member's eligibility for retired pay and effective service of a court order, the Uniformed Service shall begin payments to the former spouse not later than 90 days after the date of effective service. The date of effective service is the date that the designated agent receives a complete application under paragraph (b) of this section.

(2) Payments shall conform with the normal pay and disbursement cycle for retired pay. Payments may be expressed as fixed in amount or as a percentage of disposable retired pay. With regard to payments based on a percentage of disposable retired pay, the amount will change in direct proportion and at the effective date of future cost-of-living adjustments that are authorized, unless the court order directs otherwise.

(3) Payments terminate on the date of the death of the member, death of the former spouse, or as stated in the applicable court order, whichever occurs first. Payments shall be terminated or be reduced upon the occurrence of a condition which under applicable state of local law relieves the member from payment of child support or alimony.

(4) When several court orders are served with regard to a member's retired pay, payment shall be satisfied on a first-come, first-served basis within the amount limitations placed on disposable retired pay in paragraph (e) of this section.

(5) If conflicting court orders are served on the designated agent which

direct that different amounts be paid during a month to the same former spouse from a given member's retired pay, the designated agent shall authorize payment on the court order directing payment of the least amount. The difference in amounts on conflicting court orders shall be retained by the designated agent pending resolution by the court which has jurisdiction or by agreement of the parties. The amount retained will be paid as provided in a subsequent court order or agreement. The total of all payments plus all moneys retained under this paragraph shall be within the limitation of paragraph (e) of this section.

(6) When service is made and the identified member is found not to be entitled to moneys, the designated agent shall advise the former spouse that no moneys are due from or payable by the Uniformed Service to the named individual.

(7) If moneys are only temporarily exhausted or otherwise unavailable, the former spouse shall be fully advised or why and for how long, the moneys will be unavailable.

(8) The order or precedence for disbursement of retired pay when the gross amount is not sufficient to permit all authorized deductions and collections shall follow Volume I, Part 3, Section 7040, "Order of Payment," in the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies. Court ordered payments to a former spouse from retired pay shall be enforced over other voluntary deductions and allotments.

(9) Payments made shall be prospective in terms of the amount stated in the court order. Arrearages will not be considered in determining the amount payable from retired pay. The former spouse shall not sell, assign, transfer, or otherwise dispose of any payments under this part.

(10) Prior to payment, the former spouse must agree that any future overpayments are recoverable and subject to involuntary collection from the former spouse or his or her estate.

(11) As a condition precedent to payment, the former spouse shall agree to notify the designated agent promptly, if the operative court order, upon which payment is based, is vacated, modified, or set aside. This will include notice of the former spouse's remarriage, if all or a part of the payment is for alimony, or notice of a change in eligibility for child support payments under circumstances of the death, emancipation, adoption, or attainment of majority of a child whose support is provided through direct payment to a former spouse from retired pay.

(12) At the request of the designated agent, the former spouse may be required to provide a certification of eligibility that attests in writing to the former spouse's continued eligibility and includes a notice of change in status or circumstances that affect eligibility. After notice to the former spouse, payments may be suspended when the former spouse fails, or refuses, to comply with the certification requirements.

[FR Doc. 83-2352 Filed 1-27-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 366

Centers for Independent Living

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary of Education proposes to amend regulations implementing the Centers for Independent Living Program under Section 711 of the Rehabilitation Act of 1973, as amended, to reduce regulatory burdens in accordance with Executive Order 12291.

DATE: All comments, suggestions, or recommendations must be received on or before March 14, 1983.

ADDRESS: Comments should be addressed to Mr. Charles Smolkin, Rehabilitation Services Administration, Department of Education, 400 Maryland Avenue, SW., Room 3618, Switzer Office Building, Washington, D.C. 20202. Telephone: (202) 472-3796.

FOR FURTHER INFORMATION CONTACT: Commissioner of Rehabilitation Services, 330 C Street, SW., Switzer Office Building, Room 3088, Washington, D.C. 20202. Telephone: (202) 245-2201.

SUPPLEMENTARY INFORMATION: On January 19, 1981 the Secretary published final regulations with an invitation to comment in the *Federal Register* (46 FR 5410) covering the Centers for Independent Living Program of the Rehabilitation Services Administration. These regulations became effective on March 30, 1981. The Secretary provided notice of his intent to review the Centers for Independent Living Program regulations in the March 27, 1981 *Federal Register* (46 FR 19000) to identify opportunities for deregulation and burden reduction in accordance with Executive Order 12291.

The proposed amendments include: Removal of the words "planning" and "continuing" in § 366.1; removal of specific mention of services for the deaf, blind, or deaf-blind in § 366.4(b)(13);

substitution of the word "designed" for the word "necessary" in § 366.4(b)(14); removal of the word "planning" in the first sentence and the entire second sentence in § 366.10(a); and removal of the prohibition on supplanting of funds in § 366.10(b). All of these changes will conform the regulations to statute. In addition, a cross reference to 34 CFR 75.590 is being added to § 366.31(g)(2) relative to under-represented groups, and § 366.42 is revised to remove Federal standards governing the means by which grantees safeguard confidential information.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These proposed amendments to the Centers for Independent Living program regulations conform the regulations to statute and clarify certain provisions in the selection criteria. The changes will not have an economic impact on small entities participating in the program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before the 45th day after publication of this document will be considered before the Secretary issues final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3618 Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

List Subjects in 34 CFR Part 366

Education, Grant programs—Social programs, Vocational rehabilitation.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: January 25, 1983.

T. H. Bell

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.132, Centers for Independent Living)

The Secretary proposes to amend Part 366 of Title 34 of the Code of Federal Regulations as follows:

PART 366—CENTERS FOR INDEPENDENT LIVING**§ 366.1 [Amended]**

1. In § 366.1, the words "planing" and "continuing" are removed.

§ 366.4 [Amended]

2. In § 366.4, paragraph (b)(13) is removed, and paragraph (b)(14) is redesignated as paragraph (b)(13). Redesignated paragraph (b)(13) is amended by removing the word "necessary" and inserting instead the word "designed".

3. Section 366.10 is revised to read as follows:

§ 366.10 What specific activities may be supported under this program.

The Centers for Independent Living Program provides financial assistance for establishing and operating centers for independent living.

(Sec. 12(c) and 711 of the Act; 29 U.S.C. 711(c) and 796(e))

4. Section 366.31, paragraph (g)(2) is revised to read as follows:

§ 366.31 What selection criteria does the Secretary use in this program?

• • • • •

(g) • • •

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable. (See § 75.590 of this title.)

• • • • •

5. Section 366.42 is revised to read as follows:

§ 366.42 What are the standards for the protection, use, and release of personal information?

(a) All personal information about individuals served by any project under this part, including lists of names, addresses, photographs, and records of evaluation, must be held confidential.

(b) In complying with paragraph (a) of this section, grantees are encouraged to obtain the prior written consent of the agency providing the information and the individual or his or her representative, if:

(1) Information is to be used or disclosed for any purpose not connected with the project or its administration or evaluation; or

(2) The final product of the project reveals any personal identifying information.

(c) The Secretary or other Federal or State officials responsible for enforcing legal requirements applicable to the program under this part must be provided access to this information, on request, without prior written consent being obtained.

(Sec. 12(c) of the Act; 29 U.S.C. 711(c))

(FR Doc. 83-2512 Filed 1-27-83; 8:45 am)

BILLING CODE 4000-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 67**

[Docket No. FEMA-6243]

National Flood Insurance Program; Proposed Flood Elevation Determination for Keene, N.H.; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 47 FR 3381 on January 25, 1982. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the City of Keene, Cheshire County, New Hampshire.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Keene, Cheshire County, New Hampshire, previously published at 47 FR 3381 on January 25, 1982, 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 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Under the Source of Flooding of Ash Swamp Brook, the base flood elevation for the location "At Arch Street" has been amended to read 500 feet in elevation.

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: January 14, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

(FR Doc. 83-2359 Filed 1-27-83; 8:45 am)

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6470]

National Flood Insurance Program; Proposed Flood Elevation Determination for Point Pleasant Beach, N.J.; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of

base (100-year) flood elevations previously published at 47 FR 57068 on December 22, 1982. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Borough of Point Pleasant Beach, Monmouth County, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Borough of Point Pleasant Beach, Monmouth County, New Jersey, previously published at 47FR 57068 on December 22, 1982, 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 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribed how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The following location descriptions have been amended to read as follows. The remainder of the Notice of Proposed Based Flood Elevations is unchanged.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean.....	Entire shoreline within community.	*13
Manasquan River.....	From approximately 850 feet east of Ocean Avenue, extended, to Conrail Bridge.	*10

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: January 13, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-2408 Filed 1-27-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6254]

National Flood Insurance Program; Proposed Flood Elevation Determination for Woodbridge, N.J.; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 47 FR 10251 on March 10, 1982. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Township of Woodbridge, Middlesex County, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Woodbridge, Middlesex County, New Jersey, previously published at 47 FR 10251 on March 10, 1982, 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 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rahway River.....	Entire length of river within community.	*10
South Branch Rahway River.....	Approximately 2,790' downstream of corporate limits.	*13
Woodbridge River.....	At confluence with Arthur Kill.	*10
	At Homestead Avenue.	*10
	Upstream of Omar Avenue.	*11
	Downstream of Randolph Avenue.	*11
Raritan River.....	Shoreline within community west of Edison Bridge.	*10
	Shoreline within community east of Edison Bridge.	*13
Spa Spring.....	At confluence with Woodbridge River.	*10
Heards Brook.....	At confluence with Woodbridge River.	*10

(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; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: January 14, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs
and Support.

[FR Doc. 83-2409 Filed 1-27-83; 8:45 am]

BILLING CODE 6710-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coast of Washington, Oregon, and California

AGENCY: National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Pacific Fishery
Management Council and the National
Marine Fisheries Service will hold joint
public hearings to receive public
comments on the 1983 Amendment and
Draft Supplemental Environmental
Impact Statement of the Fishery
Management Plan for Commercial and
Recreational Salmon Fisheries off the
Coasts of Washington, Oregon, and
California Commencing in 1978.

DATES: Written comments are invited
until March 12, 1983. Individuals or
organizations wishing to comment in
person may do so at the following public
hearings:

February 15, 1983—Seattle, Washington

February 15, 1983—Astoria, Oregon

February 15, 1983—Eureka, California

February 16, 1983—San Francisco,
California

February 16, 1983—North Bend, Oregon

February 17, 1983—Boise, Idaho

All public hearings will start at 7:00
p.m. and adjourn at or about 11 p.m. or

when all public testimony has been
received.

The hearings will be tape recorded
and the tapes will be filed as an official
transcript of the proceedings.

A written summary will be prepared
on each hearing.

ADDRESSES:

Hearings and Locations:

February 15, 1983—Federal Building,
South Auditorium, 915 Second
Avenue, Seattle, Washington 98104

February 15, 1983—Astoria Middle
School, 1100 Klaskanine, Astoria,
Oregon 97103

February 15, 1983—Eureka Inn, 7th and J
Street, Eureka, California 95501

February 16, 1983—Airport Hilton,
Terrace Ball Room, U.S. 101 and
Airport Entrance, San Francisco,
California 94128

February 16, 1983—Pony Village Lodge,
Virginia Avenue, North Bend, Oregon
97459

February 17, 1983—Idaho Department of
Fish and Game, Auditorium, 600 South
Walnut, Boise, Idaho 83707

FOR FURTHER INFORMATION CONTACT:

Joseph C. Greenley, Executive Director,
Pacific Fishery Management Council,
526 S.W. Mill Street, Portland, Oregon
97201, Phone (503) 221-6352, or

H. A. Larkins, Director, Northwest
Region, National Marine Fisheries
Service, 7600 Sand Point Way N.E.,
BIN C15700, Seattle, Washington
98115, Phone (206) 527-6150, or

Alan Ford, Director, Southwest Region,
National Marine Fisheries Service, 300
South Ferry Street, Terminal Island,
California 90731, Phone (213) 548-2575

SUPPLEMENTARY INFORMATION: The
hearings will deal with the proposed
1983 amendment of the plan for
managing the commercial and
recreational salmon fisheries off the
Coasts of Washington, Oregon, and

California and its supplemental
environmental impact statement.

The amendment consists of a
discussion of 1983 salmon fishery
management consideration, a review of
the 1982 commercial and recreational
salmon fisheries, an evaluation of 1982
ocean salmon management, a discussion
of the socio-economic trends in the
ocean salmon fisheries, a preliminary
report on the resource status in 1983,
and a presentation of management
alternatives and strategies for the 1983
fisheries.

The most recent information on the
status of the Pacific salmon stocks and
fisheries indicates that adjustment of the
1982 management measures is necessary
to meet the plan goals and objectives for
1983.

The Council has proposed
management options for the 1983
coastwide ocean commercial troll
fishery and for the coastwide ocean
recreational fishery. The options range
from regulations that are less restrictive
to those that are more restrictive than
the 1982 regulations.

Management measures for the 1983
ocean salmon seasons will be
determined by the Pacific Fishery
Management Council at its March 17-18
meeting in Portland, Oregon, after the
close of the public comment period on
March 12.

The draft 1983 salmon plan
amendment, including the draft
supplemental environmental impact
statement will be mailed to all
individuals and organizations who are
currently on the Council's mailing list. A
limited number of copies also will be
available at the public hearings.

Dated: January 25, 1983.

Joseph P. Clem,

Acting Chief, Operation Coordination Group,
National Marine Fisheries.

[FR Doc. 83-2409 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 48, No. 20

Friday, January 28, 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.

ACTION

Information Collection Requests

AGENCY: ACTION.

ACTION: Information Collection Request Under Review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

BACKGROUND: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [request for clearance (SF 63), supporting statement, instructions, transmittal letter, and other documents] may be obtained from the agency clearance officer.

INFORMATION ABOUT THIS PROPOSED COLLECTION:

Agency Clearance Officer—Richard D. English—202-254-8501.

Agency Address: ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Title of Forms: Locally-recruited Volunteer Application; LRV Sponsor Applicant Evaluation; LRV Volunteer Reference form.

Office of ACTION Issuing Proposal: Domestic Operations/VISTA Agency Official to Contact for Further Information: Diana London, Chief of VISTA Branch 254-5195.

Type of Request: New.

Frequency of Collection: Once per applicant.

General Description of Respondents: Applicants for VISTA Volunteer Service

+ 3 references identified by applicant (including one from sponsoring organization).

Estimated Number of Responses: 16,000.

Estimated Hours for All Respondents to Complete Form: 7,000 hours.

Respondent's Obligation to Reply: Required for obtaining benefit.

This is not a collection proposal under Sec. 3504(h) of the Paperwork Reduction Act.

Person responsible for OMB Review:

James L. Thomas, 202-395-6880.

Richard D. English.

Deputy Assistant Director, ACTION.

[FR Doc. 83-2320 Filed 1-27-83; 8:45 am]

BILLING CODE 5050-01-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Durham Roadside Erosion Control Critical Area Treatment RC&D Measure, Oklahoma

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Durham Roadside Erosion Control Critical Area Treatment RC&D Measure, Roger Mills County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone 405-624-4360.

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

The measure concerns a plan for treating critically eroding areas. The planned works of improvement include construction of two pipe drips, a diversion terrace, and vegetation of all disturbed areas to protect the roadway and borrow ditches from erosion.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 17, 1983.

Billy R. Littlefield,

Assistant State Conservationist.

[FR Doc. 83-2219 Filed 1-27-83; 8:45 am]

BILLING CODE 3410-16-M

Grandview Ditch Farm Irrigation RC&D Measure, Colorado

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

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

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Boone, State Conservationist, Soil Conservation Service, P.O. 17107, Denver, Colorado 80217, telephone (303) 837-4275.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

This farm irrigation measure concerns a plan to replace an existing siphon structure. Works of improvement include constructing 2,220 feet of plastic pipe siphon. The method of construction for part of the siphon will include placing the new pipe inside the old pipe where it passes beneath the federal highway to prevent traffic interruption.

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

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 Regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 19, 1983.

Sheldon G. Boone,
State Conservationist.

[FR Doc. 83-2291 Filed 1-27-83; 8:45 am]

BILLING CODE 3410-16-M

Haystack Creek Critical Area Treatment RC&D Measure, Oklahoma

AGENCY: Soil Conservation Service,
USDA.

ACTION: Notice of a Finding of No
Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Haystack Creek Critical Area Treatment

RC&D Measure, Greer County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone 405-624-4360.

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

The measure concerns a plan for treating critically eroding areas. The planned works of improvement include gully shaping, grade stabilization structure, diversions, grassed waterways, vegetative protection, tree planting, and fencing.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland Willis.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 17, 1983.

Billy R. Littlefield,
Assistant State Conservationist.

[FR Doc. 83-2218 Filed 1-27-83; 8:45 am]

BILLING CODE 3410-16-M

Perquimans County Union School, RC&D Measure; North Carolina

AGENCY: Soil Conservation Service,
USDA.

ACTION: Notice of a finding of no
significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR

Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impacts statement is not being prepared for the Perquimans County Union School, RC&D Measure, Perquimans County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919)-755-4210.

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

The measure concerns a plan for reducing flooding and for improving drainage on the school grounds. The planned works of improvement include installing catch basins, pipes and sub-surface drainage tubing. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basis data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and Local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: January 6, 1983.

Coy A. Garrett,
State Conservationist.

[FR Doc. 83-2066 Filed 1-27-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bicycles From Taiwan; Postponement of Preliminary Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Antidumping Determination.

SUMMARY: The preliminary antidumping determination involving bicycles from Taiwan is being postponed until not later than April 22, 1983.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Richard Rimlinger, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 377-1766.

SUPPLEMENTARY INFORMATION: On October 21, 1983, we announced our initiation of an antidumping investigation to determine whether bicycles from Taiwan are being, or are likely to be, sold in the United States at less than fair value (47 FR 46873). The notice stated that we would issue a preliminary determination by March 3, 1983.

Section 733(c)(1)(B) of the Tariff Act of 1930, as amended (the Act), provides that the Department of Commerce may postpone its preliminary determination if it concludes that the parties involved are cooperating in the investigation, if it determines that the case is extraordinarily complicated, and if additional time is needed to make the preliminary determination. We find these factors to exist in the present case. Specifically, we determine that the case is extraordinarily complicated by reason of the number and complexity of the transactions to be investigated and the large number of firms (eighteen) whose activities must be investigated. We intend to issue a preliminary determination not later than April 22, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: January 21, 1983.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-2381 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-25-M

Sodium Nitrate From Chile; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final determination of sales at less than fair value.

SUMMARY: We have determined that sodium nitrate from Chile is being sold in the United States at less than fair value. The U.S. International Trade Commission (ITC) will determine within 45 days of publication of this notice whether these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, D.C. 20230 (202-377-3965).

SUPPLEMENTARY INFORMATION:**Case History**

On April 12, 1982, we received a petition from Olin Corporation of Stamford, Connecticut, the domestic producer of sodium nitrate. The petition alleged that sodium nitrate from Chile is being, or is likely to be, sold in the United States at less than fair value, and that such sales are materially injuring, or are threatening to materially injure, a United States industry. The petitioner also alleged sales in the home market at prices below the cost of production, and that "critical circumstances," as defined in section 733(e) of the Tariff Act of 1930, as amended (the Act), exist in this case.

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation on May 6, 1982 (47 FR 19569). On June 3, 1982, the ITC subsequently found that there was a reasonable indication that imports of sodium nitrate from Chile were materially injuring or were threatening to materially injure a United States industry (47 FR 24234). Although the ITC treated sodium nitrate as a single product in its preliminary determination, it recognized in the opinion that the respondent made sodium nitrate in two different grades: "In the event that this case returns to the Commission for a final investigation, we will want to explore further the substitutability among grades of sodium nitrate," (47 FR 24234). On August 10, 1982, we published a notice determining that this case was "extraordinarily complicated," as defined in section 733(c) of the Act (47 FR 34612). Therefore, we extended the period for making the preliminary determination by 50 days until November 8, 1982.

Questions were presented to Sociedad Quimica y Minera de Chile, S.A. (SQM), the respondent in this case, and to its attorney, on May 7, 1982. A response was received on July 2, 1982. SQM and its wholly owned U.S. subsidiary, CNSC, answered supplemental questions on August 18 and September 9, 1982, respectively. Verifications were conducted at the accounting offices of SQM in Antofagasta, Chile from August 30, 1982 through September 3, 1982 and at the headquarters of CNSC in Norfolk, Virginia on September 22, 1982, and September 23, 1982.

On November 8, 1982, we preliminarily determined that sodium nitrate from Chile is being, or is likely to be, sold in the United States at less than fair value (47 FR 51460). In the same publication we also made a negative determination of critical circumstances. Under § 353.40 of the Department's regulations one prerequisite to a finding of critical circumstances is that there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period. We checked recent importations of sodium nitrate from Chile through the date of publication of our preliminary determination and they are substantially level to that date. Because there have not been massive imports of the kind of merchandise which is subject to this investigation, we adhere to our negative determination.

In making the preliminary determination we used best evidence available where information in the response pertaining to adjustments was believed by the Department of Commerce to be incomplete, inaccurate or unverified. On November 10, 1982, we asked SQM and CNSC for additional information which would allow us to rely on verified business records. We used as much of their response as we could verify in the remaining time available prior to this final determination. See 19 CFR 353.51(b).

Our notice of preliminary determination provided interested parties with an opportunity to submit views orally and in writing. On December 2, 1982, we held a public hearing.

Scope of the Investigation

The following product, manufactured in two grades, is covered by this investigation:

Agricultural grade sodium nitrate (less than 98 percent pure) and industrial grade sodium nitrate (98 percent or more pure).

Sodium nitrate is classified under item 480.25 of the TSUS and is duty-free from all sources. SQM manufactures and exports all the sodium exported from Chile to the United States.

Sodium nitrate (NaNO_3) is a white solid which is moderately hygroscopic, i.e., capable of absorbing and retaining moisture, and is very soluble in an aqueous solution. Commercial sodium nitrate is manufactured from natural sources or synthetically. Although natural and synthetic sodium nitrates are produced by completely different processes, their chemical composition is almost identical and, for most users, the two are fungible. There are many applications for sodium nitrate. The chief use of the agricultural grade natural sodium nitrate is as a specialty fertilizer; the chief use of industrial grade is as an oxidizer and densifier in the manufacture of explosives.

Natural sodium nitrate, also known as Chile saltpeter or Chilean nitrate, occurs in nature, usually in deposits associated with sodium chloride, sodium sulfate, and other salts. Although many parts of the world may contain small deposits of natural sodium nitrate, the largest known deposit is located in northern Chile.

The period of investigation for Chilean sodium nitrate sold in the United States is from November 1, 1981 to April 30 1982.

Methodology of Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the Exporter's Sales Price (ESP) because SQM sold all of its merchandise to unrelated parties in the U.S. after the date of importation.

We calculated ESP on the basis of f.o.b. U.S. warehouse packed or unpacked prices, as appropriate, to unrelated purchasers. Where appropriate, we made deductions for insurance, ocean freight, inland freight, brokerage charges and discounts. We made additional deductions, where appropriate, for credit costs, warehousing costs, advertising, and general, selling and administrative expenses (such as salesmen's salaries, depreciation of office equipment, telephone, and postage, etc.) incurred by the related subsidiary on U.S. sales, but apportioned them only over reported sales of sodium and potassium nitrate in the United States.

Ocean freight and stevedoring and handling-in charges to the U.S. were aggregated by CNSC for all East and Gulf Coast ports and averaged over all East and Gulf Coast tonnage imported by CNSC. We requested and received actual ocean freight and stevedoring costs for each port and for each shipment. We deducted these actual costs rather than the average costs in our calculation of the U.S. price for each sale. Similarly, we requested and received handling-in charges by port of entry and deducted these rather than an overall average.

In Chile, where nitrate was shipped to coastal ports by vessel, SQM claimed indirect selling expenses for the department which procured ocean transportation and for inventory losses. These department expenses were also applicable to the expense of transporting nitrates to be sold in the United States. We deducted the expenses in the marked in proportion to the ratio of Chilean sales to worldwide sales of the product during the investigative period. We multiplied the same freight department expenses by the ratio of total U.S. sales for the agricultural grade and for the industrial grade in proportion to total world sales in the same period as in the home market.

Inventory losses (Castigo Existencias), which occur when bulk nitrates are dispersed by wind during loading and unloading or are left in the holds of ships or in railcars, were experienced in Chile on the transfer of merchandise from the factory via rail and ocean freight. Inventory losses also occur in bringing the nitrates from the factory to the U.S. market using the same means of transport. In Chile, this loss was applicable only to agricultural grade since industrial grade is sold ex-factory or shipped via truck. In the United States it was applicable to both grades. The United States price includes adjustments for a pro-rata share of the ocean freight department and the inventory losses discussed above as expenses incident to bringing the merchandise from the place of shipment in the country of exportation of the place of delivery in the United States.

CNSC submitted supplementary documentation which revealed it paid for inventory loss expense in addition to the allocated amount. These were deducted pro-rata from the U.S. price for both grades. This will be discussed further in the "Respondents' Comments" section of this notice.

Foreign Market Value

The same grades of sodium nitrate were sold in the Chilean and U.S.

markets in approximately the same quantities. We used home market prices to determine foreign market value. The petitioner alleged that sales in the home market were at prices below the cost of producing the two grades of sodium nitrate. We examined production costs for industrial and agricultural grade sodium nitrate which included all appropriate costs for materials, fabrication and general expenses. We included the costs for agricultural grade sodium nitrate produced at the Maria Elena plant, medical and voluntary severance expenses incurred at the Maria Elena and Pedro de Valdivia plants, and the Santiago office which were applicable to sodium nitrate. Financing costs were amended to include a pro rata part of interest expense which accrued from debt and which could not positively be identified with sales. We found there were sufficient sales of agricultural and industrial grade sodium nitrate made at or above cost to use them for price-to-price comparisons with sales in the U.S. market.

For agricultural grade sodium nitrate, home market prices were based on the delivered prices to unrelated purchasers except for one sugar growing cooperative. This firm was owned by the same holding company that owned SQM. However, we included its purchases because it purchased sodium nitrate at then current home market prices for unrelated purchasers. We made deductions where appropriate, for ocean and inland freight, advertising expenses, credit costs, commissions, discounts and rebates, except for warranty rebates. In addition, indirect selling expenses, which were less than the United States indirect selling expenses, were deducted.

For industrial grade sodium nitrate, home market prices were based on delivered or f.o.b. factory prices to unrelated purchasers, as appropriate. We made no deductions from home market prices for advertising, insurance, certain freight costs, credit costs, commissions, and certain indirect expenses. SQM had none of these expenses for this product in the home market. Where appropriate, an adjustment was made for differences in U.S. and home market packaging costs for agricultural and industrial grade sodium nitrate.

SQM identified nine discrete expenses which they requested that we treat as indirect selling expenses in the home market. The expense for data collection and processing (Secretaria, Estadística y Sup.) was not deducted from foreign market value because we did not have

evidence that it was for an expense related to sodium nitrate sales rather than simply a general expense. Seven expenses relating to selling, shipping and technical advice on nitrate applications were included as part of the home market indirect selling expense. The expense for billing and collecting (Gastos Administracion Santiago) was also included as part of the market indirect selling expense.

We did not include home market warranty sales in calculating weighted-average home market prices. We were told that these were sales where the sodium nitrate became unfit for use after it was stored too long and for which rebates in varying amounts were given. These sales did not represent transactions at customary prices in the ordinary course of trade during the investigative period.

The original SQM response said that when industrial grade was sold bagged, it was packaged in 50 kilogram bags. During verification, while checking home market invoices, we found some instances of packaged industrial grade nitrate being sold in 80 kilogram bags. Fifty kilogram bag packaging costs more than 80 kilogram bag packaging. Although we know that some sales are packaged in 50 kilogram bags, we cannot make this distinction with the information available. Therefore, where there are packaging costs (sales other than bulk rates) for the industrial grade in home market, the packaging expenses associated with the 80 kilogram bags have been used in lieu of the greater expenses associated with the 50 kilogram bags.

We did not average the commissions paid by SQM over the volume sold as suggested by SQM in their response. We computed commissions based on verified commission rates paid on agricultural grade sodium nitrate sales for March through October, 1981, for November, 1981 through January, 1982, and for February, 1982 to the end of the home market period.

Bad debts were allowed as an indirect selling expense and not as a circumstance of sale, as claimed by the respondent. Bad debt expenses after February 1, 1982, were disallowed in the preliminary determination because we believed that the risk of debt loss after February 1 was borne exclusively by independent dealers. SQM has subsequently submitted documentation to show that the risk was SQM's both before and after February 1. Accordingly, we allowed for these costs as indirect selling expenses.

After the publication of the preliminary determination, we rechecked our computer print-out and

observed that an allowable credit expense for the agricultural grade sodium nitrate sold in the home market was not accounted for. We notified the parties of the omission and have included this expense in the calculation of the final determination for the agricultural grade.

Verification

In accordance with section 776(a) of the Act, we verified the information from SQM and CNSC which was used in this determination. We verified the information received on cost of production, sales, and adjustments claimed. We were granted access to the books and records of both SQM and CNSC. We used standard verification procedures, including examination of accounting records, financial statements and selected documents containing relevant information.

Results of Investigation

We made fair value comparisons on all U.S. sales reported by CNSC. For agricultural grade (less than 98 percent pure) sodium nitrate, we have found that the foreign market value exceeded the United States price on 15.6 percent of the tons sold. These margins ranged from 0.96 to 13.4 percent. The overall weighted-average margin on all agricultural grade sales is \$0.45 per short ton.

For industrial grade (98 percent or more pure) sodium nitrate, we have found that the foreign market value exceed the United States price on 100 percent of the tons sold. These margins ranged from 16.1 to 101.7 percent. The overall weighted-average margin on all industrial grade sales is \$39.08 per short ton.

Petitioner's Comments

Comment 1

The Department of Commerce (DOC) should not have allowed the total amount claimed by SQM as indirect expenses applicable to agronomists in the home market and deducted in calculating the foreign market value. These expenses should be apportioned to sodium nitrate sales throughout the world because the agronomists' information benefits all users of sodium nitrate.

DOC Position

We do not have any evidence that application information developed by SQM agronomists in Chile is used outside the home market. Sodium nitrate has been used for agricultural purposes for over a century. Beyond information on application to specific crops in

specific soils, we are not aware of the activities that these agronomists could provide to users of sodium nitrate that have not been developed already.

Comment 2

The DOC overstated the U.S. price because it apparently apportioned total general, selling and administrative costs according to a formula proffered by CNSC. This procedure excessively shifted these costs to iodine and away from nitrates.

DOC Position

We have not used the proffered formula. We allocated general, selling and administrative expenses to iodine in proportion to total iodine sales by CNSC divided by total sales by CNSC. These sales figures were taken from CNSC's most recent audited financial statement and appear to be most reasonable way of making this allocation from verifiable data.

Comment 3

CNSC printout of sales in the United States is unreliable because: (a) reports of a shipment of agricultural grade sodium nitrate from Chile on February 10, 1981 to the United States and sold in the investigative period were omitted from the original submission, (b) a substantial number of sales in the U.S. to unrelated parties preceded the stated date of export from the home market, (c) a significant number of sales in the U.S. were made less than two weeks after the date of export, and (d) there was a resubmission of data which revised, but did not eliminate, the errors alleged above. CNSC's only explanation was that the new submission was based on "lifo layering." This explanation did not satisfactorily explain away the original errors.

DOC Position

We agree with the petitioner's observations. The non-confidential version of the most recently submitted printout had export date inconsistencies which were explained in a second resubmission on January 10, 1983, as being derived from the data originally submitted.

On December 10, 1982, respondents' counsel wrote DOC and said in part:

Some of the dates of exportation corresponding to sales of sodium nitrate in the United States were incorrect. Upon review, it was discovered that some sales in the United States correspond to a shipment of agricultural sodium nitrate which was exported from Tocopilla, Chile, on board the M/S Unity, on February 10, 1981, approximately one month prior to the period

of investigation of home market sales of agricultural grade.

We will provide a corrected computer printout for the above sales in the United States. The only changes from the original printout will be in the columns for the dates for exportation and importation, the customs entry numbers, and the ocean freight charges. There are no changes to the handling-in charges. Each changed transaction will be identified on the new printout.

Although the changes in the transactions do not appear to have been identified in the new submission, a brief cross check with the initial CNSC submission of July 2, 1982, confirmed that columns of data, other than those mentioned above, were unchanged. However, ocean freight in the new submission was substantially less than the amounts we previously had verified. Furthermore, the data submitted did not have any export dates which preceded the dates originally submitted. In particular, there were no exports listed which were traceable to the M/S Unity of February 10, 1981.

We do not believe that the newly revised U.S. sales submission is more reliable than the original data submission under these circumstances. We are using the originally submitted data of July 2, 1982, for our final computation. The initial submission does represent the best information we have available. Nevertheless, we will need to reexamine the appropriateness of respondent's export date methodology and ocean freight computation if we have to conduct an administrative review in this case under section 751 of the Act.

Respondents' Comments

Comment 1

DOC incorrectly calculated the packaging costs for industrial grade sodium nitrate sold in the home market.

DOC Position

We observed during verification that for the industrial grade sodium nitrate which was packaged and sold in the home market, both higher cost 50 kg. packaging and lower cost 80 kg. packaging were used. The original response claimed that industrial grade packaging was only done in 50 kg. bags. We requested additional invoice documentation to determine which packaged industrial grade sales were in each size bags; SQM did not provide this information. In the absence of documentation on the size of bags used for each packaged industrial grade sodium nitrate sale in the home market, we cannot allow an adjustment for more than the lower cost package.

Comment 2

DOC stated in the preliminary determination that CNSC's general selling, administrative and advertising expenses were apportioned over agricultural and industrial grades of sodium nitrate sold in the United States and not over all nitrates sold in the U.S. and Canada (CNSC's territory). This should be corrected to reflect a proper allocation of these expenses over all the merchandise for which they were incurred.

DOC Position

During verification, CNSC represented that its shipments records corresponded with sales data for the ESP period. We cross-checked this representation and found it to be incorrect. CNSC recently compiled its overall sales data for the ESP period pursuant to our request. We sampled fifteen invoices of sales of industrial grade sodium nitrate, allegedly to destinations in Canada. Five of the fifteen were to U.S. destinations. Four of the five had not been reported as U.S. sales of sodium nitrate and one of the five was twice counted, once as a U.S. sale and also as a Canadian sale. We have sampled invoices from the more than 3000 sales that were reported as sodium nitrate sales in the United States during the investigative period and found no inconsistencies for the sale date, quantity, and price. Based on this we believe that those U.S. sodium nitrate sales which were reported are, for the most part, complete.

Similarly, we have sampled invoices of potassium nitrate and found them to compare with CNSC reports of its sales of this product substantially accurately. We have included U.S. sales of potassium nitrate in determining the basis over which general, selling and administrative expenses are allocated and for determining the basis over which advertising expense for agricultural grade sodium nitrate is allocated. However, we cannot allow the above-stated expenses to be allocated over a broader base of alleged sales in view of the Canadian sales anomalies found. A more extensive sampling of invoices will be required if we have to conduct an administrative review in this case under section 751 of the Act.

Comment 3

DOC should allow an adjustment in the home market for higher commissions attributable to credit sales after February 1, 1982.

DOC Position

The information which the respondent requests us to incorporate into our calculations was recently received by DOC. We have verified that these commissions were paid at the stated rate by sampling dealer invoices. We made the adjustment requested.

Comment 4

DOC should disregard sales of agricultural grade sodium nitrate sold in the home market between February 10 and March 15, 1981. This group of sales was added to the home market period when CNSC revised the dates of export corresponding to U.S. sales. The time period involved is late summer in Chile when sales of agricultural grade sodium nitrate are slack. The change in weighted-average home market sales is *de minimus*.

DOC Position

We have disregarded these sales for reasons stated in our response to Petitioner's Comment 3, not because the hundreds of sales reported for this time period were *de minimus*. Both the originally submitted data and the revised data recently submitted disclose no exports of nitrates to the United States in this interval.

Comment 5

DOC incorrectly disallowed adjustments to home market prices for billing and collecting and data collection and processing. These two expenses were as much indirect selling expenses as the seven indirect expenses allowed by DOC. They are a necessary part of the sales activity since they are intimately a part of the marketing activity.

DOC Position

DOC regulation 19 CFR 353.15(c) allows "all actual selling expenses incurred in the home market." This does not include general expenses such as data processing. We do not have evidence that data processing was a selling and not a general expense. However, we have allowed for the billing and collecting expenses because of the correspondence between billing and collecting and specific sales in the period.

Comment 6

DOC should allow certain bad debt expenses in the home market that were disallowed in the preliminary determination computations. The premise that DOC started from, that the independent dealers of agricultural grade sodium nitrate were getting a

higher commission exclusively for carrying the risk of credit sales after February 1, 1982, was incorrect. SQM carried the same bad debt risk both before and after February 1, 1982. The independent dealers were liable as guarantors to SQM for the bad debt of farmers both before and after February 1, 1982. Official court forms, "protestos", were submitted to show this liability for the 1981 bad debts. SQM has had and still has a bad debt expense for agricultural grade sales on credit even though the debts are guaranteed by the dealers.

DOC Position

In discussing the sales commission, SQM wrote in its narrative response of July 2, 1982, that the two-tier commission was established after February 1, 1982. "A larger commission is given to the sales agents for sales on credit because the sales agent acts as a guarantor for the payment." We understood this to insulate SQM from bad debt risk after February 1, but in view of the earlier protestos showing that the sales agent acted as a guarantor for payments prior to February 1 as well, we now understand that this risk did not change with the initiation of the two-tier commission system. The bad debt expense incurred after February 1, 1982, has therefore been allowed for the final determination calculation.

Comment 7

DOC attributed to CNSC a pro-rata share of the expenses of the SQM department which procures ocean transportation for sodium nitrate and this was allocated and deducted from CNSC's selling prices in the United States by DOC. Because they were incurred by SQM and not billed to or paid for by CNSC, these are not expenses which should be deducted from the ESP price under section 772(d)(2)(A) as incidental to bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States. The purpose of this section is to require downward adjustment to the U.S. price for variable charges incurred after the merchandise has left the factory, such as loading charges and ocean freight.

DOC Position

To the extent that the Servicios Maritimos is acting as the agent of CNSC in arranging for merchandise to be shipped by chartered vessels to the United States, it is absorbing a general expense on CNSC's behalf. In order for CNSC to obtain sodium nitrate, this expense must be incurred somewhere in the related corporate structure. The fact

that SQM elected to consolidate this activity in Chile does not shift the proportional allocation of this expense for shipments to the United States of sodium nitrate. This is a general expense of selling in the United States which is not reported on the books of CNSC. However, it has been deducted as another U.S. selling expense in the valuation of ESP because it is a necessary expense of such U.S. sales.

Comment 8

DOC should not allocate SQM's inventory loss on a pro-rata basis distribution to the U.S. sales of CNSC. This is a fixed, indirect selling expense which must not be deducted as an ESP circumstance of sale adjustment. The expenses of the exporter and importer are separate and distinct. No pro-rata share of these expenses may be imputed to either exporter or importer. CNSC and its Chilean parent have a contract which limits CNSC's liability to a certain fixed maximum per year for inventory loss. SQM absorbs the excess. By a letter dated December 10, 1982 (at page 6), counsel for SQM informed DOC that there were no inventory losses for the agricultural grade and there were losses in excess of the contract amount for the industrial grade.

DOC Position

There exists an SQM expense category which we verified for worldwide inventory loss in shipping sodium nitrate from Tocopilla, Chile. Some of this loss occurs for shipping merchandise to other ports in Chile and has been allocated to these shipments. The balance of the fund is attributed to worldwide sales and has been allocated pro-rata to U.S. sales. Expenses for bringing the merchandise to the place of delivery are an adjustment to the U.S. price. Contractual payment arrangements between related companies do not preclude DOC from making an adjustment for these expenses. The expenses which CNSC incurred and paid under the contract are in addition to the inventory loss paid by SQM. The contract expresses this as an annual amount.

We divided this in half because the ESP period was for only six months. We allocated it over both agricultural and industrial grade sodium nitrate because we did not receive enough business records to verify how this contractual expense was incurred.

Comments by Both Parties on Cost of Production Methodology

Respondents' Comment

DOC overstated the cost of production because it included certain costs that should have been excluded as extraordinary for medical expenses, short-term production at a high cost mine and voluntary severance pay.

Petitioner's Comment

DOC understated the cost of production because it failed to account for the unreimbursed housing expenses of workers' families at the mines which is a direct labor cost.

DOC Position

In viewing the general environment (geographic location, extent of government involvement, labor and corporate practices and conditions) in which SQM operates, the DOC concluded that the production of sodium nitrate from the Maria Elena plant, medical expenses, voluntary severance pay, and workers' housing expenses were ordinary, typical and in some instances ongoing activities of SQM business operations. Additionally, events which were not an ongoing activity had been experienced by the company at least on a number of occasions and, because of the general business environment, might be anticipated by management, to recur in the future. Therefore, since such costs were usual in nature and could be expected to recur in the ordinary course of business, the Department included such expenses in the "cost-of-production."

The petitioner alleges that the cost-of-production had been understated because DOC failed to include unreimbursed housing expenses of workers' families at the mines as a direct labor cost. All costs of housing had been included in the initial calculation of cost-of-production. The costs of housing was not cited in the preliminary determination because the respondent had not specifically requested that such costs be excluded from the calculation of production costs.

Final Determination

Based on our investigation and in accordance with section 735(a) of the Act, we have reached a final determination that sodium nitrate from Chile is being sold in the United States at less than fair value within the meaning of section 731 of the Act.

Continuation of Suspension of Liquidation

Liquidation will continue to be suspended on all entries of sodium nitrate that are entered into the United States, or withdrawn from warehouse, for consumption. The U.S. Customs Service will continue to require the posting of a cash deposit, bond, or other security in the amount of \$0.45 for agricultural grade sodium nitrate and \$39.08 for industrial grade sodium nitrate. The security amounts established in our preliminary determination of November 8, 1982, are no longer in effect.

ITC Notification

We are notifying the ITC and making available to it all non-privileged and non-confidential information relating to this determination. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If the ITC determines that such injury does exist, we will issue an antidumping order directing Customs officers to assess an antidumping duty on sodium nitrate from Chile entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price. This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Dated: January 21, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-2340 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-25-M

Connecticut-Health Laboratory et al.; Applications for Duty-Free Entry of Scientific Instruments

The following are notices on 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 (Pub. L. 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 Subsections 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. 83-89. Applicant: State of Connecticut-Health Laboratory, 10 Clinton Street, P.O. Box 1689, Hartford, Conn. 06101. Instrument: Electron Microscope, JEM-100CX SEG and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of Instrument: The instrument is intended to be used for analysis of water and environmental samples for asbestos content. Application received by Commissioner of Customs: January 18, 1983.

Docket No. 83-93. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Instrument: Heating Stage for Electron Microscope, Model #200CX-SHTH. Manufacturer: JEOL Limited, Japan. Intended use of Instrument: The instrument is an accessory to an electron microscope which will be used for graduate student thesis research in Materials Science and Engineering. The objective of the graduate thesis requirement is to provide students with an in-depth research experience that allows them to develop into independent researchers who are capable of contributing positively to a research problem of consequence to the scientific/engineering community. Application received by Commissioner of Customs: January 13, 1983.

Docket No. 83-104. Applicant: North Carolina State University, P.O. Box 5935, Raleigh, NC 27650. Instrument: Seven Day Recording Volumetric Spore Traps, Battery Pump and Additional Drum and Tape. Manufacturer: Burkard Manufacturing Company, United Kingdom. Intended use of Instrument: The instrument is intended to be used in a long-range study to determine the

effects of *Cercospora* leafspot on yield losses and longevity of plantations, especially as it relates to planting sites and occurrence of *Fusarium* wilt and root rots. Basic information from these studies would have application for controlling leafspot diseases of cucumber, carrot and other crops. Application received by Commissioner of Customs: January 17, 1983.

Docket No. 83-107. Applicant: Georgia State University, Department of Biology, University Plaza, Atlanta, GA 30303. Instrument: Electron Microscope, Model JEM-100CXII/SEG with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of Instrument: The instrument is intended to be used in the investigation of the ultrastructure and function of various biological materials, including plant, animal, and microbial cells, subcellular organelles, viruses and biological macromolecules. The article will also be used in various Biology courses to provide the students with sufficient expertise in transmission electron microscopy and the ancillary preparative techniques to enable them to conduct ultrastructural investigations in their specific research area. Application received by Commissioner of Customs: January 14, 1983.

Docket No. 83-113. Applicant: Lovelace Biomedical and Environmental Research Institute, Building 9200, Area Y, Kirtland Air Force Base, East, Albuquerque, NM 87115. Instrument: Electron Microscope, Model EM 109 with 60-Degree Goniometer and Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of Instrument: The instrument is intended to be used in on-going research on the toxicity of inhaled materials. The materials to be studied include aerosols from nuclear fuel cycles (e.g. cesium, uranium, plutonium, americium, curium) and other energy related activities such as coal combustion or operation of diesel engines. The studies will be conducted to improve human health risk estimates for the various energy related activities. Application received by Commissioner of Customs: January 13, 1983.

Docket No. 83-114. Applicant: Indiana University, 1101 E. 17th Street, Bloomington, IN 47405. Instrument: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of Instrument: The instrument is intended to be used for research designed to result in new basic information concerning the structure and function of cells. In addition, the instrument will be used for educational purposes in courses designed to acquaint students with both

the theoretical and practical aspects of electron microscopy for their future use in careers in branches of experimental or clinical science. Application received by Commissioner of Customs: January 13, 1983.

DOCKET No. 83-118. Applicant: Hendrick Medical Center, Department of Pathology, 19th and Hickory Streets, Abilene, TX 79601. Instrument: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Instrument: The instrument is intended to be used to examine biological material including human tissue, body fluids, cytology specimens and microbiological materials, i.e. bacteria, viruses, fungi and chlamydiae during various research studies. Application received by Commissioner of Customs: January 18, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 83-2342 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-25-M

Dairy Products From the European Communities; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Delegation of the Commission of the European Communities, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on dairy products from the European Communities would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth K. Haldenstein or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; (202) 377-2786.

SUPPLEMENTARY INFORMATION: On May 19, 1975, the Department of the Treasury published in the Federal Register (T.D. 75-113, 40 FR 21719) a final countervailing duty determination on dairy products from the European Communities. Treasury issued a waiver of collection of countervailing duties, under the authority of section 303(d) of the Tariff Act of 1930, at the same time (T.D. 75-114, 40 FR 21720).

Since the member states of the European Communities were "countries" under the agreement as of January 1, 1980, the Department referred the case to the International Trade Commission ("the ITC") for an injury investigation pursuant to section 104(a)(1) of the Trade Agreements Act of 1979 ("the TAA"). The ITC published a notice in the Federal Register of July 2, 1980 (45 FR 45034) announcing a negative injury decision for one of the covered categories of dairy products, non-quota cheese.

On December 22, 1982, the ITC published a notice in the Federal Register (47 FR 57134) announcing a negative injury decision for the remaining products in the case. As a result, the Department is revoking the countervailing duty order concerning dairy products from the European Communities.

The Department will instruct the Customs Service to continue liquidation of all such entries without regard to countervailing duties.

This revocation and notice are in accordance with section 104(a)(3)(B) of the TAA (19 U.S.C. 1671 note).

Dated: January 23, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-2466 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-25-M

Ferroalloys from Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on ferroalloys from Spain. The review covers the period January 1, 1980 through December 31, 1981. As a result of this review, the Department has preliminarily determined the amount of the net subsidy for 1980 to be 3.09 percent of the f.o.b. invoice price of ferromanganese with a carbon content of 2 percent or less and 2.14 percent of the f.o.b. invoice price of all other ferroalloys subject to the order, and for 1981, 2.81 percent of the f.o.b. invoice price of all ferroalloys subject to the order. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Anderson or Laura Kneale, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 1980 the Department of the Treasury ("Treasury") published in the Federal Register (T.D. 80-11, 45 FR 25) an affirmative final countervailing duty determination on ferroalloys from Spain. The notice stated that the Government of Spain has provided bounties or grants on the manufacture, production or exportation of such merchandise within the meaning of section 303 of the Tariff Act of 1930 ("the Tariff Act"). Because the notice was signed on December 28, 1979, the Department of Commerce ("the Department") considers this an order instituted under the Tariff Act prior to its amendment by the Trade Agreements Act of 1979 ("the TAA").

On January 1, 1980, the provisions of title I of the TAA became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department. The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has now conducted an administrative review of the order on ferroalloys from Spain.

Scope of the Review

Imports covered by the review are ferroalloys, imported directly or indirectly, from Spain. Such imports are currently classifiable under the following items of the Tariff Schedules of the United States Annotated: ferrochrome (over 3% carbon), 606.2400; ferromanganese (over 4% carbon), 606.2800; ferromanganese (over 4% carbon), 606.3000; ferrosilicon manganese, 606.4400; and ferrosilicon (60-80% silicon), 606.3600 and 606.3700.

The review covers the period January 1, 1980 through December 31, 1981, and the following programs: (1) a rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion ("DFE"); and (2) an operating capital loans program. The only two known exporters of this merchandise to the United States are Hidro Nitro Espanola, S.A., and S.E. Carburos Metalicos, S.A.

Analysis of Programs

1. Desgravación Fiscal a la Exportación ("DFE")

Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the Government, under the DFE, rebates both these accumulated IGTE indirect taxes and final stage taxes.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act allows the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product in each case. In this case, the physically incorporated inputs are the raw materials previously allowed by Treasury plus the portion of carbon which was physically incorporated. We have decided that carbon should be treated as an allowable input because the respondents have been able to show that the element is present in the final product. Thus, it meets the criteria of physical incorporation as established by the Tariff Act (see notice of "Final Results of Administrative Review of Countervailing Duty Order" on oleoresins from Spain, 47 FR 11916). However, since carbon also functions as a reducing agent, we will not allow as necessary waste that part which is utilized in production but not present in the final product.

The rebate of three final stage taxes, the parafiscal tax on export licenses, the tax on export freight and insurance, and the tax surcharge on metal products ("the Juan de la Cierva"), is also allowable when calculating whether or not there is an overrebate of indirect taxes under the DFE.

Based upon our analysis of the DFE and the allowable indirect taxes, we preliminarily determine that an overrebate upon export existed in 1980 in an amount equal to 2.59 percent of the f.o.b. invoice price of ferromanganese with carbon content of 2 percent or less, and 1.64 percent of the f.o.b. invoice

price of all other ferroalloys subject to the order.

As of January 1, 1981, the Spanish government increased the IGTE rate from 2.4 percent to 3.8 percent while maintaining the previous rate for the export rebate. Based upon our analysis of the indirect taxes on physically incorporated inputs and the three indirect taxes on the final product, we determine that the change in aggregate indirect tax incidence has eliminated the overrebate previously found countervailing; therefore, we preliminarily determine the net subsidy attributable to this program during 1981 to be zero percent.

2. Operating Capital Loans

The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year. In 1980, the Spanish government fixed the interest rate for such loans at 8 percent, which was 1.5 percent below the legally established commercial interest rate of 9.5 percent. Effective March 1, 1981, the Spanish government increased the interest rate on operating capital loans from 8 to 10 percent while eliminating the interest rate ceiling on comparable short-term commercial loans. To determine the interest rate on comparable commercial loans for the remaining 10 months in 1981, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average creditworthiness and added the legally established fees and commissions. Comparing this benchmark with the 10-percent interest rate established for the operating capital loans program, we found a differential of 9.45 percent after March 1.

The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's Card. Both ferroalloys firms have such a card, and thus maximum eligibility until November 1981 was 30 percent. Effective November 21, 1981, the Spanish government decreased the maximum eligibility (including Exporter's Card eligibility) to 24 percent. Because we have no information on actual utilization of this program by the two firms, we assumed that the maximum allowable amount was borrowed. After prorating for the interest rate differentials and eligibility levels prevailing in 1981, we preliminarily determine the net subsidy conferred under this program to be 0.50

percent of the f.o.b. invoice price of the merchandise for 1980, and 2.61 percent for 1981.

Effective April 20, 1982, the Spanish government reduced the maximum percentage of eligibility for operating capital loans to 22.8 percent. As a result, using the same methodology and calculating the interest rate differential for the first five months of 1982, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy attributable to this program is 2.31 percent *ad valorem*.

Verification

We verified the submissions of the Spanish government through access to company books and records. Documents examined included production and export records, company financial statements and cost structure records.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during 1980 by the two programs is 3.09 percent *ad valorem* for ferromanganese of not more than 2 percent carbon and 2.14 percent *ad valorem* for all other ferroalloys subject to the order. For 1981, we preliminarily determine that the aggregate net subsidy conferred is 2.61 percent *ad valorem* for all ferroalloys subject to the order. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 3.09 percent of the f.o.b. invoice price on all shipments of Spanish ferromanganese consisting of 2 percent or less carbon, and 2.14 percent of the f.o.b. invoice price on all shipments of all other ferroalloys subject to the order, entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1980. The Department also intends to instruct the Customs Service to assess countervailing duties of 2.61 percent of the f.o.b. invoice price on all shipments of Spanish ferroalloys subject to the order exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 2.31 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This

deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: January 23, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-2487 Filed 1-27-83; 8:48 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; Decitek Corp. et al.

Petitions have been accepted for filing from the following firms: (1) Decitek Corporation, 129 Flanders Road, Westborough, Massachusetts 01581, producer of perforated tape readers (accepted January 3, 1983); (2) Georgian Lighting Studios, Inc., 100 8th Street, Passaic, New Jersey 07055, producer of lamps, chandeliers, furniture and decorative accessories (accepted January 4, 1983); (3) McGrath Sales, Inc., 1517 Washington Avenue, St. Louis, Missouri 63103, producer of sewing machines (accepted January 4, 1983); (4) N. H. Wright, Inc., P.O. Box 328, Cranbury, New Jersey 08512, producer of cut flowers (accepted January 4, 1983); (5) William Kay Manufacturing Company, 1401 Armour Road, North Kansas City, Missouri 64116, producer of men's and boys' coats, jackets, slacks, and shorts (accepted January 4, 1983); (6) Minotola Industries, Inc., 410 South 4th Street, Vineland, New Jersey 08360, producer of women's jackets, blouses, shirts and pants; and men's jackets (accepted January 5, 1983); (7) Zenith Handbag Corporation, 6 West 32nd Street, New York, New York 10001, producer of handbags (accepted January

5, 1983); (8) Harvey Industries, P.O. Box 188, Clarksburg, West Virginia 26302, producer of illuminating glassware (accepted January 5, 1983); (9) McFarland Cascade, P.O. Box 670, Sandpoint, Idaho 83864, producer of lumber and other wood products (accepted January 6, 1983); (10) J.B. Dask Corporation, Route 35, Townshend, Vermont 05353, producer of vests and jackets for men, women, and children (accepted January 6, 1983); (11) L. B. Industries, Inc., 4545 Brazil Street, Los Angeles, California 90039, producer of ceramic tile (accepted January 6, 1983); (12) International Leatherwares Corporation 1 East 33rd Street, New York, New York 10016, producer of leather handbags, belts and accessories (accepted January 10, 1983); (13) Eastern Reproduction Corporation, 1250 Main Street, Waltham, Massachusetts 02154, producer of printed circuit boards and jewelry etchings (accepted January 10, 1983); (14) L. & Z. Kamman Company, Inc., 90 Mechanic Street, Gardner, Massachusetts 01440, producer of wood chairs (accepted January 10, 1983); (15) Moore Brothers, Inc., 48 Park Street, Beverly, Massachusetts 01915, producer of women's pants, skirts, tops and blazers (accepted January 10, 1983); (16) Fischer Chair Company, Inc., 208 Main Street, Tell City, Indiana 47586, producer of wood chairs and stools (accepted January 10, 1983); (17) U.S. Pottery Manufacturing, Inc., P.O. Box 167, Paramount, California 90723, producer of ceramic gardenware (accepted January 10, 1983); (18) Guterl Special Steel Corporation, P.O. Box 509, Lockport, New York 14094, producer of specialty steel (accepted January 10, 1983); (19) Truluck Vineyards Winery, Drawer 1265, Lake City, South Carolina 29560, producer of wine (accepted January 19, 1983); (20) Life Manufacturing Corporation, P.O. Box 1178, Caguas, Puerto Rico 00625, producer of men's shirts and pants (accepted January 11, 1983); (21) J. G. Tilp, Inc. 80 Milltown Road, Union, New Jersey 07087, producer of injection molds (accepted January 12, 1983); (22) Clover Knitting Mills, Inc., M Street and Erie Avenue, Philadelphia, Pennsylvania 19124, producer of men's, women and boys' sweaters (accepted January 12, 1983); (23) June Sportswear Company, Inc., Ten West Street, Boston, Massachusetts 02111, producer of women's slacks and shirts (accepted January 13, 1983); (24) Bettencourt Tanning Company, Inc., 340 Merrimack Street, Lawrence, Massachusetts 01843, producer of leather (accepted January 17, 1983); (25) Owens Handle Company, Inc., 4200 North Frazier Street, Conroe, Texas 77301, producer of wood handles

(accepted January 17, 1983); (26) Plimoth Coal Stove Works, Inc., 37 Country Road, Plympton, Massachusetts 02367, producer of coal-burning stoves (accepted January 17, 1983); (27) Hamilton Allied Corporation, 1551 Lincoln Avenue, Hamilton, Ohio 45011, producer of iron castings (accepted January 17, 1983); (28) Valley Knitting Mills, P.O. Box 158, Haskell, New Jersey 07420, producer of men's and women's sweaters (accepted January 18, 1983); (29) Whiteman Enterprise, 13020 Pierce Street, Pacoima, California 91331, producer of concrete pumps (accepted January 18, 1983); (30) American Manufacturing Company, Inc., 206 Willow Avenue, Honesdale, Pennsylvania 18431, producer of rope, twine and stripping (accepted January 19, 1983); (31) Armour Porter Corporation, Creeper Hill Road, North Grafton, Massachusetts 01536, producer of machinery parts and pressure vessels (accepted January 20, 1983); and (32) Cuba Specialty Manufacturing Company, Inc., Box 195, Fillmore, New York 14735, producer of crab and minnow traps, and eel pots (accepted January 21, 1983).

the petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment assistance. In as far as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget

Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR doc. 83-2465 filed 1-27-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Statement of Organization, Practices and Procedures (SOPP's); Revision

Pursuant to section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act, in accordance with such uniform standards as are prescribed by the Secretary of Commerce. This document represents a revised portion to Section V, "Officers and Terms of Office," of the Mid-Atlantic Fishery Management Council's SOPP's, originally published in 46 FR 62674-62679, December 28, 1981. The revised portion of the document is published below. All other portions of the text as originally published remain unchanged.

(Dated: January 25, 1983.)

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

V. Officers and Terms of Office

A. General. A Chair and a Vice Chair shall be elected annually in September by the voting members of the Council; each such officer shall serve for a period of one year and until a successor is elected and qualified. Officers may succeed themselves. A recording secretary may be appointed by the Chair for a term of one year. The Council may elect other officers as it deems necessary.

1. Nominations. The Chair shall appoint a Nominating Committee, who shall make its nominations at the beginning of the election process. Following the Committee's nomination, any voting member may nominate additional candidates from the floor. When nominations are closed the election shall be held.

2. Elections. The election of Chair will be held first, followed by the election for Vice-Chair. If only one candidate is nominated for an office, the Chairman of the Nominating Committee shall cast all votes for that candidate. If there are two or more candidates, the election shall be by secret ballot with the votes tabulated by 2 or more Tellers appointed by the Council Chair. The Tellers shall use the following rules to determine the winning candidate:

a. To win, a candidate must receive a majority of the votes cast.

b. If no candidate receives a majority of the votes, the Tellers shall declare no election. If there are more than two candidates, the candidate receiving the lowest number of votes shall be dropped from consideration and a vote will be taken for the remaining candidates. This process will continue until a candidate receives a majority of the votes cast.

c. Those preferring not to vote for any candidate shall check "ABSTAIN" on the ballot.

d. The number of ballots cast for an individual shall not be announced. Any Council member who questions the result may review the ballots. The vote of any Council member shall not be identified nor made public in any respect.

[FR Doc. 83-2465 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Knowsley Safari Park

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Knowsley Safari Park (P314).

b. Address: Prescot, Nr. Liverpool, Merseyside L34 4AN, United Kingdom.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphin (*Tursiops truncatus*), 3.

4. Type of Take: Capture for permanent maintenance.

5. Location of Activity: West Coast of Florida.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those

individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Department of the Environment, United Kingdom have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street NW.,
Washington, D.C.; and
Regional Director, National Marine
Fisheries Service, Southeast Region,
9450 Koger Boulevard, St. Petersburg,
Florida 33702

Dated: January 25, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division,
National Marine Fisheries Service.

[FR Doc. 83-2466 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service**Intent To Grant Exclusive Patent License**

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant Revlon, Incorporated, having a place of business at New York City, New York 10153 an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Hepatitis B Immune Globulin Used to Inactivate Hepatitis B Virus in Injectable Biological Products," U.S. Patent No. 4,346,073 (dated August 24, 1982). The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, P.O. Box 1423, Springfield, Virginia 22151. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: January 19, 1983.

George Kudravelz,

Program Manager, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 83-2292 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-04-M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Revlon, Incorporated, having a place of business at New York City, New York 10153 an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Inactivation of a Lipid Virus," Patent Application No. 6-386,991 (dated June 10, 1982). The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquires, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, P.O. Box 1423, Springfield, Virginia 22151. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: January 19, 1983.

George Kudravelz,

Program Manager, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 83-2292 Filed 1-27-83; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE**Department of the Air Force****Public Information Collection Requirement Submitted to OMB for Review**

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New**Air Force Academy Candidate Personal Data Record (USAF Form 146)**

This information is needed by Academy admission officials to evaluate the personal background of each applicant for admission to the Academy. The information collection applies to approximately 10,000 youths, age

sixteen to twenty-one, who have applied for admission to the Academy: 10,000 responses; 5,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

(A copy of the information collection proposal may be obtained from Maj. Daniel J. Flaherty, Jr., United States Air Force Academy, Colorado Springs, CO 80840, telephone (303) 472-3071)

Dated: January 25, 1983.

M. S. Healy,

ODS Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-2460 Filed 1-27-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New**Air Force Academy Candidate Activities Record (USAF Form 147)**

This information is needed by Air Force Academy Admission officials to evaluate each candidate's participation in high school extracurricular activities. Participation and leadership in high school activities are good predictors of success as a cadet. It applies to approximately 10,000 youths, age sixteen to twenty-one, who have applied for admission to the Academy: 10,000 responses; 5,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room

1A658, Pentagon, Washington, D.C.
20301, Telephone (202) 697-1195.

(A copy of the information collection proposal may be obtained from Maj Daniel J. Flaherty, Jr., United States Air Force Academy, Colorado Springs, CO 80840, Telephone (303) 472-3071)

Dated: January 25, 1983.

M.S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-2459 Filed 1-27-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

*Air Force Academy Request for
Secondary School Transcript (USFA
Form 148)*

This information collection is necessary to evaluate each candidate's academic qualifications for admission to the Academy. Data is collected from candidates for admission and high school officials: 10,000 responses; 3,333 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

(A copy of the information collection proposal may be obtained from Maj. Daniel J. Flaherty, Jr., United States Air Force Academy, Colorado Springs, CO 80840, telephone (303) 472-3071.)

Dated: January 25, 1983.

M.S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-2462 Filed 1-27-83; 8:45 am]

BILLING CODE 3910-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

*Air Force Academy Precandidate
Questionnaire (USFA Form 149)*

This information is needed to allow Academy admission officials to make a preliminary assessment of a precandidate's prospects for admission to the Academy. It applies to approximately 17,000 youths making an initial application for admission to the Academy: 17,000 responses; 8,500 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

(A copy of the information collection proposal may be obtained from Maj. Daniel J. Flaherty, Jr., United States Air Force Academy, Colorado Springs, CO 80840, telephone (303) 472-3071)

Dated: January 25, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-2461 Filed 1-27-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board, Functional Subgroup on Planning, Concepts, and Management Support; Notice of Meeting Changes

The following changes have occurred to the meeting of the Army Science Board Functional Subgroup on Planning, Concepts, and Management Support which was announced in the Federal Register issue of 28 December 1982 (47 FR 57749):

Dates of meeting: Thursday and Friday, 10 and 11 February 1983 (instead of Tuesday and Wednesday, 1 and 2 February 1983).

Maria P. Galván,

Acting Administrative Officer.

[FR Doc. 83-2424 Filed 1-27-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Functional Subgroup on Weapons Systems; Closed 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 of the Committee: Army Science Board (ASB).

Dates of Meeting: Thursday and Friday, 24 and 25 February 1983.

Times: 0830-1700 hours, 24 February 1983 (Closed); 0830-1700 hours, 25 February 1983 (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Functional Subgroup on Weapons Systems will meet for classified briefings and discussions on the Threat and of specific weapons systems for countermeasures. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, Subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697-9703 or 685-3039.

Maria P. Galván,

Acting Administrative Officer.

[FR Doc. 83-2425 Filed 1-27-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board, Functional Subgroup on Logistics and Support Systems; Closed 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 of the Committee: Army Science Board (ASB).

Date of Meeting: 24 February 1983.

Time: 0830-1700 hours (Closed).

Place: U.S. Army Logistics Center, Fort Lee, Virginia.

Agenda: The Army Science Board Functional Subgroup on Logistics and Support Systems will meet for classified briefings and discussions relative to U.S. defense issues. Specific briefings will be on foreign military approaches to logistics, the impact of reliability on manning and logistics requirements (including follow-up on the ASB Manning Army Systems report), and planning for future actions of the subgroup. There will also be a facility visit for subgroup members and an opportunity to ask questions of the staff. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697-9703 or 695-3039.

Maria P. Galván,

Acting Administrative Officer.

[FR Doc. 83-2426 Filed 1-27-83; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

General Document Summary Sheet

The Government-Industry Data Exchange Program is chartered by Joint Logistics Commanders of the Armed Services and the Administrator, NASA, and managed by the Navy as a cooperative effort between the government and industry to enhance the

quality and reliability, and reduce the cost of government procured hardware systems through the exchange of technical information. This exchange obviates the necessity for duplication of expensive testing of parts, components and materials; eliminates redundant development of calibration procedures and precludes catastrophic failures from the use of the same faulty parts and components in different systems. The General Document Summary Sheet, form DD 2000, has been made mandatory by the Logistics Commanders of the Armed Services in a cooperative effort to effect common utilization of engineering data and newly developed engineering processes. This data includes report originator, test sample or equipment nomenclature, application, manufacturers, part numbers, environmental tests, test levels, quantity tested/failed, and test methods. DD 2000 is also used as a vehicle to summarize test reports prepared in compliance with MIL-STD-831, Preparation of Test Reports.

DOD and NASA Test/Evaluation

Activities: 4,000 responses, 4,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from HQ Naval Material Command, Code MAT 06B, room 348, Crystal Plaza Building 5, Washington, D.C. 20360, telephone (202) 692-1106.

Dated: January 25, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-2403 Filed 1-27-83; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Joint Strategic Target Planning Staff Scientific Advisory Group Subcommittee; Closed Meeting

Subcommittees of the Joint Strategic Target Planning Staff (JSTPS) Scientific Advisory Group will meet in closed session 7 February and 9 February 1983, at Offutt Air Force Base, Nebraska.

The mission of the JSTPS Scientific Advisory Group is to provide timely technical and scientific advice to the Director of Strategic Target Planning during the development of the Single Integrated Operational Plan.

A meeting of the JSTPS Scientific Advisory Group Subcommittee

investigating the relationship between strategic and theater nuclear forces has been scheduled for 7 February 1983. A meeting of the JSTPS Scientific Advisory Subcommittee investigating the net effect on the US of a Soviet ABM breakout has been scheduled for 9 February 1983. The purpose of these meetings is to discuss issues for presentation at a plenary meeting of the SAG later this year.

In accordance with 5 U.S.C. App. I subsection 10(d) (1976), it has been determined that these JSTPS Scientific Advisory Group Subcommittee Meetings concern matters listed in 5 U.S.C. subsection 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

Dated: January 25, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-2404 Filed 1-27-83; 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 31 and February 1, 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. Because of the stringent deadline imposed by the President, timely notice of the meeting cannot be provided.

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.

Dated: January 24, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-2403 Filed 1-27-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Bilingual Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: February 15, 1983—Business Meeting 9:00 a.m.—5:00 p.m.

February 16, 1983—Business Meeting 9:00 a.m.—5:00 p.m.

ADDRESS: The Business Meeting on February 15 & 16, 1983 will be held in the Wisconsin Room of the Sheraton-Washington Hotel, 2600 Connecticut Avenue, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue, SW, Washington, DC 20202 (202) 245-2600.

SUPPLEMENTARY INFORMATION: The National Advisory Council on bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

The meeting of the Council is open to the public. The proposed agenda includes the following:

February 15, 1983

- I. Presentations on Reauthorization
- II. Presentation on Instructional Technology
- III. Budget, Legislative and Part C Update

February 16, 1983

- I. Presentations on Reauthorization
- II. Presentation on Significant Bilingual Instructional Features Study
- III. Projected Directions of Council
- IV. Committee Reports

Dated: January 24, 1983.

Jesse M. Soriano,

*Director, Office of Bilingual Education and
Minority Languages Affairs.*

[FR Doc. 83-2500 Filed 1-27-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF OF EDUCATION

Vocational Education National Advisory Council; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting of the council.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: February 17 and 18, 1983: 2/17, TSTI, Harlingen, Texas; 2/18 McAllen, Texas, Holiday Inn Civic Center.

ADDRESS: TSTI, Rio Grande Campus, Industrial Air Park, Harlingen, Texas
Holiday Inn Civic Center, 2nd Street and Expressway 83, McAllen, Texas.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Council is open to the public. The proposed Agenda will include:

February 17

Vocational Education site visits in
Edinburgh and Harlingen: 8:00 A.M. -
2:00 P.M.

Business meeting and local presentors:
2:00-4:45 P.M. TSTI, Building A,
Harlingen, Texas

Committee Reports; Awards Program

February 18

Holiday Inn Civic Center, Mesquite
Room, Legislative Committee Report
Approval of Draft of Testimony
Adjournment 12:30 P.M.

Records are kept of the Council's proceedings and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 A.M. to 5:00 P.M., 425—13th Street NW, Suite 412, Washington, DC 20004.

For further information contact:
Virginia Solt, NACVE Staff, at above
address. Telephone: (202) 376-8873.

Signed at Washington, DC on January 25, 1983.

James W. Griffith,

*Executive Director, National Advisory
Council on Vocational Education.*

[FR Doc. 83-2405 Filed 1-27-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves the transfer to the United States of 200 irradiated fuel pins from the BR-3 reactor, located in Mol, Belgium, for reactor safety experiments to be performed for the U.S. Nuclear Regulatory Commission. Upon conclusion of the experiments, the fuel pins will be disposed of. The fuel pins contain approximately 98 kilograms of uranium, enriched to an average of 6.63% in U-235.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 25, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-2417 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-EU-761, to the Compagnie Generale des Matieres Nucleaires (COGEMA), France, 375 grams of normal uranium, for use as standard reference.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 25, 1983

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-2418 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Intent to Revise Transmission Rates to Become Effective November 1, 1983, Request for Recommendation and Suggestions

AGENCY: Bonneville Power Administration, DOE.

ACTION: Notice of intent.

BPA FILE NO.: TR-83.

BPA requests that all comments and documents which become part of the Official Record compiled in the process of adjusting transmission rates contain the file number designation TR-83.

SUMMARY: Bonneville Power Administration (BPA) is in the initial stages of developing adjusted rates for the transmission of electric power of other entities over Federal facilities. It is presently anticipated that the adjusted rates will become effective November 1, 1983. At this time BPA announces its intent to revise transmission rates and is seeking comments and recommendations from the public which can be used to assist in the development of the transmission rate adjustment proposal.

BPA expects to have its initial proposed rate adjustments formulated in February 1983 and will publish a notice announcing their availability. The notice will also announce a schedule for formal hearings as specified in Section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). These hearings will give interested persons an opportunity to present both oral and written comments on the proposal.

Written recommendations concerning the development of BPA's initial proposal for adjusted transmission rates will be accepted through February 14, 1983, by the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT:

Ms. Kathleen S. Johnson, Public Involvement, P.O. Box 12999, Portland, Oregon 97212; 503-230-3478. Oregon callers may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-8048.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503-345-0311

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar,

Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION: BPA, as an agency of the U.S. Department of Energy, owns and operates the Federal Columbia River Transmission System (FCRTS), which includes approximately 80 percent of the capacity of the high-voltage electric transmission system within the Pacific Northwest. The FCRTS integrates and transmits electric power from Federal or non-Federal generating units. BPA also provides interregional transmission services to its customers outside the Pacific Northwest. BPA is now undertaking studies to support changes to the current transmission rates and rate designs.

The current rates apply to four types of transmission service which generally involve: (1) Moving firm electric demand from points of generation to load or between other points of supply and delivery (current contracts provide this service for periods of up to 50 years); (2) moving firm electric power (energy and demand) on a postage-stamp rate basis; (3) moving non-firm energy when there is excess capacity (current contracts for this service provide for short-term energy transfers and usually provide for termination by the customer on 1 year's notice and by BPA on 3 year's notice); and (4) moving firm electric demand over specified transmission facilities. BPA also will examine the adequacy of current charges for other transmission related services.

The anticipated transmission rate adjustments are needed to cover increasing FCRTS costs. Normally, transmission costs are small compared to a utility's total costs, and BPA expects that the increase in FCRTS revenues will have minimal impact on ultimate power costs to the consumer.

The anticipated transmission rate adjustments are being developed concurrently with a proposed transmission policy which is expected to be completed in early 1983. These rate adjustments will reflect that policy.

The present transmission rates have been approved by the Federal Energy Regulatory Commission (FERC) on an interim or final basis through February 28, 1983. BPA is currently seeking an extension of such interim and final approval until January 1, 1984, or until new rates are filed. The revenues now being collected under these rates are subject to refund, pending a final ruling by FERC.

BPA is seeking public involvement in developing its transmission rate

proposal. Interested persons are invited to submit suggestions, advice, and recommendations regarding BPA's intent to revise transmission rates through February 14, 1983. Following publication of the initial proposal in the *Federal Register*, both general public and formal hearings will be conducted by BPA. The Honorable Seymour Wenner, retired Administrative Law Judge, is designated the hearing officer for the transmission rate adjustment proceedings. Written comments will also be accepted. Following the hearings BPA will announce its final proposed transmission rate schedules. The Administrator will submit the final rate proposal to the FERC for approval on an interim basis and ultimately for final confirmation and approval.

Issued in Portland, Oregon, January 21, 1983.

Edward W Sienkiewicz

Acting Administrator.

[FR Doc. 83-2422 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Intent to Revise Wholesale Power Rates To Become Effective November 1, 1983, Request for Recommendations and Suggestions

AGENCY: Bonneville Power Administration, DOE.

ACTION: Notice of intent.

BPA FILE NO: WP-83.

BPA requests that all comments and documents which become part of the Official Record compiled in the process of adjusting wholesale power rates contain the file number designation WP-83.

SUMMARY: Bonneville Power Administration (BPA) is in the initial stages of developing its wholesale power rate schedules which will become effective November 1, 1983. At this time, BPA announces its intent to revise wholesale power rates and is seeking suggestions, advice, and recommendations from interested persons which can be used to assist in the development of the wholesale power rate proposal.

BPA expects to have its initial proposed rates formulated in February 1983. BPA will then publish a notice announcing their availability. That notice will also include a schedule for formal hearings as specified in Section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). These hearings will give interested persons an opportunity to present both oral and written comments on the proposal.

Suggestions and recommendations concerning the development of proposed wholesale power rates will be accepted through February 14, 1983, by the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT:

Ms. Kathleen S. Johnson, Public Involvement, P.O. Box 12999, Portland, Oregon 97212; 503-230-3478. Oregon callers may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon, 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION: BPA, an agency of the U.S. Department of Energy, is the Federal electric power marketing agency in the Pacific Northwest. BPA markets hydroelectric power from 30 U.S. Army Corps of Engineers and U.S. Bureau of Reclamation projects on the Columbia River and its tributaries, as well as thermal power it acquires from non-Federal interests in the region. In addition, BPA owns, operates, and maintains the nation's largest high-voltage transmission system grid.

BPA supplies about 50 percent of the electric energy consumed in the Pacific Northwest and accounts for about 80 percent of the region's high-voltage transmission capacity. It sells power to 161 customers, including publicly, cooperatively, and privately owned utilities, Federal and State (California)

agencies, and electroprocess and other Northwest industries. The power is sold at wholesale to BPA utility customers for resale to ultimate consumers, and directly to BPA's industrial and Federal agency customers. In addition, BPA sells power which is surplus to the needs of the Pacific Northwest to customers outside the region.

The rates that BPA charges its customers must produce revenues that are sufficient to repay, with interest, the Federal investment in generation and transmission facilities, as well as conservation, and to pay BPA's operation and maintenance expenses, its purchased power costs, and certain other miscellaneous expenses. Inflation, high interest rates, and contract obligations have created substantial increases in BPA's costs.

BPA's last wholesale power rate increase became effective on an interim basis on October 1, 1982. The developmental process for the 1983 wholesale power rate proposal will be similar to that used to develop the 1982 wholesale power rates. BPA is preparing a current repayment study to determine the extent to which anticipated repayment requirements for FY 1984 would exceed expected revenues collected under the current rates. Following a determination of the increase in revenues that will be necessary to meet repayment requirements, BPA will develop various studies to be used in designing rates. BPA also will evaluate the environmental effects of the proposed rates.

In developing the rate proposal, BPA will consider the six ratemaking standards of Section 111 of the Public Utility Regulatory Policies Act (PURPA, Pub. L. 95-617). This Act requires each utility whose total retail sales exceed 500 million kilowatthours in a calendar year to consider ratemaking standards with respect to conservation of power, optimal and efficient use of facilities and resources, and equity in establishing rates for all electric consumers. Section 111 is applicable to BPA because of BPA's direct sales to Federal agencies and industrial customers. The six ratemaking standards of Section 111 were adopted by BPA on November 19, 1979 (44 FR 68949). The standards regard: (1) Cost of service; (2) declining block rates; (3) time-of-day rates; (4) seasonal rates; (5) interruptible rates; and (6) load management techniques. Other factors BPA will consider in designing the 1983 wholesale power rates include conservation, renewable resource acquisitions, consumer understanding,

ease of administration, fiscal responsibility, environmental protection, and continuity of rates.

BPA is also considering the need for a two-staged wholesale power rate increase for BPA customers, as appropriate, to take effect November 1, 1983, and July 1, 1984.

BPA is seeking public involvement in developing its wholesale rate proposal. Interested persons are invited to submit suggestions, advice, and recommendations regarding BPA's intent to revise wholesale rates through February 14, 1983. Following publication of the initial rate proposal in the *Federal Register*, both public and formal hearings will be conducted by BPA on the proposal. The Honorable Seymour Wenner, retired Administrative Law Judge, is designated the hearing officer for the wholesale power rate adjustment proceedings. Written comments also will be accepted. Following the hearings BPA will announce its final proposed wholesale power rates. The Administrator will submit the final rate proposal to the Federal Energy Regulatory Commission for approval on an interim basis and ultimately for final confirmation and approval.

Issued in Portland, Oregon, January 21, 1983.

Edward W. Scenkiewicz,
Acting Administrator.

[FR Doc. 83-2423 Filed 1-27-83; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Highway Oil, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Highway Oil, Inc. of Topeka, Kansas.

This Proposed Remedial Order charged Highway Oil, Inc. with pricing violations in the amount of \$1,335,810.60, plus accrued interest in sales of motor gasoline during the time period of November 1, 1973 through April 30, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 3rd day of January, 1983.

David H. Jackson,
Director, Kansas City Office, Economic
Regulatory Administration.

[FR Doc. 83-2420 Filed 1-27-83; 8:45 am]
BILLING CODE 6450-01-M

Imperial Refineries Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Imperial Refineries Corporation (Imperial) as a final order of the Department.

EFFECTIVE DATE: December 29, 1982.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466, (816) 374-2092.

SUPPLEMENTARY INFORMATION: On November 24, 1982, 47 FR 53094, the ERA published a notice in the *Federal Register* that it executed a proposed Consent Order with Imperial Refineries Corporation of St. Louis, Missouri on November 19, 1982 which would not become effective sooner than 30 days after publication of that notice. The Consent Order settles alleged regulatory violations brought by the Department of Energy (DOE) against Imperial, involving the pricing of motor gasoline and other refined products by Imperial during the period October 1, 1973 through March 31, 1980. Under the terms of the Consent Order, Imperial agrees to pay \$600,000, which includes interest to seventeen named states in which Imperial marketed product.

Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. Four comments were received, two from states and two from transportation associations. DOE has considered these comments and determined that the Consent Order should be made final without modification. The significant points raised by the comments are discussed below.

The two commenting states, while expressing support for the payment of monies to states, suggested that the states should be required to expend the amounts received for energy related uses. DOE encourages the states to

make use of the funds for energy related projects and to provide restitution for their aggrieved citizens. All such efforts are endorsed by the DOE. The designation of state Treasurers in the Consent Order was not intended to preclude such uses for the funds, rather it is intended to provide the states with maximum flexibility in determining the appropriate use of the monies.

The comments submitted by the transportation associations expressed objection to the remedial provisions of the Consent Order saying that since overcharged customers are not receiving refunds the Consent Order does not provide for restitution as required by *Citronelle-Mobile Gathering, Inc. v. Edwards*, 669 F.2d 717 (TECA 1982).

In *Citronelle*, TECA affirmed a district court determination in a judicial enforcement action that the seller's prices resulted in overcharges to twelve specifically identifiable customers. TECA declined to permit payment of adjudicated overcharges into the U.S. Treasury without first attempting to refund monies to the identified injured parties. Unlike *Citronelle*, this case has not been adjudicated in district court. In the Consent Order Imperial does not admit to any violations of DOE regulations. Further, DOE has not been able to identify specific purchasers who may have been injured or to determine the amount by which such purchasers were injured. There are several reasons for this: purchasers from resellers may themselves not be injured parties since they may have passed over the overcharges to others; and, the audit did not focus on specific purchasers, therefore to trace cost violations to specific product sales to determine the impact on specific overcharges would be a difficult if not impossible task. Because the refunded monies cannot be attributed to specifically identifiable injured parties, payments to Treasurers of those states in which Imperial marketed petroleum products is an appropriate remedy in this case.

These comments also suggested that the implementation of Subpart V proceedings was mandatory. The use of Subpart V proceedings is not mandated by the regulations. Rather, the choice of appropriate remedies in a particular Consent Order is made on a case-by-case basis within the framework of an overall negotiated agreement between the ERA and the consenting firm. Here, the parties agreed—and ERA affirms—that in light of the violations alleged, payment to the states is an appropriate remedy.

Having considered all comments received, DOE has determined that the

proposed Consent Order with Imperial should be made final without modification. The Consent Order was made final and effective by telephonic notice to Imperial on December 29, 1982.

Issued in Kansas City on the 3rd day of January, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-2419 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Revere Petroleum Corp. and Gordon K. Walz; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Revere Petroleum Corporation and Gordon K. Walz at 13101 N. W. Freeway, Suite 200, Houston, Texas. This Proposed Remedial Order alleges pricing violations in the amount of \$50,874,781.07 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Parts 205, 210 and 121, Subpart L during the time period April 1979 through February 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager, Crude Reseller Program, 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, Federal Building, Room 3304, 12th & Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR § 206.193.

Issued in Dallas, Texas, on the 13th day of January 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-2416 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Tommy Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Tommy Oil Company of Topeka, Kansas.

This Proposed Remedial Order charged Tommy Oil, Inc., with pricing violations in the amount of \$146,527.52,

plus accrued interest in sales of motor gasoline during the time period, of November 1, 1973 through April 30, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 3rd day of January 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-2421 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-251-000]

Alabama Power Co.; Termination

January 24, 1983.

Take notice that on January 14, 1983, Alabama Power Company (Alabama) tendered for filing a Notice of Cancellation of the service to Craig Field Airport and Industrial Authority Delivery Point. The load served from this substation will be served by Alabama in the future.

Alabama proposes an effective date of January 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-2381 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-261-000]

Central Louisiana Electric Company, Inc.; Filing

January 24, 1983.

Take notice that on January 17, 1983, Central Louisiana Electric Company, Inc. (CLECO) tendered for filing a copy of an executed letter agreement that would extend the existing interconnection agreement between CLECO and the City of Morgan City, Louisiana until June 30, 1983. CLECO states that the filing will permit the parties to negotiate a new interconnection agreement.

CLECO requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-2382 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP76-500-001]

Cities Service Gas Co., Petition To Amend

January 24, 1983.

Take notice that on January 4, 1983, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-500-001 a petition to amend the order issued September 1, 1978, in Docket No. CP76-500 pursuant to Section 7(c) of the Natural Gas Act so as to delete the condition regarding the annual volume component to be used in computing cost of service for the authorized facilities and to delete the authorization to construct two compressor stations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that unforeseen and unforeseeable circumstances primarily affecting the market for gas in Petitioner's service area have made the condition unduly onerous, inequitable, and contrary to the public interest and make the two compressor stations unnecessary. Thus, the condition and the authorization for the two compressor stations should be deleted.

Petitioner asserts that meeting the aforementioned condition would cause an unnecessary increase in the cost of gas used by consumers in Petitioner's service area in excess of \$578,000,000 over the next five years. Petitioner states that complying the condition would force Petitioner to purchase increased new higher cost gas supplies in Wyoming and Colorado and reduce purchases of lower cost gas supplies in Texas, Oklahoma, and Kansas, to incur increased take-or-pay obligations, and to construct the final two compressor stations authorized in this docket and additional gathering lines.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2383 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP82-187-001]

**Consolidated Gas Supply Corp.;
Petition To Amend**

January 24, 1983.

Take notice that on December 30, 1982, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-187-001, a

petition to amend the order issued May 10, 1982, in Docket No. CP82-187-000, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the continuation of a sale of natural gas to New Jersey Natural Gas Company (NJN), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The May 10, 1982, order authorized a limited-term sale of up to 80,000 dt equivalent of natural gas per day to NJN for a period ending October 31, 1982. The sale was made at the rate specified in Petitioner's Rate Schedule E, it is asserted.

Petitioner states that due to a number of circumstances NJN was unable to take the minimum average daily purchase obligation of 40,000 dt equivalent specified in the January 11, 1982, limited-term surplus gas sales agreement. Petitioner proposes herein to continue the previously authorized sale of natural gas to NJN for a 45-day period commencing promptly after issuance of the authorization requested but not to continue beyond March 31, 1983. A maximum daily quantity of 40,000 dt equivalent of gas is proposed with a total quantity of 1,020,000 dt equivalent which represents the amounts of gas which NJN was obligated, but unable, to take under the previously authorized sale.

Petitioner proposes to charge NJN the rate set forth in its Rate Schedule E which Petitioner states is currently \$4.3367 per dt equivalent. Petitioner submits that the point of delivery for NJN's gas would continue to be the existing point of interconnection between the facilities of Petitioner and Texas Eastern Transmission Corporation in Westmoreland County, Pennsylvania. The source of the gas proposed to be sold to NJN is Petitioner's surplus system supply, it is explained.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests

filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2384 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-253-000]

Consumers Power Co.; Filing

January 24, 1983.

Take notice that on January 17, 1983, Consumers Power Company (Consumers) tendered for filing a Notice of Cancellation of Contract for Wholesale Electric Service with the City of Marshall, Michigan, dated December 16, 1982.

Consumers requests an effective date of December 3, 1982.

Copies of the filing have been served upon the City of Marshall and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2385 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-254-000]

Consumers Power Co.; Filing

January 24, 1983.

Take notice that on January 17, 1983,

Consumers Power Company (Consumers) tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 38, between Consumers and Union City, Michigan (Union).

Consumers states that the termination date of the contract is December 3, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2386 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. G-14878-000, et al.]

**Diamond Shamrock Corporation
(Successor to the Shamrock Oil and
Gas Corporation), et al.; Applications
for Certificates, Abandonment of
Service and Petitions To Amend
Certificates¹**

January 24, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 10, 1983, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
G-14878-000, D, Jan. 10, 1983	Diamond Shamrock Corp., (Successor to The Shamrock Oil and Gas Corporation), P. O. Box 631, Amarillo, Tex. 79173.	Northern Natural Gas Co., McKee Plants, Moore County, Tex.	(¹)	
C163-234-001, D, Jan. 10, 1983	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer, et al., Counties, Okla.	(²)	
C174-370-000, Jan. 7, 1983	Columbia Gas Development, Corp., 1700 W. Loop South, P. O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., St. Paul Bayou Field, Terrebonne Parish, La.	(²)	15.025
C183-116-000 (C181-801), B, Jan. 10, 1983	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Warren Petroleum Co., Panhandle Field, Wheeler County, Tex.	(²)	
C183-117-000 (C180-116), B, Jan. 10, 1983	do	West Lake Natural Gasoline Co., Nena Lucia Field, Nolan County, Tex.	(²)	
C183-118-000 (G-14916), B, Jan. 10, 1983	do	Warren Petroleum Co., Panhandle Field, Wheeler County, Tex.	(²)	
C183-119-000 (G-17022), B, Jan. 10, 1983	do	West Lake Natural Gasoline Co., Nena Lucia Field, Nolan County, Tex.	(²)	
C183-120-000 (G-15433), B, Jan. 11, 1983	Union Oil Co., of California, Union Oil Center, P.O. Box 7600, Los Angeles, Calif. 90051.	West Lake Natural Gasoline Company and Arco Oil and Gas Company, Nena Lucia Field, Nolan County, Texas.	(²)	
C183-121-000, F, Jan. 11, 1983 ¹	Transco Exploration Company (Partial Successor in Interest to Conoco Inc.), P.O. Box 1396, Houston, Tex. 77251.	Transcontinental Gas Pipe Line Corp., Mustang Island Area Block A-85, Offshore Texas.	(²)	14.73
C183-122-000, B, Jan. 10, 1983	Horizon Oil & Gas Co. of Texas, P.O. Box 1020, Dallas, Texas 75221.	Panhandle Eastern Pipeline Co., Griffin 1-15, Sec. 15-33S-43W, Baca County, Colo.	(²)	
C183-123-000, B, Jan. 10, 1983	do	Panhandle Eastern Pipeline Company, Bauman #1-11; Sec. 11-33S-42W, Baca County, Colo.	(²)	
C183-124-000, B, Jan. 10, 1983	do	Panhandle Eastern Pipeline Co., Holmes "A" 1-26, Sec. 26-33S-42W, Baca County, Colo.	(²)	
C183-125-000, B, Jan. 10, 1983	do	Panhandle Eastern Pipeline Co., Moore "A" 1-24, Sec. 24-34S-42W, Baca County, Colo.	(²)	
C183-126-000, B, Jan. 10, 1983	do	Panhandle Eastern Pipeline Company, Cook "A" 1-9, Sec. 9-33S-43W, Baca County, Col.	(²)	
C183-127-000, B, Jan. 10, 1983	do	Panhandle Eastern Pipeline Co., Lepel 1-10, Sec. 10-32S-44, Baca County, Colo.	(²)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C183-128-000 (G-15488), B, Jan. 10, 1983.	Union Oil company of California (Operator), et al., Union Oil Center, P.O. Box 7600, Los Angeles, Calif. 90051.	West Lake Natural Gasoline Co., and Arco Oil & Gas Co., Nena Lucia and Lake Trammel Fields, Nolan County, Tex.	(*)	
C183-129-000 (G-20129), B, Jan. 10, 1983.	do	West Lake Natural Gasoline Co., and Arco Oil & Gas Co., South Lake Trammel, Nolan County, Tex.	(*)	
C183-130-000 (G-10688), B, Jan. 10, 1983.	do	West Lake Natural Gasoline Company and Arco Oil and Gas Company, Vena Madre Field, Nolan County, Texas.	(*)	
C183-131-000, A, Jan. 10, 1983	Amoco Production Company P.O. Box 50879 New Orleans, Louisiana 70150.	Tennessee Gas Pipeline Co., Eugene Island Block 300, Offshore La.	(*)	15,025

*The subject leases have expired or terminated by their own terms and were not included in the rollover contract dated January 1, 1983.

*By partial assignment of oil and gas leases (S-6205-EU) effective May 26, 1982, Mobil assigned to Arkoma Production Company all of its operating rights in and to that certain acreage.

*Applicant is filing under Gas Purchase and Sales Agreement dated September 24, 1964, amended by amendment dated June 24, 1982.

*Applicant is filing to cancel rate schedule and to terminate certificate because sale is now being made on a percentage-type contract pursuant to Section 154.91(a).

*By instrument of assignment effective January 1, 1983, TXC acquired forty percent of Conoco's one-third interest in the recoverable gas reserves produced from the subject block.

*Applicant is filing under Gas Purchase Contract dated September 1, 1981.

*Production ceased to be commercial.

*Applicant is filing under Gas Purchase Contract dated November 19, 1982.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 83-2387 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-356-001 and ST82-322-001]

Dow Intrastate Gas Co., Petition To Amend

January 25, 1983.

Take notice that on December 30, 1982, Dow Intrastate Gas Company (Petitioner), Route 1, Box 35, Plaquemine, Louisiana 70764, filed in Docket Nos. CP82-356-001 and ST82-322-001 a petition to amend the order issued July 30, 1982, in Docket Nos. CP82-356-000 and ST82-322-000 pursuant to Sections 284.127 and 284.123(b)(2) of the Commission's Regulations for authorization to render transportation service on behalf of Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is an intrastate pipeline company operating within the State of Louisiana.

It is submitted that by order issued August 12, 1981, in Docket No. CP81-302-000, Natural was authorized to make an off-system sale of up to 15,000,000 Mcf of natural gas to Dow Chemical Company (Dow) for a term ending July 31, 1982, which gas was to be delivered by Natural to Dow's chemical manufacturing plant in Plaquemine, Louisiana, utilizing the transportation services of Texas Gas Transmission Corporation and Petitioner. Petitioner states that by a companion order issued August 12, 1981, in Docket No. ST81-268-000, it was authorized to perform its leg of the overall transportation service pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

It is submitted that on March 12, 1982, Natural and Dow amended their gas sales agreement of March 30, 1981, and

that by order issued July 30, 1982, Natural was authorized to deliver an additional 30,000,000 Mcf of natural gas to Dow for a term expiring February 1, 1983. It is submitted that Petitioner and Natural amended their gas transportation agreement of April 23, 1981, and that by companion order issued July 30, 1982, in the cited dockets, Petitioner was authorized to transport the 30,000,000 Mcf of natural gas and to construct, own and operate an alternative delivery point in or near sec. 45, T. 13 S., R. 4 E., Vermillion Parish, Louisiana.

It is submitted that on November 1, 1982, Natural and Dow again amended their gas sales agreement of March 30, 1981, so as to provide for the sale of an additional 15,000,000 Mcf of natural gas over a 363-day period commencing upon the later of February 1, 1983, or the receipt of appropriate approvals authorizing such additional term. It is submitted that in order to track these changes, on December 22, 1982, Petitioner and Natural amended their gas transportation agreement to provide for transportation of the additional volumes of gas to Dow which Petitioner proposes herein to provide.

For such transportation service, Petitioner proposes to charge Natural a rate of 15.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary,

[FR Doc. 83-2388 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC83-3-000]

Eastern Shore Natural Gas Co.; Tariff Filing

January 24, 1983.

Take notice that on January 14, 1983, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 615, Dover, Delaware 19901, filed in Docket No. TC83-3-000, Fourth Revised Sheet No. 424 to its FERC Gas Tariff, Original Volume No. 1, to become effective February 14, 1983. Eastern Shore states that this revised tariff sheet reflects a mathematical computation of revised Priority 1 entitlements for five of its sales-for-resale customers, whose requirements have changed due to the reapportionment of firm contract volumes authorized in Docket No. CP82-96-000 on April 23, 1982. Eastern Shore explains that this order authorized the transfer of firm gas service (with no increase in total firm service) from certain customers with reduced contract demand requirements to other jurisdictional customers with increased high priority requirements. Eastern Shore maintains that in the event of curtailment, the revised index of entitlements would be utilized to allocate gas supplies among its customers, and that Priority 1 requirements must be reflected as accurately as possible in the index for

its curtailment plan to properly protect these requirements.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before February 7, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2380 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP81-302-004]

**Natural Gas Pipeline Co. of America;
Petition To Amend**

January 24, 1983.

Take notice that on December 30, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-302-004 a petition to amend further the order issued August 12, 1981, in the Docket No. CP81-302-000, as amended pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas to Dow Chemical Company (Dow) for an additional 363 days and the delivery of up to an additional 15,000,000 Mcf of natural gas to Dow for the term of the extension, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is submitted that by order issued August 12, 1981, Petitioner was authorized to deliver on a best-efforts basis up to 15,000,000 Mcf of natural gas to Dow for a term expiring July 31, 1982. It is submitted that on March 12, 1982, Petitioner and Dow amended their gas sales agreement of March 30, 1981, and that by order issued July 30, 1982, Petitioner was authorized to deliver an additional 30,000,000 Mcf of natural gas to Dow for a term expiring February 1, 1983. It is further submitted that on November 1, 1982, Petitioner and Dow executed amendment No. 2 to their gas sales agreement of March 30, 1981, extending the term of delivery for an

additional period of 363 days commencing upon the later of February 1, 1983, or the receipt of appropriate approvals authorizing such additional term. Petitioner also proposes to deliver a total of 15,000,000 Mcf of gas during the additional term.

Petitioner states that for the period of the extension, it would continue to deliver gas to Dow at the interconnection of the facilities of Dow and Dow Intrastate Gas Company (DIG) at Dow's Plaquemine Plant near Plaquemine, Iberville Parish, Louisiana, as previously authorized. It is explained that as of December 1, 1982, the rate to Dow would be approximately \$3.42 per million Btu.

Petitioner asserts that in order to deliver the gas to such authorized delivery point during the term of extension, it would utilize the same transportation arrangements to effect the delivery as previously authorized. Petitioner further asserts that it would continue to deliver gas to Texas Gas Transmission Corporation (TGT) at the outlet of the Texaco Henry Plant, Vermilion Parish, Louisiana, for transportation by TGT and redelivery by DIG at a proposed mutually agreeable point of interconnection between the pipeline facilities of Petitioner and DIG in or near Section 45, T13S, R4E, Vermilion Parish, Louisiana, for redelivery to DOW at the aforementioned authorized delivery point.

Petitioner states that its gas supply is more than sufficient to extend the term of the sale to DOW without impairing or reducing service to its present customers and that, among other steps Petitioner is taking, the subject offsystem sale of gas provides one effective method to reduce the current excess deliverability and take-or-pay obligations on Petitioner's system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2380 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP81-303-007]

**Natural Gas Pipeline Co. of America;
Petition To Amend**

January 24, 1983.

Take notice that on December 27, 1982, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-303-007 a petition to amend further the order issued August 12, 1981, in Docket No. CP81-303-000, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the extension of the term of sale of natural gas to Faustina Pipe Line Company (Faustina) for an additional 363 days and the sale of up to an additional 20,000,000 Mcf of natural gas during the extended term, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued August 12, 1981, Petitioner was authorized to sell up to 37,000,000 Mcf of natural gas to Faustina for a term expiring on July 31, 1982. It is stated that on February 19, 1982, Petitioner and Faustina amended their gas sales agreement of March 30, 1981, and that by order issued July 30, 1982, Petitioner was authorized to sell up to 25,000,000 Mcf of natural gas to Faustina for an additional term expiring on February 1, 1983. It is stated that on November 8, 1982, Petitioner and Faustina executed amendment No. 2 to their sales agreement of March 30, 1981, extending the term of the sale for an additional period of 363 days commencing upon the later of February 1, 1983, or the receipt of appropriate regulatory approvals authorizing such additional term. Petitioner also proposes to sell a total of 20,000,000 Mcf of gas during the additional term.

Petitioner submits that its gas supply is sufficient to extend the term of the sale to Faustina without impairing or reducing service to its present customers. Furthermore, it is averred that Faustina would use the gas sold by Petitioner exclusively to supplement its system supply and that the end use of the gas would be for feedstock and process fuel.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before

February 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2391 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RA81-50-000]

Navajo Refining Co.; File Reply Comments

Issued: January 24, 1983.

On January 17, 1983, the Secretary of Energy (DOE) filed comments on the proposed order of the presiding officer previously issued in this proceeding. In DOE's comments it is asserted that, upon further study by the DOE Office of Hearings and Appeals (OHA) of the administrative record of proceedings before OHA in this case, significant inconsistencies in Navajo's filings have been discovered which cast doubt on the validity of the dollar figures upon which the order issued in this case are based. DOE's comments describe these alleged inconsistencies and state that clarification is necessary. To this end DOE urges that the case be either remanded to OHA or reopened before the presiding officer to consider these matters.

To assist the Commission, notice is hereby given that on or before February 7, 1983, Navajo shall file a reply to DOE's comments directed to the matters described above.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2392 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP82-71-000]

Northern Natural Gas Co.; Informal Settlement Conference

January 25, 1983.

An informal settlement conference will be convened in the above-captioned

docket at 1:00 p.m. on February 7, 1983, in a room to be designated at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

All interested parties and Staff will be permitted to attend.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2393 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-119-000]

Oakdale and South San Joaquin Irrigation District; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 24, 1983.

On December 27, 1982, Oakdale and South San Joaquin Irrigation District of Star Route Box 1303, Sonora, California 95370, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 18 megawatt, hydroelectric facility located at the Tulloch Powerhouse 6 miles East of Knights Ferry, California. Applicants state that on other facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2394 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-250-000]

Pacific Gas and Electric Co., Filing

January 24, 1983.

Take notice that Pacific Gas and Electric Company (PGandE) on January 14, 1983, tendered for filing as an initial rate schedule December 29, 1982 Letter Agreement for interruptible transmission service by PGandE for the Western Area Power Administration (Western).

PGandE states that the agreement provides that PGandE will transmit non-firm energy obtained by Western, from entities in the Pacific Southwest, from Midway Substation to Tracy, subject to the availability of transmission capacity in the PGandE system. The transmission rate of 1.34 mills/kWh is a system average rate, which will be adjusted for transmission losses.

Western will pay a daily spinning reserve charge associated with such non-firm energy at a rate of 2.74 mills/kWh.

PGandE requests an effective date of January 14, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Western and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2395 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-260-000]

Pacific Power & Light Co.; Filing

January 25, 1983.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on January 17, 1983, tendered for filing, Pacific's Revised

Appendix 1 for the state of Montana. The Revised Appendix 1 calculates an average system cost for the state of Montana applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of September 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Bonneville, the Public Service Commission of the State of Montana and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2398 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-246-000]

Public Service Co. of Colorado; Filing

January 24, 1983.

The filing Company submits the following:

Take notice that on January 12, 1983, the Public Service Company of Colorado (PSC) tendered for filing a notice of Cancellation of its FERC Rate Schedule No. 6 relative to electric power and energy purchases between PSC and the Town of Lyons, Colorado.

PSC requests an effective date of May 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such motions or protests should be filed on or before February 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2397 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-252-000]

Southern California Edison Co.; Filing

January 24, 1983.

The filing Company submits the following:

Take notice that on January 14, 1983, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Edison-Banning Interruptible Transmission Agreement", which has been executed by Edison and the City of Banning, California (Banning).

Under the terms and conditions of the Agreement, Edison will make available to Banning interruptible transmission service from several points of receipt to the Point of Delivery at Banning, California.

Edison states that the Agreement is proposed to become effective when executed by the Parties and when accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the city of Banning, California.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to

be heard or to protest said filing should file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2398 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-258-000]

Southern California Edison Co.; Filing

January 24, 1983.

The filing Company submits the following:

Take notice that on January 17, 1983, Southern California Edison Company (SCE) tendered for filing an agreement entitled "Edison-AEPCO Interruptible Transmission Agreement (MATRIX)", which has been executed by SCE and Arizona Electric Power Cooperative, Inc. (AEPCO).

Under the terms and conditions of the Agreement, SCE will make available to AEPCO interruptible transmission service between several Points of Receipt and Points of Delivery as specified in the Agreement.

The Agreement is proposed to become effective when executed by the Parties and when accepted for filing by the Commission without changes unacceptable to the Parties.

Copies of the filing were served upon the Public Utilities Commission of the State of California and Arizona Electric Power Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2399 Filed 1-27-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-259-000]

Southern California Edison Co.; Filing

January 24, 1983.

The filing Company submits the following:

Take notice that on January 17, 1983, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Edison-Colton Interruptible Transmission Agreement", which has been executed by Edison and The City of Colton, California (Colton).

Under the terms and conditions of the Agreement, Edison will make available to Colton interruptible transmission service between several points of receipt to the Points of Delivery at Colton, California.

The Agreement is proposed to become effective when executed by the Parties and when accepted for filing by the Commission.

Copies of the filing were served upon the Public Utilities Commission of the

State of California and the City of Colton, California.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-2400 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-143-007, et al.]

Tennessee Natural Gas Lines Inc., et al.; Filing of Pipeline Refund Reports and Refund Plans

January 25, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before February 8, 1983. Copies of the respective filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Nov. 8, 1982	Tennessee Natural Gas Lines, Inc.	RP81-143-007	LFUT Report.
Dec. 27, 1982	Alabama-Tennessee Natural Gas Company	RP73-77-020	Report.
Jan. 7, 1983	East Tennessee Natural Gas Company	RP78-65-014	Report.
Do	Midwestern Gas Transmission Company	RP80-23-013	Report.
Do	National Fuel Gas Supply Corporation	RP80-135-025	Report.
Jan. 10, 1983	Consolidated Gas Supply Corporation	CP72-157-061	Report.
Jan. 14, 1983	Northwest Central Pipeline Corporation	RP72-142-026	Plan.

[FR Doc. 83-2401 Filed 1-27-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals**Cases Filed; Week of December 10 Through December 17, 1982**

During the Week of December 10 through December 17, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the

Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of

notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: January 20, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS-AND APPEALS

[Week of Dec. 10 through Dec. 17, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 10, 1982	Texaco, Inc., Washington, D.C.	HRZ-0113	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to Texaco, Inc., documents identified in the November 12, 1982, discovery response submitted by the Office of Special Counsel.
Dec. 13, 1982	Lyon County Co-operative Oil Company/Johnson Leasing Corporation/Mr. Arnold Johnson, Marshall, Minnesota.	HEX-0066	Supplemental Order. If granted: One of two competing parties, Johnson Leasing Corporation or Mr. Arnold Johnson, would receive a portion of the Lyon County Co-operative Oil Company Consent Order fund.
Do	Office of Enforcement/Lyon County Co-operative Oil Co., Marshall, Minnesota.	HEX-0065	Supplemental Order. If granted: Refund checks would be issued to thirteen overcharged customers pursuant to the September 16, 1982, Decision and Order (Case No. HEF-0002) issued to Lyon County Co-operative Oil Company.
Dec. 14, 1982	Sierra Oil and Gas Company, Denver, Colorado	HEE-0056	Price Exception. If granted: Sierra Oil and Gas Company would be permitted to sell the crude oil produced from the Fridkin-Kaufman #1 lease located in Harris County, Texas, at stripper well prices.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS-AND APPEALS-Continued

[Week of Dec. 10 through Dec. 17, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 15, 1982	Economic Regulatory Administration, Crown Central Petroleum Corporation, the State of Maryland and Romaco, Inc., Baltimore, Maryland.	HRJ-0026	Protective Order. If granted: The Economic Regulatory Administration, Crown Central Petroleum Corporation, the State of Maryland, and Romaco, Inc., would enter into a Protective Order regarding the release of unexpurgated copies of all filings to each party in connection with Crown Central Petroleum Corporation's Proposed Remedial Order (Case No. HR-0072).
Do	Office of Enforcement/PVM Oil Associates, Inc., New York, New York.	HFX-0067	Supplemental Order. If granted: The Office of Hearings and Appeals would implement second stage refund proceedings concerning the Consent Order entered into by PVM Oil Associates, Inc., and the DOE (Case No. BEF-0042).
Do	Office of Special Counsel (Texaco, Inc.), Washington, D.C.	HRZ-0114	Interlocutory Order. If granted: Texaco, Inc., would be compelled to furnish additional responses to the Office of Special Counsel's corporate state of mind discovery motion. The Office of Special Counsel would be permitted to depose Stephen H. Bard.
Do	Office of Special Counsel (Texaco, Inc.), Washington, D.C.	HRZ-0115	Interlocutory Order. If granted: Texaco, Inc., would be required to furnish additional responses to the Office of Special Counsel's audit related discovery motions.
Dec. 16, 1982	Office of Special Counsel/Amco Oil Corporation, Oklahoma City, Oklahoma.	HEF-0008	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the August 12, 1982, Consent Order entered into by Amco Oil Corporation and the DOE.

REFUND APPLICATIONS RECEIVED

[Week of Dec. 10 to 17, 1982]

Date	Name of refund proceeding/name of refund applicant	Case No.
Dec. 16, 1982	Arcone Oil Company/Pacific Molasses Co.	RF20-2.

[FR Doc. 83-2318 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of December 17 Through December 24, 1982

During the Week of December 17

through December 24, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of

service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington D.C. 20461.

Dated: January 20, 1983.

George B. Breznay,
Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 17 through Dec. 24, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 20, 1982	National Helium Corporation, Washington, D.C.	HFA-0104	Appeal of an Information Request Denial. If granted: The November 16, 1982, Information Request Denial issued by the Office of Oil and Gas would be rescinded, and National Helium Corporation would receive access to Form FEA-P302-M-1, "Petroleum Industry Monthly Report for Product Prices".
Do	C. K. Smith & Company, Inc., Washington, D.C.	HFX-0068	Supplemental Order. If granted: Pursuant to the July 16, 1982, Decision and Order, remaining funds in the C. K. Smith & Company, Inc. escrow account would be deposited to the U.S. Treasury.
Dec. 21, 1982	Laketon Asphalt Refining, Inc., Washington, D.C.	HED-0096	Motion for Discovery. If granted: Discovery would be granted to Laketon Asphalt Refining, Inc., in connection with the firm's comments regarding the application for exception filed by the Department of the Interior (Case No. HEE-0051).
Dec. 23, 1982	OGC/Kimco Petroleum, Inc., Washington, D.C.	HRW-0019	Proposed Remedial Order Finalization. If granted: The Office of General Counsel has requested that a Proposed Remedial Order issued to Kimco Petroleum, Inc. on September 3, 1982, be issued as a final Remedial Order.
Do	Office of Enforcement/Armstrong & Associates	HFX-0069	Supplemental Order. If granted: The second stage of the Armstrong Refund Proceeding would be implemented and all remaining funds in the Armstrong Consent Order Fund would be distributed to the State of Texas, the City of San Antonio and the Defense Fuel Supply Center.
Do	OSC/Conoco, Inc., Washington, D.C.	HEF-0010	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the November 2, 1982, Consent Order issued to Conoco, Inc.
Dec. 21, 1982	Koch Industries, Inc.	RR1-1	Request for Modification/Rescission in the Vickers Refund Proceeding. If granted: The November 26, 1982, Decision and Order (Case No. RF1-132) issued to Koch Industries, Inc., would be modified regarding the firm's application for refund submitted in the Vickers Petroleum Company's refund proceeding.
Dec. 22, 1982	OSC/Union Texas Petroleum Corporation, Washington, D.C.	HEF-0009	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the June 29, 1982, Consent Order issued to Union Texas Petroleum Corporation.

[FR Doc. 83-2317 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of January 3 through January 7, 1983

During the week of January 3 through January 7, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated January 20, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Duke Heating Oil, Inc., Shamokin, Pa; HEE-0041

Duke Heating Oil, Inc., filed an Application for Exception from the provisions of the EIA filing requirements. The exception request, if granted, would permit Duke to be relieved of its obligation to file Form EIA-9A, "No. 2 Distillate Price Monitoring Report." On January 7, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-2319 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures to be followed in refunding to members of the public \$6,291,000 in consent order funds. The funds are maintained in escrow accounts that were established in settlement of enforcement proceedings brought by the Office of Enforcement [now the Office of Special Counsel] in the Matters of Sid Richardson Carbon and Gasoline Company and Richardson Products Company (\$1,000,000); Texas Oil and Gas Corporation (\$4,200,000); Ozona Gas Processing Plant Ozona I) (\$814,000); and Ozona Gas Processing Corporation (Ozona II) (\$177,000).

DATES AND ADDRESS: Applications for Refund must be postmarked within 90 days of publication of this notice in the Federal Register and should be addressed to Richardson Consent Order Refund Proceedings, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461. All applications and comments should display conspicuously a reference to the appropriate case name and number.

FOR FURTHER INFORMATION CONTACT: Thoma O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the final decision and order set out below. The final decision and order relates to consent orders entered into by the Office of Enforcement of the DOE's Economic Regulatory Administration and Sid Richardson Carbon and Gasoline Company and Richardson Products Company (the Richardson companies), see 44 FR 66656 (1979), Texas Oil and Gas Corporation (TOGCO), see FR 23720 (1979), and Ozona Gas Processing Plant, see 44 FR 75450. (1979) and 44 Fed. Reg. 70538 (1979). All of these firms are gas plant operators that produced natural gas liquids (NGLs). Pursuant to the consent orders, these firms have agreed to make refunds totaling \$6,291,000 to settle alleged violations of the DOE price regulations which occurred for periods between 1973 and 1979.

The Office of Hearings and Appeals has previously issued proposed decisions and orders which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order funds. The proposed decision and order discussing the distribution of funds obtained through the consent order with the Richardson companies was issued on June 29, 1982, 47 FR 29702 (1982). The proposed decision and order discussing the distribution of funds obtained through the consent order with TOGCO was issued on May 22, 1981, 46 FR 28929 (1981). Proposed decisions that included our tentative determinations concerning the distribution of the funds obtained through the two Ozona consent orders were issued on May 1, 1981, 46 FR 25535 (1981), and on August 18, 1981, 46 FR 42743 (1981).

The final decision and order reflects our analysis of comments received from interested parties. As we indicate in the final decision, applications for refund from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than ninety days from the day of publication of this notice. See 10 CFR 205.283. We will approve applications from all claimants who can affirmatively demonstrate that they have been directly injured by the violations alleged in the consent orders. A detailed discussion of what information a party must provide in order to assert a successful claim is set forth in the final decision and order appended to this notice.

The final decision reaches no determination with regard to the disposition of any funds in the second stage of the proceeding, however, because the most appropriate disposition of the remaining funds may be determined, to a great extent, by the amount of money that remains after the first stage of the proceeding. Instead, the final decision solicits further comments on the appropriate distribution of these funds. Commenting parties are requested to submit two copies of their comments. Comments should be filed within 30 days of publication of this notice, and should be addressed to the address set forth at the beginning of that notice.

All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearing and Appeals, between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on January 24, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Department of Energy

January 24, 1983.

Decision and Order of the Department, of Energy

Special Refund Procedures

Name of petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Sid Richardson, Carbon and Gasoline Company, and Richardson Products Company; Texas Oil and Gas Corporation; Ozona Gas Processing Plant (Ozona I); and Ozona Gas Processing Plant (Ozona II).

Dates of filing: December 15, 1980; January 7, 1981; April 27, 1981; June 1, 1981.

Case No. BEF-0022, BEF-0027, BEF-0046, BEF-0056

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds to injured persons in order to remedy the effects of alleged violations of the DOE regulations. See 10 C.F.R. Part 205, Subpart V. In accordance with these regulatory provisions, the OE filed Petitions for the Implementation of Special Refund Procedures in connection with a consent order entered into with Sid Richardson Carbon and Gasoline Company and Richardson Products Company (Richardson). The OE also filed similar petitions in connection with a consent order entered into with Texas Oil and Gas Corporation (TOGCO) and two consent orders entered into with Ozona Gas Processing Plant (Ozona). Under the terms of these consent orders, the four firms agreed to make refunds for their alleged violations of the DOE price regulations in sales of natural gas liquids and products (NGLs) in the following amounts: \$1,100,000 (Richardson) (1) \$4,200,000 (TOGCO) (2); \$814,000 (Ozona I) (3); and \$177,000 (Ozona II) (4). The funds have been paid to the DOE and are now being held in an escrow account under the jurisdiction of the agency pending receipt of instructions from the Office of Hearings and Appeals regarding their distribution.

I. Background

Proposed decisions and orders which tentatively established special refund procedures to be used in adjudicating claims to the settlement funds involved in this proceeding have been previously issued, and comments have been received from interested parties concerning the proper disposition of the consent order funds. (5) In each of the proposed decisions we tentatively established a two-stage special refund procedure for the consent order funds. During the first stage, those persons who purchased NGLs from the firms involved during the relevant period and who believe they are eligible for a portion of the consent order funds could file Applications for Refund pursuant to 10 C.F.R. § 205.283. Downstream

purchasers would also be permitted to file Applications for Refund during the first stage of the refund process. Each application would be analyzed, and determinations on the merits of each would be rendered. All meritorious claims would be paid. Finally, we suggested as the second stage of the refund process that first purchasers submit proposals which set forth appropriate mechanisms for returning moneys to downstream purchasers who likely paid increased prices as a result of the alleged overcharges. We alternatively proposed that if such plans proved infeasible, any portion of the settlement fund which might otherwise go undistributed because of prohibitive administrative costs be deposited in the Treasury of the United States. See 10 C.F.R. § 205.287(c).

The proposed decisions and orders were published in the Federal Register, (6) and copies were sent to all interested parties. The comment periods specified in the Federal Register have passed. Since these four cases have in common many legal and factual issues, (7) we have consolidated them for a final determination concerning the first stage of the refund procedures.

The purpose of this decision is to establish the mechanism by which firms that purchased NGLs in sales covered by the four consent orders may apply for refunds. We shall first discuss the comments that we received concerning the first-stage refund procedures which we tentatively adopted in the proposed decisions and orders in these cases. Then we shall discuss in detail the refund procedures that we have decided to adopt. We shall not, however, discuss the second-stage refund process in this decision. As discussed later, the consent order funds may be thoroughly depleted by the first-stage refunds. In that event no second stage would be necessary. Further, our determination concerning the disposition of any residual funds will depend on the amount of money available after the first-stage claims procedure is completed. *Office of Enforcement*, 8 DOE ¶ 82,597 at 85,397 (1981) (hereinafter cited as *Vickers*). It is therefore unnecessary for us to address the issues raised by the commenters concerning the proposed disposition of any residual funds at this time. (8)

II. Jurisdiction and Authority to Fashion Refund Procedures

We tentatively determined that the jurisdictional requirements of Subpart V had been satisfied with regard to the Ozona I case in the proposed decision and order issued on May 1, 1981. See 46 Fed. Reg. 25535 (1981). We likewise tentatively concluded that we should assume jurisdiction over the distribution of the funds involved in the TOGCO, Ozona II, and Richardson cases in proposed decisions issued on May 22, 1981, August 18, 1981, and June 29, 1982, respectively. See 46 Fed. Reg. 28929 (1981); 46 Fed. Reg. 42743 (1981); 47 Fed. Reg. 29704 (1982). These conclusions were based upon findings that the DOE is unable to readily identify persons entitled to refunds or to readily ascertain the amounts that such persons are entitled to receive. See 10 C.F.R. § 205.280.

Some of the parties who submitted comments following the issuance of the proposed decisions and orders for the TOGCO and Ozona cases contend that the OHA should not assume jurisdiction over these matters. In particular, Gulf Oil Corporation (Gulf) and the Transportation Group contend that the OHA does not have the authority to provide refunds to downstream purchasers of the products involved. (9) Other commenters assert that the distribution of these funds should be made by state governments, rather than OHA, because the states have the inherent power to take possession of unclaimed property belonging to their citizens. (10)

Both of these positions have been fully addressed and ultimately rejected in previous Subpart V decisions involving similar circumstances. Following a careful analysis of the case law and statutory provisions, in *Office of Enforcement*, 9 DOE ¶ 82,508 at 85,047-49 (1981) (hereinafter cited as *Coline*), we concluded that "nothing in the governing statutes nor in judicial interpretation of those statutes prohibits the DOE from ordering restitution to indirect purchasers." *Id.* at 85,049. In *Coline* we also found that, as a result of the decontrol of selling prices for refined petroleum products, the parties to whom refunds should be made are not readily identifiable and the amounts of the refunds are not readily identifiable and the amounts of the refunds are not readily ascertainable. *Id.* at 85,047. Neither Gulf nor the Transportation Group has submitted any new arguments in support of their position. We therefore adhere to our previous conclusion for the reasons stated in *Coline*.

Similarly, we have fully considered and rejected the argument that the funds must as a matter of law be remitted to state governments on behalf of the purchasers who resided in their respective States. See *Vickers Energy Corp./State of Kansas* 9 DOE ¶ 82,558 (1982) (hereinafter cited as *Kansas*). The *Kansas* case involved claims filed by the States of Kansas and Wisconsin in their capacities as "the unclaimed property administrator" under their respective state laws. In denying their claims, we found that no property in the refund case had gone unclaimed. We also held that no property right was possessed by persons who had not filed refund applications to which unclaimed property laws could apply. Finally, we held that distribution of funds to the States for disposition pursuant to their respective unclaimed property statutes would be contrary to the federal policy expressed in the statutes which authorized the price and allocation regulations. *Id.* at 85,304. The rationale underlying the denial of the claims filed by Kansas and Wisconsin is applicable here, and we reject the similar positions advanced by the state commenters in the present proceedings.

Accordingly, we affirm our tentative conclusions that the persons entitled to refunds are not readily identifiable in these cases, and the amount of appropriate refunds is not readily ascertainable. The Office of Hearings and Appeals will therefore exercise jurisdiction over the funds received by the DOE as a result of the consent orders

underlying the Petitions for Implementation of Special Refund Procedures in all four cases.

III. Comments on the Proposed First Stage

In the proposed decisions issued in these cases, we tentatively concluded that as the first stage of the refund procedures we would accept Applications for Refunds from parties who purchased NGLs produced by the four natural gas processors involved. In addition to satisfying the filing requirements of 10 CFR § 205.283, the applicant would be required to demonstrate that during the relevant time period it purchased a specific quantity of product that was produced with or from the NGLs sold by the four firms. Further, unless the applicant was an ultimate consumer, a party claiming that it was injured would also have to demonstrate that it absorbed any cost increase resulting from the alleged overcharges. We also stated that we would accept and evaluate on a case-by-case basis applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers. Finally, we solicited comments from all interested parties concerning our proposals.

In response to our request, we received comments from numerous parties including first purchasers of NGLs from Ozona and TOGCO, their downstream customers, other firms, state governments, an office within the DOE, and public interest groups. Commenting parties suggested various modifications of the proposed procedures and expressed several concerns which we shall discuss below. They commented that: (1) the Application for Refund proceedings must be held publicly so that no potential claimants are excluded from contesting conclusions regarding their eligibility for a portion of the funds; (2) as a matter of law the OHA cannot require a claimant to prove that it did not pass on the overcharges to its customers; (3) the proposed decisions did not establish appropriate levels of proof of injury for different types of claimants; and (4) claimants who have themselves entered into DOE consent orders or who are the subject of DOE enforcement proceedings for the relevant time periods should not be eligible to claim any of the consent order funds. Additionally, Suburban Propane Gas Corporation (suburban Propane), the firm that purchased virtually all of the Ozona NGLs, submitted a detailed proposal for the distribution of the Ozona consent order funds, and one of its purchasers commented on that proposal. We will discuss each of these points in turn.

With regard to the conduct of the first-stage proceedings, the Controller of the State of California commented that the Application for Refund proceedings should be open to the public. He suggested that copies of all Applications for Refund should be made available at no cost to all potential claimants and that all claimants should be permitted to participate in the initial proceedings.

We believe that the Controller's concerns are adequately met by the existing procedural regulations. The Subpart V regulations require that any application for a refund in excess of \$100 be filed in duplicate and a copy of the Application, with confidential information deleted, be made

available in the OHA Public Docket Room. 10 CFR § 205.283(a). It is the policy of the OHA to have the Public Docket Room make available to any requester a copy of any document filed with it. Copies are provided at no cost, if the requested document consists of 30 pages or less, or at a cost of 10 cents per page for each page in excess of 30 pages. In addition, the applicable regulations specify that in evaluating an Application the OHA may conduct an investigation of any statement made in an Application and may solicit and consider information from any source. 10 CFR § 205.284(b). Therefore it is clear that an interested party may submit information and comments to aid us in our adjudication of specific claims.

Two commenters claim that the OHA cannot as a matter of law require a claimant to prove that it did not pass on the alleged overcharges to its customers. In support of that position, the commenters cite the antitrust case of *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977). In *Illinois Brick*, the Supreme Court held that the "Pass-on" theory could not be used offensively by a plaintiff who was not a direct purchaser from the defendant but claimed that the effects of an antitrust violation had been passed on to it by an intermediate party. (11)

We have discussed at great length the factors distinguishing private antitrust actions brought under section 4 of the Sherman Act from government enforcement actions brought under Section 209 of the Economic Stabilization Act and the EPAA, such as the instant cases. For example, in *Coline* we held that the considerations underlying the exclusion of pass-on evidence in private antitrust actions were inapplicable to section 209 actions. See 9 DOE at 85,051-52. Consequently, we affirmed our authority to require proof by a claimant that it absorbed the alleged overcharges in order to establish entitlement to a portion of the settlement fund that is to be distributed in a Subpart V special refund proceeding. *Id.* at 85,052. No new arguments have been presented in this proceeding that persuade us to alter our position on this matter.

We also received comments regarding the proposed standard of proof. These comments ranged from assertions that the standard proposed was too lenient to assertions that the standard would be too difficult to meet. For instance, the Controller of the State of California urges the OHA to adopt a strong presumption against resellers (12) having sustained any overcharge injury. He suggests that resellers should be required to prove "that they did not raise prices with each rise in costs, and that their profit margins were reduced by the particular overcharges" in order to overcome the presumption. Comments of Kenneth Cory, Controller, State of California at 2. The Controller also objects to the OHA requiring ultimate consumers to provide "detailed records" or other "specific documentation" in order to qualify for a refund. *Id.* at 3. Other commenters expressed a similar concern that the refund procedures adopted by this Office not be too burdensome or too complicated for claimants.

It appears that the concerns set forth in these comments are based upon misconceptions as to how exacting and

conclusive a showing is envisioned by the proposed decisions and the Subpart V regulations. As we have stated in prior decisions, we believe that the "inquiry into whether a claimant was injured . . . is most appropriate in a proceeding of this type where refunding moneys obtained through DOE enforcement proceedings is the primary focus." See, e.g., *Coline*, 9 DOE at 85,051. In establishing the standard of proof that a claimant must meet, we recognize that we must strike a balance between a level so low that it would grant windfall benefits to firms who had suffered no injury and a level so high that only a few large firms would have the resources necessary to prepare an application. With that balance in mind, we shall discuss the particular proof of injury that will be required of various types of claimants in Section IV, *infra*.

Some of the commenters, including enforcement officials of the DOE, contend that claimants who have themselves entered into consent orders or who are currently the subject of enforcement proceedings should be precluded from filing Applications for Refunds. Those commenters assert that since such claimants have also violated the DOE regulations they should be excluded from these equitable proceedings because they have "unclean hands." (13) In addition, the Office of Special Counsel (OSC) observes that since it has closed its investigation of firms with which it has entered into consent orders, there is no mechanism for ascertaining the truth of a firm's allegations concerning its banks of unrecovered product costs increases. Moreover, the OSC contends that its agreement to a consent order does not indicate that it has retreated from its position that a firm violated the DOE regulations. Finally, several parties noted that there are still numerous unresolved enforcement cases involving purchasers who have filed notices of claims. Consequently, the OSC urges the OHA to delay or deny disposition of any consent order funds to any claimant who has been or is currently the target of enforcement proceedings.

We decline to adopt this position. In previous special refund proceedings, we have generally been reluctant to bar any class of potential claimants from submitting refund applications. While we agree that consent order funds should not be distributed to parties who, for example, have profited from a criminal scheme to circumvent the DOE regulations, we certainly are in no position to rule on any class of claimants' eligibility in advance of the filing of Applications for Refund. Moreover, we think it would be undesirable to delay distribution of these funds for the period of years that may elapse before pending enforcement actions have been completed. Consequently, instead of adopting a blanket prohibition against certain types of claimants, we shall require that each person filing an Application for Refund state whether there is or has been an enforcement proceeding covering its compliance with the DOE regulations. If so, the applicant should also indicate whether the matter has been concluded and provide a copy of any adjudicated order issued in the case or of any consent order or other settlement entered into

by the applicant. Where appropriate, the relevant enforcement office may be informed of the application by the OHA. We shall then decide on a case-by-case basis whether the applicant was injured by the alleged overcharges in light of all the available information.

It is thus possible that a firm which is the subject of an ongoing enforcement proceeding might still be eligible to receive a refund from the consent order funds. However, if a final remedial order is ultimately issued against such a firm, some adjustment might be appropriate at the conclusion of the enforcement proceeding to ensure that it does not retain any unwarranted benefits. If it ever becomes necessary, this type of determination will be made on a case-by-case basis. Where a claimant has already negotiated a consent order, we believe that it will generally be contrary to the policy encouraging settlements to exclude a claimant solely on that basis. Finally, we wish to emphasize that these refund proceedings may not be used as a substitute for private actions that might be brought under section 210 of the ESA. The purpose of these proceedings is to provide an equitable mechanism for refunding monies to persons who were injured by alleged overcharges, not to provide an alternative legal forum to adjudicate the regulatory compliance of claimants.

IV. Application for Refund Procedures

After having considered all the comments received concerning the first-stage procedures tentatively adopted in our proposed decisions, we have concluded that: (i) the OHA has properly asserted jurisdiction over the four cases pursuant to 10 CFR Part 205, Subpart V; (ii) the OHA has authority to implement all of the procedures which were tentatively adopted in the proposed decisions for these cases; and (iii) Applications for Refund should now be accepted from parties who purchased NGLs that originated from the four firms or who purchased other products made from those NGLs. We shall now discuss the specific requirements for Applications for Refund that we have decided to adopt for the four cases involved in this proceeding.

In the proposed decisions concerning the consent order funds involved in this proceeding, we tentatively concluded that claimants who are resellers or who are involved in the production or distribution of goods or services should be required to show that, during the period covered by the consent order, market forces had a restrictive effect on their prices. Consequently we stated that a reseller should demonstrate that at the time it purchased covered products from its supplier(s), market conditions would not permit it to pass through the additional costs associated with the alleged overcharges. This proposed requirement that resellers provide evidence that they did not pass on the alleged overcharges will be adopted. However, regulated utilities and agricultural cooperatives which are required to pass on to their customers the benefit of any refund received will be exempted from this requirement. Applications submitted by regulated utilities and cooperatives will be

analyzed under the standards used in *Tenneco Oil Co./Farmland Industries, Inc.*, 9 DOE ¶ 82,597 (1982).

In the proposed decisions we additionally suggested that we would consider establishing a threshold level of purchases under which applicants—primarily smaller firms and individuals—would be excused from having to document more than the fact that they purchased NGLs that came from the NGL processor firms during the relevant period of time. In its proposal, Suburban Propane suggests that claimants requesting refunds of \$7,500 or less be excused from having to demonstrate that they were unable to pass through the alleged overcharges. Suburban Propane also asserts that we should not require resellers to demonstrate that they were forced to absorb price increases. According to the firm, "[t]he existence of banks during the affected period should be accepted as evidence that the marketplace prohibited the passing on of increased costs." On the other hand, the Controller of the State of California urges us to not establish any threshold purchase level. The Controller believes that we should instead adopt a strong presumption that any reseller who was overcharged would have passed through the violation amount to its customers. He contends that establishing a relaxed claims procedure for small resellers might exhaust the available settlement funds, preventing any recovery by ultimate consumers.

After careful consideration we have concluded that it is in the best interests of efficient resolution of these four refund proceedings to establish a threshold level of purchaser below which a claimant need not demonstrate injury. We do not agree with the Controller that most small resellers can be presumed to have passed on all of the alleged overcharges to their customers. If, for example, alleged overcharges resulted in a wholesale product price that was at the high end of the range of prices in its market area, a reseller may very well have been unable to charge its maximum lawful selling price because of market constraints. See, e.g., *U.S. Oil Co.*, 7 DOE ¶ 81,048 (1980). If we were to adopt a requirement that every applicant supply full documentation of its injuries it would discourage smaller applicants since the expense of preparing such an application could well exceed the refund to be gained. Furthermore, the Controller has offered no support for creating a presumption that all alleged overcharges were ultimately passed through to consumers. We have therefore concluded that a threshold figure should be established for the four cases involved in this refund proceeding.

In our view, however, the \$7,500 refund amount recommended by Suburban Propane is inappropriate. In previous Subpart V cases we have set the threshold level on the basis of an applicant's level of purchases, rather than on a claimant's eligibility to receive a certain sum of money. See, e.g., *Office of Special Counsel (Tenneco)*, 9 DOE ¶ 82,538 at 85,203-05; *Vickers*, 8 DOE at 85,390. We have established a purchase level of 50,000 gallons per month of covered product as a threshold level in a number of prior special refund proceedings. *Id.* Our decision to adopt a

threshold level below which applicants do not have to submit any further evidence of injury is based upon several factors. First, as we noted earlier, establishing a threshold permits the OHA to conduct special refund proceedings with much greater efficiency and reduced administrative costs. It is also authorized by the Subpart V regulations. See 10 CFR 205.282(e). We also recognize that requiring small firms to produce records of transactions that occurred as much as eight years ago could prove to be an onerous, if not impossible, task. Over the years, it has been our experience that businesses with relatively low volumes of sales will not have maintained as extensive and accessible records as larger firms, which have more sophisticated accounting capabilities and which use computers for inventory and recordkeeping purposes. See, e.g., *Vickers* at 85,396; *National LP-Gas Assn.*, 1 DOE ¶ 80,131 (1977). Large firms are also more likely to have readily available records of long-past transactions because of preexisting provisions requiring larger firms to maintain such information. *Vickers* at 85,396. For these reasons, even if the records still exist, the cost of compiling information that is sufficient to show injury would, in many cases, exceed the refund to be gained by a small firm.

The threshold figure selected for a refund case should strike an appropriate balance between two competing considerations. *Office of Special Counsel, Economic Regulatory Administration: In the Matter of The Charter Company*, 10 DOE ¶ 85,039 (1982). While we are concerned that the expense of preparing an application not be grossly disproportionate to the potential refund to be gained, at the same time we believe that it would be irresponsible to pay out large sums of money without requiring any further showing of injury. In order to establish a threshold which best achieves the desired balance, a number of factors should be taken into consideration.

As an initial matter, the number of firms that we anticipate will submit Applications for Refund in a particular Subpart V proceeding is a factor of major concern in our selection of the threshold level. This is so largely because it has been our experience that the more purchasers that the consent order firm had during the consent order period, the smaller the claimants and their relevant purchase volumes are likely to be. Further, the greater the number of applications filed by smaller firms, the greater the utility of establishing a threshold that will provide a method for fair yet efficient processing of these smaller claims. As we stated in *Charter*, it is also important to consider the amount of the per-gallon refund in relation to the costs associated with preparing a claim. *Charter*, 10 DOE at 88,187. In some cases the per-gallon refund amount available for distribution is relatively high, making the cost of preparing a more detailed application not disproportionately large, even for a smaller firm. *Id.* The period covered by the consent order involved is another element that affects a small firm's cost of preparing a detailed Application for Refund. Obviously, the more time that has elapsed between the

consent order period and the special refund proceeding, the more burdensome it is to retrieve information from non-computerized files. Small firms pressed for space are also more likely to have discarded old records that no longer needed to be retained. Another relevant factor is the length of the period covered by the consent order, since the longer the period covered, the greater the cost of compiling a detailed application will be. Finally, the type of product involved in the transactions covered by the consent order and the type of business operated by the consent order firm should be considered in selecting the threshold for a particular case because different products are marketed in different ways. Both the type of product involved and the consent order firm's level in the chain of distribution therefore contribute significantly to the determination of the appropriate threshold. We will now use the equitable considerations discussed above to determine the proper small claim threshold levels for each of the four cases.

The Richardson consent order spans a period of 69 months, beginning with September 1973. During this period, the firms made domestic NGL sales of 174,850,308 gallons to an estimated 50 first purchasers. Since the Richardson Companies consent order provided \$1,100,000 for distribution through this proceeding, the per-gallon refund amount is \$0.006291, plus a proportionate share of the interest accrued on the fund. Weighing and balancing this data in accordance with the above discussion of relevant equitable factors, we have determined that the small claim threshold level for the Richardson Companies' special refund proceeding will be 60,000 gallons per month of covered product, or 720,000 gallons annually.

With regard to the TOGCO matter, we note that while the consent order period also began in September 1978, it covers a comparatively short period of 31 months. According to the information that we have been able to obtain the firm sold a total of 281,417,839 gallons of NGLs to seven large purchasers during the period for which it provided \$4,200,000 for refunds. The per-gallon refund from the TOGCO fund will therefore be \$0.014924, plus appropriate interest. Based on our application of the relevant equitable considerations to the circumstances of this case, we have selected a threshold for small claims of 50,000 gallons per month, or 600,000 gallons annually, for the TOGCO special refund proceeding.

As noted elsewhere in this Decision, Ozona sold virtually all of the NGLs processed at its plant during both consent order periods to Suburban Propane Gas Corporation. As we further discuss, Suburban Propane has waived any claim it might have had to the Ozona funds and is providing the OHA with information about its domestic sales during the relevant periods. For determining the proper threshold in the Ozona cases, it is important to consider the number and size of Suburban Propane's first purchasers to estimate the number of applications that the special refund proceedings will generate. During both the Ozona I and II consent order periods, Suburban Propane indicates that it sold Ozona-derived NGLs to nine firms of

varying size. However, based on our application of the equitable factors we previously identified as relevant, we have decided that different threshold levels should be established for the Ozona I and Ozona II proceedings.

Pursuant to the Ozona I consent order, the firm provided \$814,000 for the DOE to distribute through Subpart V proceedings. Like the Richardson Companies and TOGCO consent orders, the Ozona II settlement period begins in September 1973. However, it spans a period of only 16 months, during which the firm sold 9,725,626 gallons of NGLs. Because of the relatively few gallons of covered product that Ozona sold during this period, the Ozona I consent order provides an unusually high per-gallon refund of \$0.083695. Taking all these factors into account, as well as those discussed in the previous paragraph, we have determined that the threshold amount below which applicants for a portion of the Ozona I fund will not be required to provide further proof of injury is 16,000 gallons per month, or 192,000 gallons per year.

By contrast, the Ozona II consent order covers a more recent period of 38 months, during which the firm sold 55,147,434 gallons of NGLs. The Ozona II settlement provided \$177,000 for refunds for their alleged violations of the DOE price regulations in sales of NGLs during the latter audit period. Calculated according to the volumetric formula, the Ozona II consent order yields a comparatively small per-gallon refund amount of \$0.003210. Taking into consideration the circumstances of this case, we have decided to establish a threshold of 175,000 gallons per month, or 2,100,000 gallons annually, for the Ozona II special refund proceeding.

In view of the foregoing considerations, we have determined to accept Applications for Refund of a portion of the four firms' consent order funds filed within 90 days after the publication of this Decision and Order in the Federal Register. See 10 CFR § 205.283. We will consider all applications, although we may later impose a lower dollar limit on claims. See 10 CFR § 205.286(b). (16) Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify which of the four cases involved in this Decision the application pertains to, by firm name and case number. (17) If the applicant is not a direct purchaser from one of the four firms, it should submit evidence indicating from whom the NGLs were purchased and what basis the applicant has for its belief that the NGLs that it purchased originated from a natural gas processing plant named in the consent orders.

As we noted earlier in this decision, Suburban Propane submitted a proposal for assisting the DOE in distributing the \$991,000 (plus interest) involved in the two Ozona cases. Suburban Propane states that it had no banks during the periods covered by the Ozona consent orders and is therefore willing to waive any claim it might have for a portion of the funds. The firm further states that it wants to be involved in the refund process in order to protect its customers' interests and

to protect itself from related lawsuits. Suburban Propane first proposed a distribution plan in which it and downstream purchasers of the Ozona NGLs would participate in the disbursement process. While we found considerable merit in Suburban Propane's proposal, we determined that it would have to be modified in order for it to be acceptable to the DOE. Through brief negotiations the firm and the DOE have agreed upon a plan in which Suburban Propane will assist the DOE in identifying potential claimants and verifying purchase volumes. Briefly stated, the firm provided the OHA with a list of the firms which purchased NGLs that originated from the Ozona plant during the relevant periods, and monthly purchase volume data for those customers. (18) We will notify each identified eligible customer about the special refund proceeding and its purchase volume for the relevant period according to Suburban Propane. (19) In order to receive a portion of the escrow fund, a Suburban Propane customer must file an Application for Refund. However, unless the firm disputes the purchase volumes of NGLs reported by Suburban Propane, it need not provide additional proof of purchase with its application. Applications for Refund filed by the eligible identified customers will then be reviewed and processed in the same manner as other claims filed pursuant to this Decision.

Applications for a refund from any of the four consent order funds must be filed on 8½ x 11 inch paper. All applications must be filed in duplicate, except that in the case of a party who claims to have purchased Ozona-produced NGLs from Suburban Propane, the portion of the application indicating the volumes purchased during the consent order period should be filed in triplicate. Copies of all applications will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. All applications should be sent to: [name of consent order firm] Consent Order Refund Proceeding, Case No. [BEF-0022, -0027, -0040 or -0056]; Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. All Applications for Refund received within the time limit specified will be processed pursuant to 10 CFR § 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following section discusses the showing that should be made by refiners, resellers, retailers and end-users of the NGLs covered by the four consent orders included in this special refund proceeding.

A. Each applicant should furnish its name, street or post office address, and its telephone number. If the applicant is a

business firm, the applicant should furnish any and all other names under which it operated during the period for which the claim is being filed.

B. The applicant for refund should contain the name and telephone number of the person who prepared the application. If the preparer was someone other than the applicant, the claimant may wish to furnish the name and telephone number of a "contact person" who is familiar with the facts set forth in the application. Unless otherwise specified, the refund check will be issued to the preparer.

C. Each application should set forth the name, address and telephone number of the supplier who sold the applicant the volumes of product for which a claim is being filed. If the supplier was a reseller, the applicant should state whether the reseller was supplied directly by the relevant consent order firm. If the item was purchased directly from a consent order firm, the applicant's customer identification number and its sales representative's name and telephone number should be included in the application. If the product was not branded, the applicant should explain the reasons why it believes that the purchased product came from NGLs that originated from the plant involved during the relevant period.

D. Each applicant should report its volume of purchases of NGLs by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges. No invoices need be submitted with the application; however, the applicant should keep its supporting material in a convenient place at least until it has received a refund. We may request copies of invoices or other more detailed supporting material in certain cases.

E. Each applicant should specify how it used the NGLs—as a petrochemical producer, refiner, reseller, retailer or ultimate consumer.

F. An applicant who is a refiner or a reseller must state whether any of the NGLs for which it is claiming a refund were exported from the United States.

G. If the applicant is a refiner or reseller (other than a regulated utility or agricultural cooperative), it should state whether it maintained banks of unrecouped product cost increases from the date of its purchases through January 27, 1981. It should also furnish cumulative quarterly bank calculations for the entire period.

H. If the applicant is a refiner, reseller (other than a regulated utility or an agricultural cooperative), or retailer, it must submit evidence to establish that it did not pass on the alleged overcharges to its customers if its application requests a refund based on purchases averaging over the threshold established for the relevant proceeding.⁽²⁷⁾

I. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding.

J. The applicant should report whether it is or has been involved as a party in other DOE enforcement proceedings or private section 210 actions. If these actions have terminated,

the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its Application for Refund. See 10 CFR § 205.9(d).

K. The application must contain a signed statement that the applicant swears (or affirms) that all of the information furnished in the application is true and accurate to the applicant's best knowledge, and that the signer understands that anyone who is convicted or providing false information to the federal government may be subject to a jail sentence, a fine, or both. See 18 U.S.C. § 1001.

Additionally, Suburban Propane has also proposed that the participation of any purchaser in the refund proceeding automatically release its supplier from any claims by that purchaser with regard to the sales involved.⁽²⁷⁾ As we have stated in prior decisions, we will generally decline to adopt an election of remedies provision that would limit a firm's rights under section 210 of the ESA unless the consent order contains a promise by the Office of Enforcement to recommend to the OHA that claimants be required to execute a waiver. See generally, *Coline*, 9 DOE at 85,053-54. None of the consent orders involved in this proceeding contains such a provision, and we perceive no reason to adopt the even broader waiver proposed by Suburban Propane. Therefore we shall not adopt any waiver requirement as part of the special refund procedures to be implemented in these cases.

V. Distribution of the Remainder of the Consent Order Funds

Several comments addressed our proposed distribution of the remainder, if any, of the consent order funds after all meritorious claims have been paid. Those comments can be divided into three groups. First, some commenters contend that the Office of Hearings and Appeals lacks the statutory or regulatory authority to implement the proposed distribution. Second, some commenters acknowledge that this Office possesses the authority to fashion such a restitutionary mechanism, but suggest alternatives to or modifications of our original proposal. A third group of comments were received from state government entities that support our alternative proposal to distribute funds through states, according to their pro rata purchases of the consent order firms' sales. Many of these commenters provided specific proposals for the use of their states' moneys.

In this Decision, we are not implementing second-stage refund procedures. Such a step would be difficult to take before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the consent order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme. Moreover, in the present cases claimants could assert claims which, if meritorious, would completely exhaust the consent order funds. In order for members of

the public to be made aware of outstanding issues and be able to comment on them, we note that we summarized and briefly addressed the comments received concerning the proposed second-stage refund procedures in *Vickers*, 8 DOE at 85,398-89. Many of the same parties who commented on the second-stage procedures proposed for the *Vickers* case submitted virtually identical comments in the present cases. Therefore we will not reiterate our discussion of these issues here. We continue to seek additional comments on these issues. Comments regarding second-stage procedures in the present case should be submitted to the OHA Consent Order Refund Proceeding at the address listed above within 30 days of publication of this Decision and Order in the Federal Register.

It Is Therefore Ordered That:

The Petitions for Implementation of Special Refund Procedures filed by the Economic Regulatory Administration in Case Numbers BEF-0022, BEF-0027, BEF-0046 and BEF-0056 are hereby granted. The refund amounts provided by Sid Richardson Carbon and Gasoline Company and Richardson Products Company, Texas Oil and Gas Corporation, and Ozona Gas Processing Plant will be distributed in the manner set forth in the foregoing decision.

Notes

(1) In an audit of the Richardson companies' Keystone and Halley Gas Processing Plants, the OE found possible overcharges with respect to first sales of NGLs during the period from September 1973 through June 1979. The OE further found possible violations involving the firms' purchases and resales of NGLs during the same period. In order to settle all claims and disputes between the parties, the Richardson companies agreed to pay \$1,100,000 to the DOE. The parties further agreed that this amount would be distributed by the agency pursuant to 10 C.F.R. Part 205, Subpart V. On October 4, 1979, notice of the proposed consent order was published in the *Federal Register* See 44 Fed. Reg. 57148 (1979). Interested persons were provided an opportunity to comment on the terms of the proposed consent order and to submit written notice to the OE of potential claims against the settlement funds. In response, Diamond Shamrock Corporation and McCulloch Gas Processing Corporation submitted comments identifying themselves as potential claimants for a portion of the refund account. (MGPC, McCulloch's successor company, has since notified the OHA that it no longer intends to assert a claim against the Richardson funds.) No other comments were received. The proposed consent order was finalized without modification. See 44 Fed. Reg. 86656 (1979).

(2) As a part of its enforcement activities, the OE conducted an audit of TOGCO in order to determine whether the firm had complied with the DOE pricing regulations applicable to NGLs. See 6 C.F.R. Part 150, Subpart L and 10 C.F.R. Part 212, Subparts E and K. The audit of TOGCO's natural gas processing plants revealed possible pricing violations with respect to the firm's first sales of NGLs during the period September 1973 to March 1976. TOGCO's first purchasers during

this period included Conoco, Inc., Mobil Oil Corporation, The Coastal Corporation, Koch Oil Company, Warren Petroleum Corporation, Wanda Petroleum Company, and UPG, Inc. On March 12, 1980, TOGCO and the DOE entered into a consent order in order to settle all claims and disputes between the parties arising from TOGCO's first sales of NGLs during the audit period. Under the terms of the consent order, TOGCO agreed to remit \$4,200,000 to the DOE. The parties stipulated that these funds would be distributed by the DOE in accordance with 10 C.F.R., Part 205, Subpart V. The TOGCO consent order was published in the Federal Register on April 8, 1980, *see* 45 Fed. Reg. 23720 (1980). Interested parties were invited to comment on the terms of the consent order and to submit written notice of claims against the settlement fund. Mobil, Koch, Coastal, and Conoco responded and identified themselves as potential claimants.

(3) An OE audit of Ozona's gas plant in Crockett County, Texas revealed possible pricing violations with respect to Ozona's first sales of covered NGL products during the period September 1, 1973 through December 31, 1974. In order to settle all claims and disputes between the OE and Ozona regarding the first sales of NGLs during this period, the parties entered into a consent order in which Ozona agreed to pay \$814,000 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to Subpart V. The terms of the final consent order were published in the Federal Register on December 20, 1979. *See* 44 Fed. Reg. 75450 (1979). Interested persons were provided an opportunity to comment on the terms of the proposed consent order and to submit written notice of potential claims against the settlement funds. In response, Suburban Propane Gas Corporation identified itself as a first purchaser of products from Ozona and submitted a claim against the refund account. Additionally, Growth Energy, Inc. identified itself as a downstream purchaser of NGLs from the Ozona plant through Suburban Propane.

(4) The OE's audit of Ozona's Crockett County plant additionally revealed possible pricing violations with respect to Ozona's first sales of covered NGL products during the period January 1, 1975 through February 28, 1978. In settlement of these matters, Ozona agreed to pay \$177,000 to the DOE. The parties agreed that this amount would also be distributed by the DOE pursuant to Subpart V. The terms of the final consent order were published in the Federal Register on December 7, 1979. *See* 44 Fed. Reg. 70538 (1979). Again interested persons were told to submit written notice of potential claims against the settlement funds. Suburban Propane and Growth responded to this notice in the same manner as before. *See* n.3 *supra*.

(5) We issued a proposed decision and order discussing the distribution of the funds obtained through the Ozona I consent order on May 1, 1981. *See* 46 Fed. Reg. 25535 (1981). The proposed decision that included our tentative determinations concerning the TOGCO consent order funds was issued on May 22, 1981. *See* 46 Fed. Reg. 28929 (1981). The Ozona II consent order funds were

included in an August 18, 1981 proposed decision and order *See* 46 Fed. Reg. 42743 (1981). Lastly, we issued a proposed decision concerning the Richardson funds on June 29, 1982. *See* 47 Fed. Reg. 29702 (1982).

(6) *See* n.5 *supra*.

(7) All four firms are "gas plant operators" as that term is defined in 10 C.F.R. § 212.62. Each of the proposed decisions and orders issued for these cases contained identical first-stage refund procedures. Additionally, many of the commenters who responded to our request for comments filed virtually the same comments in each case.

(8) In any event, many of the parties who commented on the second-stage procedures proposed for the distribution of the Richardson, Ozona, and TOGCO consent order funds have submitted virtually identical comments in prior Subpart V cases. We discussed these comments in the Vickers decision, *see* 8 DOE at 85,393-99, and will not reiterate that discussion here.

(9) Warren Petroleum Company, one of TOGCO's first purchasers, is a wholly-owned subsidiary of Gulf. The Transportation Group is an *ad hoc* organization of four trade associations whose members are regulated (or formerly regulated) transportation companies.

(10) Some of the state commenters also contend that state governments are better suited to adjudicate the disposition of the settlement funds than is this Office. They therefore suggest that it would be more efficient for the OHA to turn over each State's share of the settlement funds to each State for redistribution, rather than to utilize Subpart V in these cases. We discussed this same proposal in *Coline*, which also involved Subpart V proceedings to distribute funds paid by gas plant operators in connection with first sales of NGLs. *See Coline*, 9 DOE at 85,047-48. While the settlement funds from TOGCO, Ozona and the Richardson Companies amount to considerably more than the funds involved in the Fagadea case, it is possible that meritorious claims might exhaust the available moneys. Therefore, for the same reasons as set forth in *Coline*, we disagree with the states' position. We accordingly conclude that it would be inappropriate for us to relinquish responsibility over these funds to the States at this time.

(11) The Court had previously held in *Hanover Shoe v. United Shoe Machine Corp.*, 392 U.S. 481 (1968), that "passing on" could not be used as a defense in a private antitrust action by a defendant alleging that the plaintiff had passed on the resulting overcharges to its customers and therefore suffered no injury.

(12) The Controller uses the term "reseller" to refer to any purchaser that is not an ultimate consumer of the product purchased.

(13) We have previously held that the equitable doctrine of clean hands will be applied by the OHA in exception cases that involve requests for equitable relief. *See* *Acomi Corp.*, 4 DOE §82,542 (1979) and cases cited therein. Special refund proceedings are likewise equitable in nature. Office of Special Counsel (Pennzoil), 9 DOE §85,525 (1982). The Temporary Emergency Court of Appeal has recently applied the "clean hands" doctrine

in determining whether a purchaser may receive refunds for violations of the DOE regulations. In *Citronelle-Mobile Gathering, Inc. v. Edwards*, 688 F.2d 717, 722-23 (Temp. Emer. Ct. App. 1982), the court held that because the purchasers of the crude oil involved "aided and abetted" the producer in its violation of the price regulations for their material benefit, "they are barred by 'unclean hands' from seeking or recovering any of the illegal profits."

(14) We note that volumes of NGLs purchased in export sales will not be counted towards the applicable threshold. Nor will applicants be eligible to receive a portion of the escrow funds based on any purchases of NGLs that were destined for foreign countries. As we stated in the proposed decision issued in connection with the Richardson funds, export sales (including sales to domestic firms that certified that the product was to be exported) were exempt from price controls throughout the consent order periods. Office of Enforcement, 47 Fed. Reg. at 29705 (1982). *See also* 10 C.F.R. 212.53(a); 8 C.F.R. 150.54(d)(1). Since export sales were not subject to DOE regulations governing maximum selling prices, they could not be a basis for any alleged overcharges and would not have been covered by the consent order. This issue was discussed in the Richardson proposed decision because the DOE Regional Office that conducted the audit of the Richardson companies informed the OHA that many of the NGLs that originated from the firms' Halley and Keystone processing plants during the consent order period were exported. While we have not been informed that NGLs from Ozona or TOGCO were exported, any export sales involving those firms' NGLs similarly would not be a proper basis for an Application for Refund.

(15) In prior special refund proceedings we have declined to set forth a precise methodology that claimants must use to show that they were injured as a result of allegedly unlawful pricing practices. Instead, we have provided potential applicants with an understanding of the showing of injury that we look for, stating that each firm can best decide how to substantiate its claim of injury based on its factual circumstances and its recordkeeping systems. While we still believe that a flexible approach is best, we have considered showings made by various types of claimants in a number of recent decisions and would suggest that potential claimants review these decisions for guidance in preparing their applications. *See, e.g.*, *Tenneco Oil Co./Enterprise Products Co.*, 10 DOE §85,017 (1982); *Tenneco Oil Co./Chevron U.S.A. Inc.*, 10 DOE §85,014 (1982); *National Helium Corp./Farmland Industries, Inc.*, No. RF3-1 (August 19, 1982) (proposed decision); *Palo Pinto Oil & Gas/Gulf Oil Corp.*, No. RF5-1 (July 6, 1982) (proposed decision).

(16) In a number of prior Subpart V refund cases we have established a \$15 minimum due to the administrative cost involved in analyzing applications and issuing refund checks.

(17) It is especially important that applicants for a portion of the Ozona funds pay particular attention to specifying which Ozona case its application pertains to. The

consent order involved in Ozona I, Case No. BEF-0046, covers NGLs sold by Ozona during the period September 1, 1973 through December 31, 1974. The second Ozona consent order, which is involved in Case No. BEF-0056, applies to NGLs that Ozona sold between January 1, 1975 and February 28, 1978.

(18) The list will not include customers that purchased NGLs in or for export sales. This customer information provided to the OHA by Suburban Propane will be treated in accordance with federal provisions prohibiting the release of confidential proprietary information.

(19) The list of Suburban Propane's first purchasers included Delta Drilling Company and the Ozona Gas Processing Plant itself. Delta Drilling Company, as a joint venture owner of Ozona, signed the consent orders on behalf of Ozona. While the prices paid by that Delta Drilling and Ozona may reflect increased costs associated with the alleged overcharges, it is clear that neither of these firms is an intended beneficiary of the Ozona consent orders. Neither firm will therefore be eligible to receive any portion of the funds available in the first stage of the Ozona special refund proceeding. See Section III, *supra*.

(20) We note that a reseller who recouped increased product costs banked during the consent order period only after the consent order period nonetheless recovered the increased costs and thus suffered no injury as a result of the alleged overcharges. Consequently, claimants that are required to demonstrate that they did not pass through increased costs must show that they had banks until January 28, 1981, the date on which the President decontrolled all remaining covered products. It is also worth noting, however, that in recent decisions issued in refund application cases, the OHA has granted claims from applicants who have chosen to limit their claim to the threshold amount. See, e.g., *Tenneco Oil Co./Sav-a-Ton*, 9 DOE ¶82,600 (1982); *Tenneco Oil Co./Thomas Fastigi*, 9 DOE ¶82,582 (1982).

(21) One of Suburban's Propane's first purchasers, Growth Energy, Inc. (now doing business as International Drilling & Energy Corporation), filed comments opposing the proposed waiver provision. Growth asserts that the OHA should not permit this special refund proceeding to affect any claims for regulatory violations that a firm might have against its supplier.

[FR Doc. 83-2415 Filed 1-27-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2293-7]

Availability of Environmental Impact Statements Filed January 17 Through January 21, 1983, Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 382-5076.

Corps of Engineers:

EIS No. 830032, Draft, COE, SEV, AL, TN, French Broad/Tennessee/Cumberland Rivers, Dredging Permit, Due: March 14, 1983

Department of the Interior:

EIS No. 830028 Draft, IIR, CA, Tahoe City Land Transfer/Newlands Project, Placer County, Due: March 14, 1983

EIS No. 830033 Final, NPS, UT, Capitol Reef National Park General Management Plan Due: February 28, 1983

EIS No. 830030 FSuppl, OSM, REG, Surface Mining Control & Reclamation Act Section 501(b), Regulations, County, Due: February 28, 1983

Department of Transportation:

EIS No. 830027 Draft, FHW, OH, OH-241, Relocation, US 30 Interchange to Oberlin Rd. Viaduct, Stark County, Due: March 14, 1983

EIS No. 830026 DSuppl, FHW, VT, VT-127, Construction, Burlington/Colchester Town Line to Winooski R., Due: March 14, 1983

EIS No. 830031 Draft, FAA WI, Kenosha Municipal Airport Improvements, Kenosha County, Due: March 21, 1983

Environmental Protection Agency:

EIS No. 830029 Final, EPA, PRO, MI, WI, LI, IN, OH, NM, Rural Lake Areas Wastewater Management, Due: February 28, 1983

EIS No. 830034, Draft, EPA, AZ, Arizona Hazardous Waste Facility, Land Transfer, Maricopa County, Due: March 14, 1983

Amended Notices:

EIS No. 820787 Draft, BLM, NM, Bisti, De-na-zin and Ah-shi-sle-pah WSAs Designation, San Juan County, Published FR December 8, 1982—Review extended, Due: March 8, 1983

EIS No. 820768 Draft, BLM, NM, San Juan River Regional Coal Leasing and Development, Published FR December 8, 1982—Review extended, Due: March 8, 1983

EIS No. 820769 Draft, BLM, NM, New Mexico Coal-Fired Steam Electric Generating Station, Right-of-Way, Published FR December 8, 1982—Review extended, Due: March 8, 1983

Dated: January 25, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-2376 Filed 1-27-83; 8:45 am]

BILLING CODE 6560-50-M

[CR-FRL-2293-7]

Intent To Prepare an Environmental Impact Statement for the Red Dog Mine Project, Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent.

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA), EPA has identified a need to prepare an Environmental Impact Statement (EIS) and publish this

Notice of Intent in accordance with 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:

William M. Riley, EIS Project Officer, Environmental Evaluation Branch (M/S 443), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1775.

SUMMARY: The Environmental Impact Statement (EIS) will evaluate the impacts associated with the development of an open pit lead, zinc and silver mine in northwestern Alaska. The mine site is approximately 90 miles north of Kotzebue in the Wulik River watershed. The proposed project includes a seventy mile access road, part of which could pass through Cape Krusenstern National Monument, and development of a port facility on the Chukchi Sea. The administrative actions which the EIS must address include issuing an EPA National Pollution Discharge Elimination System (NPDES) permit. The alternatives to be evaluated include the "no action" alternative, various waste discharge control strategies, alternative access routes and alternative port sites and port designs. The proposed project is a venture between Cominco Alaska and the NANA Regional Corporation.

Scoping: Scoping meetings for the purposes of identifying issues to be evaluated in the EIS will be held in Fairbanks and Kotzebue. Dates, locations and times of the meetings will be announced in local newspapers.

EPA anticipates that the Draft EIS will be available for public review in approximately seven months. Interested persons are encouraged to submit their name and address to the Project Officer for inclusion on the distribution list for the Draft EIS and related public notices.

Paul C. Cahill,

Director, Office of Federal Activities.

January 25, 1983.

[FR Doc. 83-2377 Filed 1-28-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2293-7]

Intent To Prepare an Environmental Impact Statement for the Wilton Generating Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent.

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an Environmental Impact Statement (EIS) and publish this Notice

of Intent in accordance with 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT:

Mr. Clinton Spotts, Regional EIS Coordinator, U.S. Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2716 or (FTS) 729-2716.

SUMMARY: The Region 6 EPA has issued a detailed Notice for the preparation of an EIS on the proposed issuance of a new source National Pollutant Discharge Elimination System permit to the Louisiana Power and Light Company for discharge of wastewater from the proposed Wilton Generating Plant located in St. James Parish, Louisiana. The proposed generating plant would consist of two 800 megawatt units, two auxiliary boilers, and ancillary facilities to be located on a 3000 acre site on the left descending bank of the Mississippi River at Mile 163.

Scoping: A meeting will be held for the purpose of identifying issues to be evaluated in the EIS on Wednesday, February 23, 1983 at 7:00 p.m. at the Parish Council Room on the second floor of St. James Parish Courthouse, Convent, Louisiana.

Interested persons are encouraged to submit their name and address to the Project Officer for inclusion on the distribution list for the Draft EIS and related public notices.

Dated: January 25, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-2378 Filed 1-27-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Forms Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: New.

Title: Emergency Management Preparedness Level Survey.

Abstract: Information obtained will be about types, numbers, age of civil defense equipment, frequency of use, current maintenance practices. Information used to determine state of readiness of emergency management equipment and can be used in developing guidance and manuals.

Types of respondents: State and local governments.

Number of respondents: 144.

Burden hours: 48.

OMB Desk Officer: Ken Allen (202) 395-3786.

Copies of the above information collection clearance package can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley (202) 287-9906, 500 C Street SW., Washington, DC 20472.

Written comments and recommendations for the proposed information collection packages should be sent to Linda Shiley, FEMA Reports Clearance Officer, 500 C Street, SW., Washington, DC 20472 and to Ken Allen, Desk Officer, OMB Reports Management Branch, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: January 20, 1983.

Charles M. Girard,
Associate Director.

[FR Doc. 83-2379 Filed 1-27-83; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-673-DR]

Arkansas; Amendment to 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: January 19, 1983.

FOR FURTHER INFORMATION CONTACT:

Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

NOTICE: 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: Pike County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Lee M. Thomas,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-2380 Filed 1-27-83; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-215]

Lawrence Federal Savings; Lawrence, Kansas; Final Action Approval of Conversion Applications

Notice is hereby given that on January 18, 1983, 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 Lawrence Federal Savings, Lawrence, Kansas, 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, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, P.O. Box 176, Topeka, Kansas 66603.

Dated: January 24, 1983.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-2488 Filed 1-27-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-216]

Phoenix Federal Savings & Loan Association; Muskogee, Oklahoma; Final Action Approval of Post-Approval Amendment to Mutual-to-Stock Conversion Application

Notice is hereby given that on January 18, 1983, 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 Phoenix Federal Savings and Loan Association, Muskogee, Oklahoma ("Association"). The application had been approved by the Board by Resolution No. 82-354, dated May 14, 1982. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C., 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Topeka, P.O. Box 176, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas, 66601.

Dated: January 24, 1983.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-2489 Filed 1-27-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-214]

Texas Federal Savings & Loan Association, Dallas, Tex.; Final Action Approval of Post-Approval Amendment to Mutual-to-Stock Conversion Application

Notice is hereby given that on January 18, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved post-approval amendments to Section 14 of the Plan of Conversion of Texas Federal Savings and Loan Association, Dallas, Texas. The Application for Conversion had been approved by the Board by Resolution No. 81-176, 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 Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

Dated: January 24, 1983.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,
Acting Secretary.

[FR Doc. 83-2487 Filed 1-27-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-7]

Atlantic and Gulf/West Coast of South America Conference, et al. v. Empresa Maritima Del Estado; Filing of Complaint and Assignment

Notice is given that a complaint filed by Atlantic and Gulf/West Coast of South America Conference, et al. against Empresa Maritima Del Estado was served January 20, 1983. Complainants allege that respondent has undertaken activities and entered into arrangements with other carriers regarding transportation of cargo from the United States to Chile in violation of sections 15 and 18(b)(1) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matter in issue in such that an oral

hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,
Secretary.

[FR Doc. 83-2427 Filed 1-27-83; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

Agency Information Security Program Data (Standard Form 311)

AGENCY: General Services Administration.

ACTION: Notice of Information Collection; Revision.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget to review and approve the revision of an information collection request for the continued collection of data.

DATE: Comments on the information collection request must be submitted on or before February 18, 1983.

ADDRESS: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Laura Kimberly on (202) 535-7259.

SUPPLEMENTARY INFORMATION: Federal organizations complete and use the Standard Form 311 to determine the status of Federal information security programs and for the preparation of the Federal Annual Progress Report to the President. A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, telephone (202) 566-1164.

Dated: January 20, 1983.

Clarence A. Lee, Jr.,
Director of Administrative Services.

[FR Doc. 83-2479 Filed 1-27-83; 8:45 am]

BILLING CODE 6820-34-M

Statement of Contingent or Other Fees (Standard Form 119)

AGENCY: General Services Administration.

ACTION: Notice of Information Collection; Revision.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services

Administration (GSA) plans to request the Office of Management and Budget to review and approve the revision of an information collection request for the continued collection of data.

DATE: Comments on this information collection request must be submitted on or before February 18, 1983.

ADDRESS: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, GSA (703-696-5180).

SUPPLEMENTARY INFORMATION: Standard Form 119 is used to collect information required to determine the legality of the employment of a firm or person to obtain a contract with the Federal Government. The estimated annual number of respondents is 1,000, and the estimated average time per response is 1 hour. A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, telephone 566-1164.

Dated: January 21, 1983.

Clarence A. Lee, Jr.,
Director of Administrative Services.

[FR Doc. 83-2480 Filed 1-27-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Social Security; Meeting

AGENCY: Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services in accordance with Section 706 of the Social Security Act, 42 U.S.C. Sec. 907.

DATE AND ADDRESS: The meeting will be held on February 13 from 2:00 p.m. to 8:00 p.m. and on February 14 from 9:00 a.m. to 4:00 p.m. at the Capitol Holiday Inn, 550 C Street, SW., Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, 200 Independence Avenue, SW., Washington, D.C. 20201; telephone (202) 755-8670/71.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Attendance will be limited to the space available. Interested parties may submit written presentations for consideration by Council until March 15, 1983. Correspondence can be addressed to Advisory Council on Social Security, 200 Independence Avenue, SW., Washington, D.C. 20201.

Sign language interpreting services will be provided if requested in advance.

The proposed meeting agenda includes further briefings and discussion on the Medicare program; and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 47 FR 58369, December 20, 1982.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 371-H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,
Executive Director.

[FR Doc. 83-2374 Filed 1-27-83; 8:45 am]
BILLING CODE 4120-03-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: Detroit District Office, chaired by Alan E. Hoeting, District Director.

DATE: Wednesday, February 23, 1983, 1 p.m. to 3 p.m.

ADDRESS: Justice Building, Wabash, IN 46992.

FOR FURTHER INFORMATION CONTACT: Lilyan M. Goossens, Consumer Affairs Officer, Food and Drug Administration, 575 N. Pennsylvania St., Rm. 693, Indianapolis, IN 46204, 317-269-6500.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: January 24, 1983.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.
[FR Doc. 83-2337 Filed 1-27-83; 8:45 am]
BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings to be chaired by Loren Y. Johnson, District Director, Philadelphia District Office.

DATES AND ADDRESSES: (1) Wednesday, February 23, 1983, 1 p.m. to 3 p.m., William H. Green Federal Bldg., Rm. 6310, 6th and Arch Sts., Philadelphia, PA 19106; (2) Wednesday, March 9, 1983, 1 p.m. to 3 p.m., Federal Bldg., 1000 Liberty Ave., Rm. 2214, Pittsburgh, PA 15220.

FOR FURTHER INFORMATION CONTACT: Theresa A. Young, Consumer Affairs Officer, Food and Drug Administration, 2nd and Chestnut Sts., Philadelphia, PA 19106, 215-597-0837.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: January 24, 1983.
William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.
[FR Doc. 83-2339 Filed 1-27-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 82D-0336]

Drug Experience Report Forms; Availability of Draft Guideline

AGENCY: Food and Drug Administration.
ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline that sets forth information for completing Form FDA 1639, "Drug Experience Report." The draft guideline is intended to inform manufacturers and other health care professionals on how to complete Form FDA 1639 so that the information submitted will be complete and optimally useful to FDA.

DATE: Comments by May 31, 1983.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857; requests for single copies of the guideline to Judith K. Jones, National Center for Drugs and Biologics (HFN-730), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Judith K. Jones, National Center for Drugs and Biologics (HFN-730), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4580.

SUPPLEMENTARY INFORMATION: Form FDA 1639 "Drug Experience Report," is used to report adverse drug reactions to FDA. It is required to be submitted by manufacturers on any drug or antibiotic for human use for which an approval is in effect under §§ 310.300, 310.301, and 431.60 (21 CFR 310.300, 310.301, and 431.60). It is also used by health care professionals to voluntarily report drug reactions to FDA.

FDA is making available for comment a draft guideline that provides information to firms and individuals for completing Form FDA 1639. The information in the guideline is intended primarily to supplement and expand the instructions which are on the back of the form itself.

The guideline includes background information on adverse drug experience reporting, a review process of information requested on Form FDA 1639, and a discussion of the FDA review process for drug experience reports. The guideline also includes definitions of terms used in Form FDA 1639, supplemental instructions for completing the form, and discussions of incomplete reports and special situations. Three appendices provide further detailed information on the form and on drug experience reporting.

The use of the guideline should assure that proper information is supplied upon the initial submission of the adverse drug report. This will increase the usefulness of the report to FDA and obviate the need for FDA to contact the submitter to request additional information or clarification of certain entries on the form.

The guideline is being made available as a draft so that all interested parties will have an opportunity to comment on the type of information FDA expects to be submitted on Form FDA 1639. However, interested persons completing Form FDA 1639 are encouraged to follow the draft guideline immediately to

assure the submission of more complete reports at the earliest possible time.

The agency recently published a proposal in the *Federal Register* of October 19, 1982 (47 FR 46622) that would substantially revise the regulations governing the new drug approval process. When FDA publishes a final rule based on the proposal, the agency may need to make changes in the draft guideline for filing Form FDA 1639, "Drug Experience Report," and in the form itself. Because Form FDA 1639 is now in use, and to avoid undue delay in making available a draft guideline that will be helpful to those who use the form, the agency believes it should make the draft guideline available at this time.

Interested persons may on or before May 31, 1983, submit written comments on this draft guideline to the Dockets Management Branch (address above), where a copy of the draft guideline has been placed on file for public display. Such comments will be considered in the preparation of a final guideline. Two copies of all comments shall be submitted, except that individuals may submit single copies of comments. Comments should be identified by the docket number found in brackets at the heading of this document. Comments received by the agency may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of the draft guideline should be addressed to Judith K. Jones (address above).

Dated: January 21, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-2338 Filed 1-27-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0261]

Food Labeling Formats; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period on its request for receipt of information on alternative food label formats for presenting nutrient information. The agency announced this request in a notice announcing a public meeting on the subject that was held December 2, 1982. The Society for Nutrition Education, the American Public Health Association, and the Vermont Department of Health requested an extension of the comment period.

DATE: Written comments by April 1, 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: Raymond C. Stokes, Bureau of Foods (HFF-240), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1457.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of October 29, 1982 (47 FR 49092), FDA issued a notice announcing the second in a series of public meetings in collaboration with the U.S. Department of Agriculture (USDA) to discuss FDA's research project on communicating food label information. Alternative nutrition labeling formats and tentative plans for consumer research to evaluate the formats were presented and discussed at the meeting held on December 2, 1982. The notice asked for written comments by January 31, 1983.

The agencies have solicited design suggestions from the food industry, food and nutrition professionals, consumers, and other interested members of the public regarding the organization and display of label information, including consideration of such elements as the use of graphic and pictorial formats, layout, type size, and the use of colors and symbols. At the December 2, 1982 public meeting, the future research plan and the results of the work performed by Robert P. Gersin Associates, Inc., 11 E. 22nd St., New York, NY 10010, to create a number of alternative food label formats for presenting nutrient information was presented. The agencies encouraged comments on this information presented to the public.

Under 21 CFR 10.40(b)(3), the Society for Nutrition Education, the American Public Health Association, and the Vermont Department of Health requested an extension of the comment period. Reasons given were because the minerals were unavailable to the public until the December 2, 1982 meeting and because of the time constraints resulting from the holiday season during this comment period. In addition, the time allowed did not permit interested parties an adequate period to prepare responses to an issue of such complexity. The agencies also note that there was a delay in distribution of the transcript of the December 2, 1982 public meeting.

Therefore, because of the reasons discussed above, the agencies conclude that it is appropriate to extend the comment period until April 1, 1983.

Therefore, under 21 CFR 10.35(e), FDA is granting the requests for the extension.

Interested persons may, on or before April 1, 1983, submit to the Dockets Management Branch (address above) written comments regarding the subject notice. 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: January 24, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-2330 Filed 1-26-83; 3:19 pm]

BILLING CODE 4160-01-M

[Docket No. 82F-0384]

Gulf Oil Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Gulf Oil Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1 alkenyl olefins as components of paper and paperboard.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-473-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A3679) has been filed by Gulf Oil Corp., Pittsburgh, PA 15219, proposing that the food additive regulations be amended to provide for the safe use of 1 alkenyl olefins as components of paper and paperboard.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 14, 1983.
 Sanford A. Miller,
 Director, Bureau of Foods.
 [FR Doc. 83-2160 Filed 1-27-83; 8:45 am]
 BILLING CODE 4160-01-M

[Docket No. 82C-0399]

Polymer Technology Corp.; Filing of Color Additive Petitions

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Polymer Technology Corp. has filed three color additive petitions proposing that the color additive regulations be amended to provide for the safe use of D&C Green No. 6, D&C Yellow No. 11 and D&C Red No. 17 for coloring contact lenses.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that three color additive petitions (CAP's 3CO163, 3CO164, and 3CO165) have been filed by Polymer Technology Corp., 33 Industrial Way, Wilmington, MA 01887, proposing that the color additive regulations be amended to provide for the safe use of D&C Green No. 6, D&C Yellow No. 11, and D&C Red No. 17 in coloring contact lenses.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 14, 1983.
 Sanford A. Miller,
 Director, Bureau of Foods.
 [FR Doc. 83-2069 Filed 1-27-83; 8:45 am]
 BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of Wisconsin State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on March 15, 1983 in Chicago, Illinois to reconsider two issues in our decision to partially disapprove Wisconsin State Plan Amendment 82-0096.

DATE: Request to participate in the hearing as a party must be received by 15 days after publication.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Bureau of Program Policy, G-20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider two issues in our decision to partially disapprove a Wisconsin State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issues in this matter relate to Wisconsin's proposals which provide inpatient psychiatric hospital services to categorically needy individuals age 22 to 64 and offer additional optional ambulatory services only to those medically needy individuals who are institutionalized. The Health Care Financing Administration disapproved these provisions on the basis that they violate existing statutory or regulatory requirements under the Medicaid program related to the unavailability of Federal Financial Participation (FFP) for expenditures for services provided to individuals age 22 to 64 in an institution for mental diseases (IMD) and to

comparability of services for all recipients within a covered medically needy group.

The notice to Wisconsin announcing an administrative hearing to reconsider our denial of portions of its state plan amendment reads as follows:

Mr. Kenneth Rentmeester,
 Administrator, Division of Health,
 Department of Health and Social
 Services, P.O. Box 309, 1 West Wilson
 Street, Madison, Wisconsin 53702.

Dear Mr. Rentmeester: This is to advise you that your request for reconsideration of the decision to disapprove portions of Wisconsin State Plan Amendment 82-0096 was received on December 28, 1982. You have requested a reconsideration whether the proposals to provide inpatient psychiatric hospital services to categorically needy individuals age 22 to 64 and to offer additional optional ambulatory services only to those medically needy individuals who are institutionalized conform to the requirements for approval under the Social Security Act and pertinent Federal requirements.

I am scheduling a hearing on your request to be held on March 15, 1983 at 10 a.m. in the 8th Floor Conference Room, 175 West Jackson Boulevard, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I have designated Mr. Albert Miller as the presiding official. Although Mr. Miller will conduct the hearing and make a recommendation of his findings and proposed decision, I shall carefully review his findings and issue the final decision on the matter. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached on (301) 594-8261.

Sincerely yours,

Carolyn K. Davis, Ph. D.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: January 24, 1983.

Carolyn K. Davis,
 Administrator, Health Care Financing
 Administration.

[FR Doc. 83-2373 Filed 1-27-83; 8:45 am]
 BILLING CODE 4120-03-M

National Institutes of Health

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on March 25-26, 1983, in Building 31, Conference Room 7, 9000

Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public on March 25, 1983 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 25, from approximately 9:30 AM until adjournment on March 26, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4-A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A, Westwood Building, Room 648, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health.)

Dated: January 17, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

(FR Doc. 83-2346 Filed 1-27-83; 8:45 am)

BILLING CODE 4140-01-M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on March 25-26, 1983, in Building 31, Conference Room 9.

This meeting will be open to the public on March 25, 1983, from 8:30 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood

Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 25, 1983, from approximately 10:00 AM to adjournment on March 26, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4-A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: January 17, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

(FR Doc. 83-2346 Filed 1-27-83; 8:45 am)

BILLING CODE 4140-01-M

Microbiology and Infectious Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, February 24-25, 1983, at the Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20016.

The meeting will be open to the public from 8:30 a.m. to approximately 9:15 a.m. on February 24 for review of policies and procedures and routine business of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:15 a.m. until adjournment on February 24 and again

from 8:30 a.m. until adjournment on February 25.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meetings and rosters of the Committee members as required.

Dr. Susan B. Spring, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496-7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: January 17, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

(FR Doc. 83-2347 Filed 1-27-83; 8:45 am)

BILLING CODE 4140-01-M

National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council and its subcommittees on February 9, 10, and 11, 1983 in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on February 9, from 8:30 a.m. to adjournment to discuss administration, management, and special reports. Attendance by the public will be limited to space available.

Meeting of the full Council and its subcommittees will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable materials, and

personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The following subcommittees will be closed to the public on February 10, from 8:30 a.m. to approximately 12:00 noon: Arthritis, Musculoskeletal and Skin Diseases; Diabetes, Endocrine, and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney, Urology and Hematology. The full Council meeting will be closed to the public on February 10 from 1:00 p.m. to adjournment on February 11.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496-7277.

A summary of the meeting and roster of the members may be obtained from the Committee Management Office, NIADDK, Building 31, Room 9A46, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5765.

(Catalog of Federal Domestic Assistance Program No. 13.846-849, Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: January 17, 1983.

Betty J. Beveridge,
NIH, Committee Management Officer.

[FR Doc. 83-2351 Filed 1-27-83; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board Ad Hoc Subcommittee on Program Project Review; Amended Notice of Meeting

Notice is hereby given for an amendment to the Notice of the National Cancer Advisory Board, National Cancer Institute, National Institutes of Health, January 29-February 2, 1983; which was published in the *Federal Register* on January 13, (48 FR 1547). Notification has just been received that the ad hoc Subcommittee on Program Project Review will meet on February 2-3 at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814. The entire meeting will be open to the public from 8:00 p.m. to recess on February 2, and from 8:30 a.m. to adjournment on February 3; to discuss

the peer review system of program project grant applications. Attendance by the public will be limited to space available.

For further information, please contact Dr. William Walter, Executive Secretary, ad hoc Subcommittee on Program Project Grants, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-4218).

Dated: January 21, 1983.

Betty J. Beveridge,
Committee Management Officer, National Institutes of Health.

[FR Doc. 83-2350 Filed 1-27-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Docket No. N-38-1203)

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an

estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Contract and Subcontract Activity Reporting

Office: Community Planning and Development

Form Number: HUD-2516

Frequency of Submission: Quarterly

Affected Public: Local Governments

Estimated Burden Hours: 5,612

Status: New

Contact: Regina Hairston, HUD, (202)

755-6092 Robert Neal, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 3525(d).

Dated: November 9, 1982.

Donald J. Keuch, Jr.,
Deputy Assistant Secretary for Administration.

[FR Doc. 83-2492 Filed 1-27-83; 8:45 am]

BILLING CODE 4201-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Fort Hall Irrigation Project, Idaho

This notice of proposed operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Director in 10 BIAM 3.

This notice is given in accordance with Section 191.1(e) of Part 191, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations, which

provides for the Area Director to fix and announce the rates for annual operation and maintenance assessments and related information of the Fort Hall Irrigation Project for Calendar Year 1983 and subsequent years. This notice is proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

The purpose of this notice is to announce an increase in the Fort Hall Project assessment rates proportionate with actual operation and maintenance costs. The proposed assessment rates for 1983 will amount to an increase ranging from 0.7 percent to 5 percent.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views and arguments with respect to the proposed rates and related regulations to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than 30 days after publication of this notice in the Federal Register.

Fort Hall Irrigation Project

Regulations and Charges

Administration

The Fort Hall Irrigation Project, which consists of the Fort Hall Unit including ceded area south of the Fort Hall Indian Reservation, the Michaud Unit and the Minor Units on the Fort Hall Indian Reservation, Idaho, is administered by the Bureau of Indian Affairs. The Superintendent of the Fort Hall Agency is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations.

Irrigation Season

Water will be available for irrigation purposes from April 15 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

Methods of Irrigation

Where soil, topography, and other physical conditions are unfavorable for surface irrigation, and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Officer-in-Charge may limit deliveries to this type of irrigation.

Distribution and Apportionment of Water

(a) *Delivery:* Water for irrigation purposes will be delivered throughout the irrigation season by either the continuous flow or rotation method at the discretion of the Officer-in-Charge. If during a time when delivery is by the rotation method, a water user desires to loan his turn to another eligible water user, he shall notify either the watermaster or the ditch rider who may permit such exchange, if feasible.

(b) *Preparation and Submission of a Water Schedule:* If the decision of the Officer-in-Charge is to deliver water by the rotation method, the watermaster will assist the water users on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the water users fail to exercise this right before March 1, the watermaster will prepare the schedule which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the lateral.

(c) *Application for Deliveries of Irrigation Water:* Requests for water changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditch rider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Duty of Water

Dependent upon available supplies of water for each unit of the Project, the duty of water is based on the delivery to the farm unit of 3.5 acre-feet of water per acre per irrigation season. This duty of water may be varied at the discretion of the Officer-in-Charge depending on supplies available, but each irrigable acre shall be entitled to its pro-rata share of the total water supply.

Charges

Bill covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of December 31, preceding the due date. In the case of Indian-

owned land leased to a non-Indian, when an approved lease contract is on file with the Superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

Basic and Other Water Charges

(a) The annual basic water charges for the operation and maintenance of the Fort Hall Irrigation Project lands in non-Indian ownership, and assessable Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the Calendar Year 1983 and subsequent years until further notice as follows:

(1) Fort Hall Unit basic rate—\$17.00 per acre.

(2) Michaud Unit basic rate—\$21.00 per acre.

Additional rate for sprinkler when pressure is supplied by project—\$8.50 per acre.

(3) Minor Units basic rate—\$14.00 per acre.

(b) In addition to the foregoing charges there shall be collected a minimum charge of \$5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus \$5.

Payments

The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one-half percent per month, or fraction thereof, from the due date until paid. No water shall be delivered to any farm unit until all irrigation charges have been paid.

Assessments on Indian Owned Land

When land owned by members of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation is first leased to non-Indians or non-members of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject to operation and maintenance assessments for three years. The three years the land is not subject to assessment need not run consecutively. When land has been leased for a total of three years, the land, when under lease to non-Indians or non-members of the tribe, is subject to operation and maintenance

assessments the same as lands on non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M 28701, approved September 24, 1938, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938.)

Stanley Speaks,
Area Director.

[FR Doc. 83-2217 Filed 1-27-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Call for Coal Resource Information

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is soliciting indications of interest and information on the coal resources of the following counties in North Dakota: Golden Valley, Stark, Dunn, Oliver, Mercer, and McLean. Industry, state and local governments, and the general public are invited to submit information on lands that should be considered for coal leasing. The data received, along with information already available to the BLM, will be used to delineate coal areas for possible study in future amendments to the West-Central North Dakota and Golden Valley County management framework plans (MFPs). Information supplied in response to this call would not be an application for coal leasing, but it is important for the BLM to know where industry may have an interest in future federal coal leasing, so that necessary land use planning steps can be completed.

Any submission made should include at least numbers one, two, and five of the following elements.

1. Location: Locate the area or areas of interest on a coal area map or supply legal descriptions.

2. Geology:

A. Adequate drill hole data for the area of interest. This would include electric, gamma ray, and lithologic logs.

B. A narrative description of the coal geology of the area of interest supported by maps, charts, and other appropriate documentation.

3. Data on lease holdings in the area of interest.

4. A proposed end use for the coal in the area of interest.

5. Contacts: List the name, address, and phone number of the person who may be contacted for clarification or additional information.

Submissions in response to this call should be sent to the following offices by March 30, 1983.

Address: Mr. Kenneth Burke, Acting District Manager, Bureau of Land Management, P.O. Box 1229, Dickinson, ND 58601

Mr. George Mowat, Supervisor for Resource Evaluation, Bureau of Land Management, P.O. Box 2550, Billings, MT 59103.

Proprietary data marked as confidential should be submitted to Mr. Mowat only. Data marked as confidential shall be treated in accordance with the laws and regulations governing the confidentiality of such information.

FOR FURTHER INFORMATION CONTACT: John Bown, Geologist, Bureau of Land Management, Dickinson District, P.O. Box 1229, Dickinson, ND 58601; telephone 701-225-9148.

Chuck Pettee,

Acting District Manager.

[FR Doc. 83-2229 Filed 1-27-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-43766]

Alaska Native Claims Selection Correction

In FR Doc. 83-84, appearing on page 346, in the issue of Tuesday, January 4, 1983, in the second column, under "T. 26N., R. 4W.", the fourth line should read "NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$."

BILLING CODE 1505-01-M

Office of the Secretary

Proposed Guidelines for Transactions Between Nonprofit Conservation Organizations and Federal Agencies

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Proposed Guidelines and Request for Comment.

SUMMARY: The Assistant Secretary for Fish and Wildlife and Parks is proposing guidelines for transactions between nonprofit conservation organizations and Federal agencies which utilize the Land and Water Conservation Fund (LWCF). These guidelines will provide broad instructions to the four Federal agencies in their use of nonprofit conservation organizations to assist in securing the natural, cultural, wildlife, and recreation values in greatest need of protection.

The proposed guidelines will apply to the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management in the Department of the Interior and the Forest Service in the Department of Agriculture.

Notice of Intent to propose a rule and opportunity for comment was published in the *Federal Register* (page 38431) on Tuesday, August 31, 1982.

DATE: The Department will consider all comments received by February 28, 1983.

ADDRESS: Comments and data should be sent to Ric Davidge, Chairman, LWCF Policy Group, Room 3148, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: William Harwig, Special Assistant, (202-343-4945).

SUPPLEMENTARY INFORMATION: The Office of Management and Budget and the General Accounting Office have urged that guidelines be developed. The General Accounting Office's concerns have been expressed in recent reports including *Overview of Federal Land Acquisition and Management Practices* (CED 81-135), which noted that 4.5 percent of the land acquired by the National Park Service, the Fish and Wildlife Service, and the Forest Service during the period 1965-1979 was acquired through the use of nonprofit conservation organizations, and recommended that the Department develop a written policy for dealing with these groups. Such a policy, the report stated, should provide guidance on "when to use nonprofits, what the working relationship should be, and what unique land acquisition procedures might be appropriate."

Congress, as recently as the Explanatory Statement of the Recommendations of the Senate Committee on Appropriations on the Department of the Interior and Related Agencies Appropriation Bill, 1983 (H.R. 7356), indicated their support and interest in improving the "... cooperation between the land acquiring agencies and the nonprofit organizations that are capable of performing a valuable service in helping acquire properties. . .". It is the intent of the proposed guidelines to create an understanding of the benefits and operating procedures of the nonprofit organizations and the Federal agencies in order to establish a uniform set of guidelines that will foster greater cooperation.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This rule does not contain information collection requirements which require

approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

These guidelines do not in themselves constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (NEPA). NEPA concerns will be addressed at the individual unit level on a case-by-case basis.

Nonprofit conservation organizations like other private landowners make their own decisions regarding the purchase and sale of real property. However, when dealing with resources to be purchased by the Federal agencies using the Land and Water Conservation Fund, some basic principles should be followed.

The Assistant Secretary for Fish and Wildlife and Parks seeks public comment on the following proposed guidelines.

Proposed Guidelines for Transactions Between Nonprofit Conservation Organizations and Federal Agencies

Introduction

Because of lengthy time requirements in the budgeting and appropriation process, Federal agencies are frequently unable to acquire land in response to imminent threats to critical resources or to buy needed resources under favorable terms. With the ability to act quickly in the private market and maintain flexible working relationships with landowners, nonprofit conservation organizations can assist and support the Federal land acquisition program. However, the role of nonprofit organizations in acquiring land or interests in land should be clearly and carefully defined in each transaction considering the basic principles listed below.

Basic Principles

Nonprofit conservation organizations are not in any manner agents of the Federal Government. They are private independent groups who freely negotiate real estate actions anywhere and anytime they desire and at their own risk. However, in dealing with the Government agencies, because of statutory, budgetary and policy consideration; the agenda of the agencies must be paramount to those of the nonprofit conservation organizations.

Lands or interests in lands proposed for acquisition through a nonprofit organization should be in accord with priorities outlined by the agency.

Lands or interests in land acquired from nonprofit organizations must be within the boundaries of authorized areas, and such acquisition should be limited to tracts which the agency has determined need to be acquired.

In each case the proposal of the agency should be outlined in a letter of intent to the nonprofit organization. The letter should provide the non-profit organization with a minimum of: (1) Land or interest in land needed; (2) the estimated value; (3) the

projected time frame as to when the agency intends to acquire the property from the nonprofit organization; and (4) a statement indicating that should the agency be unable or decline for policy reasons to purchase the land within the projected time frame, disposition of the land or interests in land by the nonprofit organization is without liability to the Government.

Dated: January 24, 1983.

Ric Davidge,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-2477 Filed 1-27-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Missouri-Kansas-Texas Railroad Co., et al.

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.

ADDRESS: 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 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
665	Missouri-Kansas-Texas Railroad Co., ICC-MKT-C-0228, (Corn, grain sorghums, soybeans and wheat)	2	1-20-83
672	Southern Pacific Transportation Co., ICC-SP-C-0360, (Bartle)	2	1-20-83

¹Review Board No. 3, Members Carleton, Williams, and Ewing.

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. 83-2207 Filed 1-27-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

[OP4F-030]

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 I.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.

Dated: January 17, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team Four at (202) 275-7669.

MC-F-15050, filed December 27, 1982. Lawrence R. Temple (P.O. Box 977, Northbrook, IL 60062)—CONTINUANCE IN CONTROL—SKYLANE TRANSPORTATION COMPANY (SKYLANE) (28477 Bradley Rd., Lake Forest, IL 60045). Representative: Patrick H. Smyth, 105 W Madison St., Suite 1008, Chicago, IL 60602, (312) 263-2397.

Mr. Temple seeks to continue in control of Skyline upon the institution of operations by Skyline in interstate or foreign commerce, as a motor common carrier.

Skyline has filed an application in MC-165376 to transport passengers, in charter and special operations, between points in the U.S. (except HI), and shipments weighing 100 pounds or less, between points in the U.S. (except AK and HI), as well as to operate as a broker of general commodities (except Household goods), between points in the U.S. (except AK and HI).

Mr. Temple controls through stock ownership and management position Scholastic Transit Co., which is a motor common carrier pursuant to certificates issued in MC-43263 and subs thereunder.

Note.—The directly-related application of Skyline in MC-165376 is published elsewhere in this same Federal Register issue.

[FR Doc. 83-2361 Filed 1-27-83; 9:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; 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 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.

Agatha L. Mergenovich,
Secretary.

Volume No. OP1-FC-32

For status call Team 1 at 202-275-7992.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC FC-81073. By decision of January 20, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to D & S TRUCK LINES, INC., of Thayer, KS, of Permit No. MC 148230 (Sub-No. 2), issued June 2, 1982, to J & H GRAIN, INC., Thayer, KS, authorizing the transportation of chemicals and related products, between points in the U.S., under continuing contract(s) with W-G Fertilizer, Inc., of Thayer, KS. Applicant's representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110-L, Topeka, KS 66612 (913) 233-9629.

Volume No. OP2-FC-032

For status call Team 2 at 202-275-7030.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC FC-81007. By decision of January 19, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to Tennant Truck Lines, Inc., of Orion, IL, of a portion of Certificate No. MC-13123 (Sub-No. 28), issued June 22, 1962, and all of Certificate MC-13123 (Sub-No. 72), issued April 30, 1974, to Wilson Freight Company (Debtor in Possession) of Cincinnati, OH, authorizing the transportation of general commodities, with named exceptions (a) serving Fox Point, Greendale, West Milwaukee, Shorewood, Wauwatosa, West Allis, and Whitefish Bay, WI, as off-route points in connection with carrier's otherwise authorized regular-route operations to and from Milwaukee; (b) serving points in the Davenport, IA-Rock Island and Moline, IL, commercial zone, as intermediate and off-route points in connection with carrier's authorized regular-route operations to and from any point in such zone; (c) between Chicago, IL and Davenport, IA, over specified regular routes, serving all intermediate points; (d) between Milwaukee, WI, and Chicago, IL, over specified regular routes, serving the intermediate points of Cudahy, South Milwaukee, Racine, and Kenosha, WI, Winthrop Harbor, Zion, Waukegan, North Chicago, Lake Bluff, Lake Forest, Highwood, Glenco,

Winnetka, Kennilworth, Wilmette, and Evanston, IL; (e) between Madison, WI, and Rockford, IL, over specified regular routes, serving the intermediate points of Oregon, Union, Evansville, Leyden, Janesville, and Beloit, WI, and Roscoe, IL, and the off-route point of Brooklyn, WI; (f) between Beloit, WI, and Rockford, IL, over specified regular routes, serving the intermediate point of Rockton, IL; (g) between Madison, WI, and Janesville, WI, over specified regular routes, serving the intermediate points of Stoughton, Albion, Edgerton, and Indian Ford, WI, and the off-route point of McFarland, WI; and (h) between Madison, WI, and Stoughton, WI, over specified regular routes, serving the intermediate points of Nora, Cambridge, Rockdale, and Utica, WI, and the off-route points of Deerfield and Fort Atkinson, WI. Transferee holds certificates under MC 146754. An application for temporary authority has been filed. REPRESENTATIVE: Mark J. Andrews, 1600 L St., NW., Washington, D.C. 20036, for transferor and Joseph Winter, 29 South LaSalle St., Chicago, IL, 60603, for transferee.

Note.—Transferee intends to effect joinder of the regular-route authority being transferred with its existing irregular route authorities.

MC-FC-81065. By Decision of January 19, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to E & H TRUCKING, INC., d.b.a. TEXAS EASTERN TRANSPORT, of Lufkin, TX, of Certificates No. MC-153442 and Sub Nos. 1, 2, and 3, issued November 4, December 17, November 4, and December 29, 1982, respectively, and Permits No. MC-153442 Sub Nos. 4 and 5, both issued December 29, 1982, to TEXAS EASTERN TRANSPORT CO., INC., of Lufkin, TX, authorizing over irregular routes, (1) the common carrier transportation of (a) general commodities (with exceptions), for or on behalf of the United States Government, between points in the U.S.; (b) Mercer commodities, machinery, and earth drilling commodities, and, iron and steel articles, between named points in the U.S.; (c) meats, meat products, meat byproducts, and articles distributed by meat-packing houses, and bananas, between named points in the U.S.; and (d) food and related products, bananas, and exempt agricultural commodities, in mixed loads with bananas, radially, between named points in TX, AL, and MS, and points in the U.S.; and (2) contract carrier transportation of (a) frozen potato products, from points in WA, ID, and OR, to points in TX, under continuing contract(s) with Mims Meat

Company, Inc., of Houston, TX; and (b) general commodities (with exceptions), between points in the U.S., under continuing contract(s) with Mims Meat Company, Inc., of Houston, TX. An application for temporary authority has been filed. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768-2207, (512) 476-6391.

Volume No. OP3-MC-FC-30

For status call Team 3 at 202-275-5223.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81100. By decision of January 20, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to BROKEN CIRCLE TRANSPORTATION, INC., Evanston, WY, of Certificate No. MC-159775, issued July 15, 1982, to DODSON TRUCKING, INC., Evanston, WY, authorizing the transportation of *oilfield equipment and supplies*, between Evanston, WY, on the one hand, and, on the other, points in CO, UT, NV, MT, and ID. Representative: James E. Phillips, 822 Main St., P.O. Box 123, Evanston, WY 82930.

MC-FC-81126. By decision of January 20, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3, approved the transfer to ELM AVENUE TRUCKING SERVICE, INC., Larchmont, NY, of Certificate No. MC-107665, issued April 29, 1969 and No. MC-107665 (Sub-No. 1) issued August 11, 1982, to CRIST TRUCKING, INC., Larchmont, NY, authorizing the transportation of *paper, paper products, and papermill supplies and materials* used in the manufacture of paper and paper products, over irregular routes, between New York, NY, on the one hand, and, on the other, points in Albany, Saratoga, Clinton, Rensselaer, Washington, Warren, and Essex Counties, NY and Schenectady, in Schenectady County, NY; and (1) *paper, paper products, printed matter, plastic articles and papermill supplies* (except commodities in bulk) and (2) *materials* used in the manufacture of paper, paper products and plastic articles (except commodities in bulk), over irregular routes, between the facilities of the International Paper Company located in CT, DE, MA, MD, ME, RI, VA, VT and DC, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT and DC. A temporary authority application has been filed. Representative: William Crist, Jr., 44 Elm Avenue, Larchmont, NY 10538, (914) 834-8027.

Volume No. OP4-FC-034

For status call Team 4 at 202-275-7669.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81137. By decision of January 18, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to NASHVILLE & ASHLAND CITY TRUCK LINE, INC., Nashville, TN, of certificate No. MC-152427, issued October 9, 1981, to GREAT TRACK MOTOR LINES, INC., Memphis, TN, authorizing the transportation of *general commodities* (except classes A and B explosives), between Memphis, TN, on the one hand, and, on the other, those points in MS on the north of U.S. Hwy 80; those in MO on, south and east of a line beginning at the IL-MO State line and extending along MO Hwy 72 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO-AR State line, and points in AR, KY, TN, AL and GA. An application for temporary authority has been filed. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, for both transferee and transferor.

Note.—This application is filed to replace a petition for exemption under 49 U.S.C. 11343 (e), filed in No. MC-F-15037.

Volume No. OP4-FC-37

For status call Team 4 at 202-275-7669.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81080, filed December 7, 1982, by decision of January 19, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer C.F.X. TRANSPORTATION SYSTEMS, INC., of Columbus, IN, of Certificate No. MC-146677 (Sub-No. 7), issued April 28, 1982, to GRANNY'S EXPRESS, INC., of Cincinnati, OH, authorizing the transportation general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in the US and east of MN, IA, MO, AR, and LA. Representative: E. H. van Deusen, 2455 North Star Rd., Columbus, OH 43221 for transferee and transferor. Condition: The grant is conditioned upon consumation and pursuant to request to transferor the authority in MC-146677 Sub Nos. 2, 3, 5X, and 6 will be cancelled upon issuance of the certificate in this proceeding.

[FR Doc. 83-2362 Filed 1-27-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-33]

Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: January 20, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, at (202) 275-7992.

MC 68100 (Sub-51X), filed January 10, 1983. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Lead and Subs 9, 15, 16, 22, and 49: broaden (1)(a) lead Subs 22 and 49: machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by products; and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and

picking-up thereof, (with exceptions), to "Mercer commodities", and (b) remove various restrictions which prohibit the stringing and picking-up of main pipelines or shipments moving to or from pipeline rights of way; (2) lead and Sub 9, 15, and 16: pumps, oil well pumping units, machinery, materials and equipment used in the distribution, installation, or manufacture of well pumping units to "machinery", (3) lead (a) refined oil and (b) empty containers for refined oil to "petroleum, natural gas and their products", (4) Sub 49, boats to "transportation equipment", (5) lead and Sub 16 broaden one way to radials; (6) expand to county, lead, (a) Coffeyville, KS (Montgomery County), lead, Subs 9, 15, and 16 (b) Bartlesville, OK (Washington County), (7) Sub 16, remove plantsite restriction, (8) Sub 49, remove restriction against service to Wichita, KS and change Tulsa, OK and points within five miles of Tulsa to Tulsa, OK.

[FR Doc. 83-2363 Filed 1-27-83; 8:45 am]

BILLING CODE 7035-01-M

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 use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and principal address: Cadbury Schweppes Overseas, Ltd., Leconfield House, Curzon St., London, England W1Y 7FB.

2. Wholly owned subsidiaries which will participate in the subject transportation:

Cadbury Schweppes USA, Inc., Highridge Road, Stamford, CT 06905
Cadbury Schweppes Powell, Inc., 170 Atwell Drive, Rexdale, Ontario, Canada

Peter Paul Cadbury, Inc., New Haven Road, Naugatuck, CT 06770

Holland House Brands, Inc., 1125 Pleasant View Terrace, Ridgefield, NJ 06757

Schweppes U.S.A., Ltd., Highridge Road, Stamford, CT 06905

Duffy-Mott Co., Inc., 307 Lexington Avenue, New York, NY 10017

Schweppes Division, 170 Atwell Drive, Rexdale, Ontario Canada

Powell Division, 1610 Champlain Street, St. Catherine, Ontario Canada

Cadbury Division, Yale Crescent, Whitby, Ontario Canada

Jefferson Bottling Co., Inc., 11 Jefferson Boulevard, Warwick, RI 02888

Rondo Beverage Corp., Highridge Road, Stamford, CT 06905

1. Parent corporation and address of principal office: Lukens, Inc., 50 South First Avenue, Coatesville, PA 19320.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(i) Lukens Steel Company—Pennsylvania.

(ii) Canadian Lukens Limited—Ontario, Canada.

(iii) Lukens General Industries, Inc.—Delaware.

1. Parent Corporation: Northeast Petroleum Industries, Inc., 295 Eastern Ave., Chelsea, MA 02150.

2. Wholly-owned subsidiaries:

(a) Pickering—Old Colony, Inc. (incorporated in Massachusetts), 295 Eastern Ave., Chelsea, MA 02150

(b) Northeast Petroleum Distributors, Inc. (incorporated in Massachusetts), 295 Eastern Ave., Chelsea, MA 02150

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-2364 Filed 1-27-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15064]

Great Western Transportation, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee in Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 47 FR 53303 (November 24, 1982), Great Western Transportation, Inc. (MC-146360) and Shoemaker Trucking Company (MC-138875) seek an exemption from the requirement of prior regulatory approval for the purchase of a portion of Shoemaker's operating rights, namely, under paragraph (28) of Sub-No. 312X, *chemicals and related products*, between points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in the United States in and west of MT, WY, CO, and NM (except AK and HI). In addition, temporary authority is sought for Great Western to lease these operating rights pending disposition of the petition for exemption.

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 representative: David E. Wishney, P.O. Box 837, Boise, ID 83701

Comments should refer to No. MC-F-15064.

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: January 21, 1983.

By the Commission, Herber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-2366 Filed 1-27-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. MC-F-15071]

**Leaseway Transportation Corp.—
Continuance in Control Exemption—
Leaseway Deliveries, Inc., et al.**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), Procedures For Handling Exemptions filed by Motor Carriers of Property under 49 U.S.C. 11343, 47 FR 53303 (November 24, 1982), Leaseway Transportation Corp., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of Leaseway Deliveries, Inc. (MCV-164713). Leaseway Transportation Corp. has been authorized to control some 24 motor carriers.

DATE: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES: Send comments to:

(1) Motor Section, Team 2, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423
and

(2) Petitioner's representative, J. Andrew Kundtz, 1100 National City Bank Building, Cleveland, OH 44114

Comments should refer to No. MC-F-15071.

FOR FURTHER INFORMATION CONTACT: C. Landis Plummer, (202) 275-7030.

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 of exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-2365 Filed 1-27-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Decree in an Action Under the Clean Water Act; Bethlehem Mines Corp.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 27, 1982, a consent decree in *United States v. Bethlehem Mines Corporation*, Civil Action No. 82-5724 was lodged in the United States District Court for the Eastern District of Pennsylvania.

The consent decree concerns the discharge of pollutants, primary total suspended solids, in violation of the Clean Water Act at four outfalls or streams of water in the vicinity of the Panther Valley Division strip mines of Bethlehem Mines Corporation (a division of Bethlehem Steel Corporation) located in Carbon and Schuylkill Counties in Eastern Pennsylvania. The consent decree requires that Bethlehem commence and complete construction of a water treatment facility to treat discharges from Outfall 003, the Lausanne Tunnel.

The decree may be examined at the Office of the United States Attorney, 3310 United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106, at the Region III office of the Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, 10th & Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the

consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 9th and Pennsylvania Avenue NW., Washington, D.C. 20530, and should refer to *United States v. Bethlehem Mines Corporation*, DOJ Reference #90-5-1-1-1653.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-2478 Filed 1-27-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Affirmative Determination Regarding Application for Reconsideration

Pursuant to 29 CFR 90.18 applications for administrative reconsideration were filed with the Director, of the Office of Trade Adjustment Assistance in each case listed below. In each case, the review indicated that there were issues raised which were of sufficient weight as to bear importantly on the Department's original negative determination. Consequently, applications for administrative reconsideration were affirmed. Final determinations on reconsideration will be made soon.

TA-W-13,084 *Union Carbide Corporation, Metals Division, Alamo, NV*

Dated: January 20, 1983, Robert A. Schaerfl, Director, Office of Program, Management Unemployment, Insurance Service.

TA-W-13,392 *Union Carbide Corporation, Metals Division, Bishop, CA*

Dated: January 20, 1983, Robert A. Schaerfl, Director, Office of Program, Management Unemployment, Insurance Service.

Signed at Washington, D.C. this 24th day of January 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-2472 Filed 1-27-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents

summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period January 17, 1983-January 21, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,340; *Weston Instruments, Div., of Sangamo-Weston Corp., Newark, NJ*

TA-W-13,117; *LaSalle Machine Tool, Inc., Warren, MI*

TA-W-13,388; *Knitone Mills, Inc., West New York, NJ*

TA-W-13,579; *Clark Equipment Co., Jackson, MI*

TA-W-13,491; *Mel Coat Fashions, Inc., Weehawken, NJ*

TA-W-13,451; *Michigan Screw Products, Inc., Centerline, MI*

TA-W-13,525; *Clark Equipment Co., Georgetown, KY*

TA-W-13,454; *Wickes Machine Tool Group, Wickes Co., Inc., Saginaw, MI*

TA-W-13,172; *Holden Manufacturing Co., Holden, MO*

TA-W-13,686; *Inspiration Consolidated Copper Co., Claypool, AZ*

TA-W-13,368 TA-W-13,369; *Inspiration Consolidated Copper Co., Christmas Div., Inspiration, AZ*

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,549; *United Technologies Corp., Automotive Group, Berrien Springs, MI*

TA-W-13,396; *Curwood, Inc., New London, WI*

In the following cases the investigation revealed that criterion (3)

has not been met for the reasons specified.

TA-W-13,370; *Ford Motor Co., Norfolk Assembly Plant, Norfolk, VA*

Aggregate U.S. imports of pick-up trucks did not increase as required for certification.

TA-W-13,536; *Hilo Iron Works, Inc., Hilo, HI*

Aggregate U.S. imports of fabricated platework did not increase as required for certification.

Affirmative Determinations

TA-W-13,537; *Inductive Components, Inc., Hauppauge, NY*

A certification was issued in response to a petition received on June 1, 1982 covering all workers separated on or after January 1, 1982 and before June 30, 1982.

TA-W-13,492; *Mona Lisa Coat Co., Inc., Hoboken, NJ*

A certification was issued in response to a petition received on April 18, 1982 covering all workers separated on or after November 1, 1981 and before July 1, 1982.

TA-W-13,456; *Amperex Electronic Corp., Microwave Oven Magnetron Tube Product Line, Smithfield, RI*

A certification was issued in response to a petition received on May 10, 1982 covering all workers separated on or after December 1, 1981 and before July 15, 1982.

TA-W-13,480; *Florence Coat Co., Inc., Hoboken, NJ*

A certification was issued in response to a petition received on May 18, 1982 covering all workers separated on or after May 13, 1981.

TA-W-13,517; *Saxon Business Products Div., Saxon Industries, Inc., Miami Lakes, FL*

A certification was issued in response to a petition received on May 21, 1982 covering all workers of Saxon Business Products Div., Saxon Industries, Inc., Miami Lakes, FL, engaged in employment related to the production of photocopying machines and drums or parts for photocopying machines who became totally or partially separated from employment on or after May 17, 1981 and before October 25, 1982.

TA-W-13,094; *Bethlehem Steel Corp., Sparrows Point Steel Plant, Sparrows Point, MD*

A certification was issued in response to a petition received on November 5, 1981 covering all workers of the Sparrows Point Steel Plant of Bethlehem Steel Corp., Sparrows Point, MD, engaged in employment related to the production of carbon steel plate, nails

and staples and basic and semi-finished steel who became totally or partially separated from employment on or after January 1, 1981, and all workers of the Sparrows Point Plant of the Bethlehem Steel Corp., Sparrows Point, MD, engaged in employment related to the production of cold rolled sheet, hot rolled sheet, galvanized sheet, wire, and rod who became totally or partially separated from employment on or after August 31, 1981.

TA-W-13,367; *TRW-Fujitsu Co., Financial Systems Div., Orlando, FL*

A certification was issued in response to a petition received on April 23, 1982 covering all workers of the Orlando, FL plant of TRW-Fujitsu Co. engaged in employment related to the production of electronic teller terminals (manual) who became totally or partially separated from employment on or after October 1, 1981 and before January 1, 1983.

I hereby certify that the aforementioned determinations were issued during the period January 17, 1983-January 21, 1983. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: January 25, 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-2474 Filed 1-27-83; 8:45 am]

BILLING CODE 4510-30-M

Meeting of State Liaison Representatives

Notice is hereby given that a meeting of State Liaison representatives will be held on February 9 and 10, 1983, at the Quality Inn, 415 New Jersey Avenue, NW., Washington, D.C. The major item to be discussed will be the status of implementation of the Job Training Partnership Act.

The public is invited to attend.

For additional information contact: Patrick J. O'Keefe, Director, Transition Task Force, Office of the Assistant Secretary, Employment and Training Administration, Room 8400, Patrick Henry Building, Washington, D.C. 20213, Telephone: (202) 376-8444.

Official records of the meeting will be available for public inspection at Room 8400, Patrick Henry Building.

Signed at Washington, D.C., this 24th day of January 1983.

Albert Angrisani,
Assistant Secretary of Labor.

[FR Doc. 83-2471 Filed 1-27-83; 8:45 am]
BILLING CODE 4510-30-M

Negative Determination Regarding Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance in the case listed below. In this case, the review indicated that there were no new facts not previously considered; that the determination was based on a mistake; and that there was no misinterpretation of facts or of the law which would justify reconsideration. Therefore, a denial of the application was issued.

TA-W-12,988 Uniroyal Tire Company,
Eau Claire, WI

Harold A. Bratt, Deputy Director,
Office of Program Management,
Unemployment Insurance Service.

Dated: January 17, 1983
Signed at Washington, D.C., this 24th day of January 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

[FR Doc. 83-2473 Filed 1-27-83; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-13,839]

E. I. duPont de Nemours & Co., Inc., Louisville, Ky.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 12, 1982 in response to a worker petition received on September 30, 1982 which was filed by the Neoprene Clerical Workers Union on behalf of workers at E. I. duPont de Nemours & Company, Incorporated, Louisville, Kentucky.

The workers produce neoprene rubber.

The petitioner requested in a letter that the petition be withdrawn. On the basis of this request, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this January 20, 1983.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

[FR Doc. 83-2475 Filed 1-27-83; 8:45 am]
BILLING CODE 4510-30-M

Occupational Safety and Health Administration

[V-82-1]

Occupational Exposure to Lead; Current Trigger Levels for Medical Removal Protection; Grant of Temporary Variances

AGENCY: Occupational Safety and
Health Administration, Labor

ACTION: Grant of temporary variances.

SUMMARY: This notice announces the grant of temporary variances to 45 companies from the standards prescribed in 29 CFR 1910.1025(k)(1)(i)(C) and 29 CFR 1910.1025(k)(1)(iii)(A)(3), Medical Removal Protection, of the Occupational Standard for Exposure to Lead. The variance temporarily relieves the affected employers of the requirement to comply with the 60/40 removal and return triggers for medical removal protection. However, as conditions of the granted relief, the companies must comply with the 70/50 removal and return triggers and all other provisions of the lead standard and must satisfy the conditions and requirements of the variance order. The 70/50 removal and return triggers authorized by this relief apply only to the affected supervisory, maintenance, and skilled production employees referenced in the 45 applications for temporary variances.

DATES: The effective date of the grant of temporary variances is January 25, 1983. The expiration date of the temporary variances is February 28, 1983.

FOR FURTHER INFORMATION CONTACT:

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44199

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East Ohio Street, Indianapolis,
Indiana 46204

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West Lake Street, Peoria, Illinois
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U.S. Department of Labor—OSHA,
Federal Office Building, Room 734, 234

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- U.S. Department of Labor—OSHA, 555 Griffin Square Building, Room 602, Dallas, Texas 75202
- U.S. Department of Labor—OSHA, 1425 West Pioneer Drive, Irving, Texas 75061
- U.S. Department of Labor—OSHA, 303 Grant Building, 611 East 6th Street, Austin, Texas 78701
- U.S. Department of Labor—OSHA, Federal Building, Room 421, 1205 Texas Avenue, Lubbock, Texas 79401
- U.S. Department of Labor—OSHA, 911 Walnut Street, Room 406, Kansas City, Missouri 64106
- U.S. Department of Labor—OSHA, 1150 Avenue, 6th Floor, Room 606, Kansas City, Missouri 64106
- U.S. Department of Labor—OSHA, Overland-Wolf Building, Room 100, 6910 Pacific Street, Omaha, Nebraska 68106
- U.S. Department of Labor—OSHA, 4300 Goodfellow Building, Building 105E, St. Louis, Missouri 63120
- U.S. Department of Labor—OSHA, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294
- U.S. Department of Labor—OSHA, Petroleum Building—Suite 210, 2812 1st Avenue North, Billings, Montana 59101

I. Background

On July 20, 1981, the Occupational Safety and Health Administration (OSHA) denied petitions from primary and secondary lead smelters for industry-wide stays of the current trigger levels for medical removal protection (MRP) under the lead standard (46 FR 37891; July 23, 1981). The Agency previously had denied a similar petition from lead battery manufacturers (46 FR 24558; May 15, 1981), and in the July 23, 1981 Federal Register notice also denied the battery industry's petition for reconsideration. The petitions had been based upon an assertion that the companies would be unable to comply with the MRP provision because of the anticipated removal and resulting unavailability of certain employees under the 60 micrograms of lead per 100 grams of whole blood (60 µg/100g) removal and 40 micrograms of lead per 100 grams of whole blood (40 µg/100g) return triggers for MRP. The petitions were denied because data submitted by the industries involved did not support a conclusion that there was a general industry-wide inability to comply with the MRP provisions of the lead standard. Thus, the available evidence did not demonstrate a need for an industry-wide stay of the MRP triggers. However,

OSHA did find that on a plant-by-plant basis, there were some feasibility problems. OSHA therefore, announced that the temporary variance and interim order mechanism, set forth in Section 6(b)(6)(A) of the OSH Act and covered by regulations in 29 CFR Part 1905, would be used to afford relief to lead smelting and battery companies on a plant-by-plant basis, if warranted. As a result of this notice, 70 applications for a temporary variance and an interim order were received.

OSHA granted 29 conditional interim orders in the July 23, 1981 notice to certain primary and secondary lead smelting and battery manufacturing companies who previously had submitted sufficient data to establish that 10 percent or more of their total lead exposed supervisory, skilled and maintenance employees would be subject to temporary medical removal because of blood-lead levels between 60-70 µg/100g. A list of these companies was included in that notice. One company, inadvertently excluded from the list, was later granted the conditional interim order by letter, giving a total of 30 companies that were granted the interim orders originally.

The interim order was conditional, for each plant listed in the notice, upon OSHA's receipt of the following: (1) An application for a temporary variance and an interim order; (2) written acceptance of the conditions and requirements of the interim order; and, (3) certification that affected employees had been notified of the variance application and of their right to petition the Assistant Secretary for a hearing. In addition to the above, certain data was requested by September 1, 1981, to support each application for a temporary variance.

The July 23, 1981 Federal Register notice gave the affected companies until August 3, 1981 to comply with the three enumerated conditions in order to continue to receive interim relief from the MRP provisions of the lead standard. As of August 3, 1981, OSHA had received the required information from all but three of the total of 30 companies granted the conditional relief. Two of the three remaining companies were no longer in need of this relief, and one company preferred to comply with the lead standard. Since eight of the remaining 27 companies are located in States with approved occupational safety and health plans, and are not multi-State employers, they were referred to the appropriate State for this relief. The notice granting the interim orders to the 19 remaining companies was published in the Federal register on October 2, 1981 at 46 FR 48654. Two of

the nineteen remaining companies are no longer in need of a temporary variance.

Forty other primary and secondary lead smelting and battery manufacturing companies responded to OSHA's invitation in the Federal Register notice of July 23, 1981, inviting companies to apply for a temporary variance and an interim order. Companies were invited to apply if they had plants where 10 percent or more of the total lead exposed supervisory, maintenance, and skilled production employees would have to be removed from lead exposure because of blood-lead levels between 60-70 µg/100g, or plants below the 10 percent figure which could show by compelling evidence that this relief is needed.

Eligible companies were invited to submit to OSHA by September 1, 1981, an application for temporary variance and an interim order, written acceptance of the terms of the interim order, certification of notice to the affected employees, and certain data to support their application. These were the same conditions OSHA required to be met by the companies granted conditional interim orders in the July 23, 1981 Federal Register notice.

Of the 40 additional applications received, 28 companies were granted interim orders (47 FR 8431; February 26, 1982 and 47 FR 16434; April 16, 1982), 2 companies were referred to the States, and the remaining 10 companies either did not meet the requirements for this relief or no longer needed the relief.

The interim order temporarily relieves the affected employers of the requirement to comply with the 60 µg/100g removal and 40 µg/100g return trigger levels. However, as conditions of the interim relief, the companies must continue to comply with the 70/50 µg/100g triggers and all other provisions of the lead standard, and must satisfy the conditions and requirements of the order.

The name and address of each plant affected by the granted interim orders are as follows:

Primary Smelters

- Amax Lead Company of Missouri, Boss, Missouri 65440
- ASARCO Incorporated, P.O. Box 7, Glover, Missouri 63846
- ASARCO Incorporated, P.O. Box G, East Helena, Montana 59635
- ASARCO Incorporated, Fifth and Doyle Streets, Omaha, Nebraska 68102
- ASARCO Incorporated, P.O. Box 1111, El Paso, Texas 79999

St. Joe Minerals Corporation, 7733
Foyssyth Boulevard, Clayton, Missouri
63105

Secondary Smelters

Chloride Metals, 3507 50th Street South,
Tampa, Florida 33601
Chloride Metals, P.O. Box 2165, Joy
Road, Columbus, Georgia 31902
Chloride Metals, Briar Hill Road,
Florence, Mississippi 39073
East Penn Manufacturing Company,
Incorporated, Deka Road, Lyon
Station, Pennsylvania 19604
Franklin Smelting and Refining
Company, Caster Avenue East of
Richmond Street, Philadelphia,
Pennsylvania 19134
General Battery Corporation, Spring
Valley Road, Reading, Pennsylvania
19604
Gould Incorporated, Metals Division,
P.O. Box 268, Kempter Road, Route 84
South, Savanna, Illinois 61074
Gould Incorporated, Metals Division,
555 Farnan Street, Omaha, Nebraska
68101
Gould Incorporated, Metals Division,
P.O. Box 250, South 5th Street, Frisco,
Texas 75034
Gulf Coast Lead Company, 1901 North
66th Street, Tampa, Florida 33619
ILCO, Incorporated, P.O. Box 276, Leeds,
Alabama 35094
Inland Metals Refining Company, 651
East 119th Street, Chicago, Illinois
60628
Master Metals, Incorporated, 2850 West
Third Street, Cleveland, Ohio 44113
Murphy Metals, Incorporated 2820 North
Westmoreland, Dallas, Texas 75212
National smelting and Refining
Company, Incorporated, 451 Bishop
Street, N.W., Atlanta, Georgia 30381
N.L. Industries, Penns Grove—
Pedricktown Road, P.O. Drawer E,
Pedricktown, New Jersey 08067
Non Ferrous Processing Corporation, 551
Stewart Avenue, Brooklyn, New York
11222
Refined Metals Corporation, 2640
Capitola Street, Jacksonville, Florida
32202
Refined Metals Corporation, 3700 South
Arlington Road, Beech Grove, Indiana
46107
Refined Metal Corporation, 257 West
Mallory Avenue, Memphis, Tennessee
38109
Revere Smelting and Refining,
Incorporated, R.D. #2 Ballard Road,
Middletown, New York 10940
RSR Quemetco, Incorporated, 7870 West
Morris Street, Indianapolis, Indiana
46241
Sanders Lead Company, P.O. Box 707,
Troy, Alabama 36081
Seitzinger Lead Smelters and Refiners,
Incorporated, 1401 West Paces Ferry

Road—Suite D-211, Atlanta, Georgia
30327
Taracorp Industries, 16th and Cleveland,
Granite City, Illinois 62040
Taracorp Industries, 7753 West 47th
Street, McCook, Illinois 60525
Tonolli Corporation, RD #1—Route 54,
Nesquehoning, Pennsylvania 18240

Battery Manufacturers

Chloride Batteries, 200 South
Faulkinburg Road, Tampa, Florida
33619
Chloride Batteries (Main Plant), Joy
Road, Columbus, Georgia 31902
Chloride Batteries (Satellite Plant), Joy
Road, Columbus, Georgia 31902
Chloride Batteries, 250 Ellis Avenue,
Florence, Mississippi 39073
Crown Battery Manufacturing Company,
1445 Majestic Drive, Fremont, Ohio
43420
East Penn Manufacturing Company,
Incorporated, Deka Road, Lyon
Station, Pennsylvania 19604
Miami Battery and Electric Company
Corporation, 1110 N.W. South River
Drive, Miami, Florida 33178
Mule Emergency Lighting, Incorporated,
800 Park Avenue, Cranston, Rhode
Island 02910
Standard Industries, P.O. Box 27500,
Nelson Road at Reliable Drive, San
Antonio, Texas 78227

Other Industries

Associated Lead, Incorporated, 2545
Aramingo Avenue, Philadelphia,
Pennsylvania 19125
Associated Lead, Incorporated, 85 Jay
Street, Brooklyn, New York 11201
Eagle-Picher Industries, Incorporated,
Chemicals and Fibers Division, P.O.
Box 550, Joplin, Missouri 64801
The Federal Register notices of July
23, 1981, and February 26 and April 16,
1982, invited interested persons,
including affected employers and
employees, to submit written comments,
data, views, and arguments regarding
the grant or denial of the variances
requested. In addition, affected
employees were notified by employers
of their right to request a hearing on the
applications for temporary variance.
Written comments were received from
an international union (the United
Steelworkers of America), four local
unions, the Amax Lead Company of
Missouri, and Dr. Grace Ziem, a
physician at The Johns Hopkins
University School of Public Health. The
views and arguments raised by the
commenters are addressed in the
Comment section below. The four
Chloride Batteries Plants, three Chloride
Metals Plants, the Amax Lead Company
of Missouri, and Sanders Lead Company
requested hearings in the event their

applications for temporary variances
were denied. The United Steelworkers
of America (USWA) requested hearings
on the applications for temporary
variance submitted by eight companies
where USWA is the collective
bargaining agent—ASARCO's East
Helena, Glover, and Omaha Plants;
Master Metals; Murph Metals; RSR
Quemetco; Schuylkill Metals; and
Taracorp's McCook Plant. However, the
hearing requests were withdrawn by
USWA after OSHA and the union
agreed to certain conditions discussed
below.

In addition to the data generated
during the variance review process,
OSHA also generated additional data
from the applicants during discussions
with USWA and the applicants and
during variance investigations
conducted at the following companies:
ASARCO (East Helena Plant);
Associated Lead (Brooklyn Plant);
Chloride Metals (Columbus Main Plant);
Crown Battery; East Penn; Mule
Emergency Lighting; St. Joe; Standard
Industries; and Taracorp Industries
(McCook Plant). The data enabled
OSHA to fashion the variance order
issued today, which adequately protects
employees while granting needed relief
to employers.

II. Applications for Temporary Variance

The primary and secondary lead
smelting and battery manufacturing
companies listed in the background
section above requested a temporary
variance from: 29 CFR
1910.1025(k)(1)(i)(C), which requires the
removal of an employee from work
having an exposure to lead at or above
the 30 $\mu\text{g}/\text{m}^3$ action level on each
occasion that a periodic and a follow-up
blood sample test indicate that the
employee's blood-lead is at or above 60
 $\mu\text{g}/100\text{g}$ of whole blood; and 29 CFR
1910.1025(k)(1)(iii)(A)(3), which prohibits
the employee from being returned to his
or her former job unless two consecutive
blood sampling tests indicate that the
employee's blood-lead is at or below 40
 $\mu\text{g}/100\text{g}$ of whole blood.

The requests for temporary variance
are based upon the applicants' alleged
inability to comply with the standard
because of the anticipated removal and
consequent unavailability of certain
employees if the 60/40 removal and
return triggers for MRP are put into
effect. Essentially, the applicants make
the following three-pronged feasibility
argument:

(1) The 60/40 removal and return
triggers will require for the first time, the
removal of many supervisory,
maintenance and highly skilled

employees whose blood-lead levels tend to fall in the 60-70 $\mu\text{g}/100\text{g}$ range. For example, blood-level data submitted by the 45 affected plants for the period July 1980 through July 1981 show that the number of anticipated removals at the 60 $\mu\text{g}/100\text{g}$ trigger range from a high of approximately 66 percent to a low of approximately 10 percent of the total skilled workforce. Non Ferrous Processing Corporation with the highest blood-lead levels during this period had approximately 66 percent of its total skilled workforce above 60 $\mu\text{g}/100\text{g}$. Other high plants were Miami Battery (63 percent), Master Metals (52 percent), Taracorp's McCook Plant (51 percent), Mule Emergency Lighting (45 percent), Gulf Coast (43 percent), and ILCO (42 percent). Amax, ASARCO's four plants, Associated Lead's two plants, East Penn, and St. Joe are among the companies having the lowest percentages of skilled employees with blood-lead levels in excess of 60 $\mu\text{g}/100\text{g}$ during this period, approximately 10 percent.

The blood-lead data also show that six plants have approximately half of their experienced supervisory employees with blood leads over 60 $\mu\text{g}/100\text{g}$ (1 of 1 at Mule, 9 of 9 at ILCO, 3 of 4 at Inland Metals and Gould's Frisco's plant, 4 of 6 at Taracorp's McCook Plant, and 8 of 15 at Seitzinger). Over half of the highly skilled maintenance employees at four plants have blood-leads over 60 $\mu\text{g}/100\text{g}$ (4 of 4 at Taracorp's McCook Plant, 7 of 11 at Master Metals, 11 of 18 at Amax, and 1 of 2 at Chloride Metals' Tampa Plant). More than half of the skilled production employees at three plants also have blood-leads over 60 $\mu\text{g}/100\text{g}$ (4 of 8 at Non Ferrous, 7 of 11 at Miami Battery, and 12 of 24 at Master Metals).

(2) Thirty-four employers claim that the removal of the supervisory, maintenance and highly skilled employees would be prolonged beyond OSHA's original expectation in order for their blood-lead levels to drop to the 40 $\mu\text{g}/100\text{g}$ return level. They estimate that it will take about 18 to 36 months for the employee's blood-lead level to drop from between 60-70 $\mu\text{g}/100\text{g}$ to 40 $\mu\text{g}/100\text{g}$, but provided no data to support their estimate. St. Joe, in its updated application for temporary variance dated February 28, 1982, was the only company to predict the length of medical removal time under the 60/40 triggers. St. Joe estimates that a minimum of 50 percent of those removed will remain on removal at the end of 4 months, 25 percent will remain on removal at the end of 9 months, and 10 percent will remain on removal at the

end of 14 months. St. Joe provided no supporting data, but stated that its estimate is based upon its employee population's average blood-lead levels, and extrapolation of data from its 80/60 $\mu\text{g}/100\text{g}$ and 70/50 $\mu\text{g}/100\text{g}$ medical removal and return programs, retired employees, and its study of a population of 50 employees removed at 70 $\mu\text{g}/100\text{g}$ and returned at 40 $\mu\text{g}/100\text{g}$. St. Joe's estimate is considerably shorter than other employers', but is in line with OSHA's prediction when it promulgated the lead standard.

(3) Since these employees are highly paid, crucially-positioned, and extremely difficult to replace, putting them on MRP not only will be costly, but also can result in reduced production and a less safe and healthful workplace. For example, the applicants contend that experienced employees necessary to replace the substantial number of supervisors, maintenance and highly skilled production employees who would be removed by application of the 60/40 triggers are not available in the labor market or at the plants. Mule Emergency Lighting, for instance, contends that since it is the only battery manufacturing plant in the State of Rhode Island, the removed employees would have to be replaced with totally inexperienced employees. Amax contends that, because of the highly skilled nature of the work, temporary replacement is virtually impossible. For instance, key supervisory employees require extensive on-the-job training. A period of four years as a front-line foreman, for example, is a minimum prerequisite for the position of shift assistant general foreman. The general foreman, who is the senior production person in each department, must have six years production experience with two years as a shift assistant general foreman. The training period for a front-line foreman is approximately one year.

ASARCO contends that there is no employment outside the industry which can provide relevant experience for skilled production workers. Similarly, competent maintenance employees are so difficult to hire and retain, ASARCO states, that it had to institute an apprenticeship program for the various crafts. Because the apprenticeship requires four years, it does not provide a ready source of workers to replace removed craft employees. ASARCO explains that since the chief source of supervisory workers is the current hourly workforce, the staffing of vacancies would require the removal of even more skilled production and maintenance workers from their current positions, and this would only

compound the problem in staffing those positions. Moreover, since the supervisory slots available would be temporary positions for the duration of the incumbent's medical removal, the recruitment of substitutes from the hourly workers would be extremely difficult. ASARCO states that such workers, for a temporary supervisory position of indefinite duration, would have to: resign their union membership; lose union, health, and welfare benefits; and jeopardize their seniority and pension rights indefinitely.

Thirty-two of the forty-five employers claim that it is not possible to estimate quantitatively the costs that will be incurred for training, pay, and benefits to the removed and transferred employees if more than 10 percent of their workers are placed on MRP. But they suggest that the cost undoubtedly will be significant. Predictions of the remaining 13 employers of the long-term cost impact of compliance with the 60/40 MRP triggers vary.

Standard Industries, for instance, based its cost estimate on production output, sales losses, and wage retention costs incurred over the 14 months to 3 year period necessary to train employees to replace the removed employees. The company estimates that it will take approximately 18 months to train transferred or new employees to replace the 3 supervisors who would be removed at 60 $\mu\text{g}/100\text{g}$. Over the 18 month training period, the company estimates production output will be reduced by an average of 10 percent, and loss to sales will be approximately \$1,950,000. At least three years is required to train maintenance mechanics to replace the two mechanics who would be removed under the standard. Loss of these employees will significantly increase downtime for machinery, repairs, number of equipment breakdowns, and reduce the quality of repairs, resulting in a cost of about \$150,000 over the 3 year training period. A training period of approximately 14 to 16 months is required to replace 9 skilled production employees, which will cause an estimated loss of 10 percent of total production output for the 14 month training period, and a revenue loss of \$1,519,000. Standard Industries further estimates and added cost of wage retention for removed employees at approximately \$163,000.

Mule Battery's cost estimate is based on the prediction of an immediate plant shut down or bankruptcy caused by the temporary removal of nearly half of the skilled workforce. Mule employs only 12 skilled employees at the facility. Five of

the twelve employees, including the only supervisor, would have to be removed if the 60 µg/100g trigger were applied. The financial loss will consist of the idling of approximately \$200,000 in capital equipment; the probable calling of bank loans in excess of \$155,000, which are primarily collateralized by the same capital equipment; and the pay and benefits to the affected employees, which if extended for the maximum period of 18 months would exceed \$202,000.

East Penn's cost estimate is based on production schedules and wages. The company estimates a total cost of \$5,483,600 for medically removing 31 employees. This includes a production loss of \$4,980,000 because of a 75 percent loss in productivity, and \$483,600 for the cost of removing 31 employees at \$10 an hour, 40 hours per week, for one year.

St. Joe predicts that it will cost about 4 million dollars per year to replace the 200 to 240 employees predicted to be on medical removal with new employees hired to replace them, at an average wage of \$20,000 per year.

In addition to the financial losses, the adverse safety and health consequences of implementing the 60/40 µg/100g triggers are, according to the employers, also serious. The removal of experienced and highly skilled employees will require hiring or transferring inexperienced personnel to work at complex jobs, which would promote the spread of lead contamination to other employees. Many examples are cited. For instance, at the General Battery plant approximately 32 percent of the total skilled workforce would be on continuous removal (5 of 13 supervisors, 11 of 26 maintenance men, including 2 pollution control engineers, and 8 of 25 furnace men). All of these employees have 5 or more years of experience. The supervisors are responsible for the enforcement of all safety and health regulations and controls, as well as training in the operation of equipment, the individual job functions, and in safe work practices required to reduce the hazards of injury or excessive exposure to airborne lead. If experienced supervisors are replaced with inexperienced employees, the quality of respirator training and surveillance, work and hygiene practices (such as the cleaning of work areas and of equipment) and the proper use and maintenance of local exhaust ventilation to keep airborne dust and fumes away from the employee's breathing zone, will be impaired.

Maintenance personnel are required to repair and perform preventive

maintenance on all equipment located in the smelter. If pollution control equipment is not properly maintained, it becomes inoperable and thus affords no protection to employees at the plant, or to the general environment, against excessive exposure to airborne lead dust and fumes. For example, should a dust collector need repair, and such repair not be forthcoming because of the unavailability of adequately trained maintenance personnel, excessive lead dust and fume could permeate the work area, thus, adversely affecting the safety and health of employees. Likewise, if an inexperienced maintenance man fails to repair a water jacket rupture around a blast furnace immediately, water could leak into the lead pot and cause a violent explosion with a high probability of employee injury or death.

III. Comments

As stated above, in addition to the information submitted by the applicants, comments were received from four local unions, an international union (United Steelworkers of America), Amax Lead Company of Missouri, and Dr. Grace Ziem, a physician at the Johns Hopkins School of Public Health.

The comments received from four local unions on behalf of the employees at Amax, Associated Lead (Philadelphia Plant), Chloride Batteries (Tampa Plant), and NL Industries, supported their employers' applications for temporary variance.

The United Steelworkers of America (USWA) comments concern 13 applications for temporary variance submitted by companies where USWA is the collective bargaining agent. USWA expressed objection to granting the temporary variance to eight companies and requested hearings on these applications. USWA supported the granting of a temporary variance to five companies and recommended five conditions for the variance order. As a result of further discussion with USWA concerning the conditions included in the final variance order, USWA has withdrawn its hearing requests.

USWA initially opposed the grant of a temporary variance to Master Metals and Taracorp's McCook Plant, claiming that exposure conditions reflected in their variance application were so serious that a variance should not be granted without further evaluation of the health status of the employees and the company's commitment to reduce exposure. In the alternative, USWA argued that if a variance were granted, very stringent additional requirements for monitoring and evaluation would be necessary. OSHA agreed that further evaluation was necessary before a

decision could be rendered on these applications. Therefore, OSHA requested additional information from these companies, conducted a variance investigation at Taracorp's McCook Plant, examined Master Metals' lead-related citations, and reviewed a NIOSH study concerning the health status of certain affected employees at Master Metals. After thorough examination of the additional information, OSHA and USWA agreed that with this relief the affected employees at these plants will be provided with the needed additional medical surveillance.

USWA also opposed the granting of a variance to: ASARCO's East Helena, Glover, and Omaha Plants; Murph Metals; RSR Quemetco; and Schuylkill Metals. USWA stated that these plants show few or no workers with blood levels between 60-70 µg/100g. The union commends these employers' success in reducing employee blood-lead levels, and suggests that these plants therefore do not need variances. OSHA's evaluation of the data revealed that Schuylkill Metals is not eligible for this relief because the plant has no employees above 60 µg/100g and did not present compelling evidence showing that this relief is needed. On the other hand, ASARCO's three plants had approximately 10 percent of its total skilled workforce with blood-lead levels continuously above 60 µg/100g from July 1980 to July 1981. Murph Metals and RSR Quemetco, which had not submitted applications on a plant-by-plant basis, later met with OSHA and presented individual plant data that qualified them for this relief. These plants, therefore, are being granted variances.

USWA supported the granting of a temporary variance to Amax, ASARCO's El Paso Plant, Bunker Hill, General Battery, and Taracorp's Granite City Plant and proposed five recommended conditions for the variance order. Bunker Hill was granted relief by OSHA from the 60/40 µg/100g MRP triggers in its settlement agreement; therefore, a temporary variance is no longer necessary.

OSHA's valuation of USWA's five recommended conditions for the variance order is discussed below.

Recommended condition number (1) would require continued compliance with the terms of the interim order, which include consent for OSHA to make plant visits to check compliance. OSHA has received written acceptance of the requirements of the order from all of the applicants; therefore, each company is required to comply with all of the terms of the order, including their consent to allow OSHA to inspect their

plants. Since the order was granted, OSHA has conducted variance investigations at 11 plants and reviewed all lead-related citations issued to the remaining plants. OSHA will continue to conduct these investigations, when necessary, to monitor the compliance efforts of the applicants. Moreover, 19 of the applicants are currently bound by other settlement agreements with the Agency under which monitoring is performed continuously by OSHA. OSHA has included this requirement in the final order.

Recommended condition number (2) would require submission to OSHA and USWA of a medical determination for employees with blood-lead levels between 60-70 $\mu\text{g}/100\text{g}$. USWA and OSHA agreed that, instead of submitting a medical determination, each employer would submit a certification by an examining physician for each such employee, stating whether it is medically appropriate for the employee to continue to work at his or her present job. This requirement is included in the order.

Recommended condition number (3) would require strict monitoring of continued compliance with any abatement dates or settlement agreement or additional agreed upon controls, including at least one inspection during the terms of the variance. Based on a thorough review of the applicants' abatement dates and requirements in the settlement agreements, OSHA concludes that all the applicants are adhering to the schedules in these agreements. Moreover, plants covered by agreements are closely scrutinized by OSHA's Regional and Area Offices, which includes periodic monitoring, follow-up inspections, and review of reports to determine if the preventive safeguards stipulated in these agreements have been implemented. This recommendation, therefore, is not included in the order.

Recommended condition number (4) would require removal of a certain percentage of the employees with blood-lead levels between 60-70 $\mu\text{g}/100\text{g}$ where it could be accomplished in a manner that is feasible for the plant. The removed employees would be in addition to those removed on the basis of a medical determination. Alternatively, USWA proposed requiring removal of all employees with two consecutive blood-lead test results between 65-70 $\mu\text{g}/100\text{g}$. Although OSHA believes that no particular percentages can be proven to demarcate the line between feasibility and infeasibility in removing employees under MRP, record

data and discussion with both industry and labor support the conclusion that the limits of feasibility are in the vicinity of 10 percent. For purposes of administrative simplicity, therefore, OSHA decided generally to grant variances to plants where 10 percent or more of the total lead exposed supervisory, maintenance and skilled production employees would have to be removed because of blood-lead levels between 60-70 $\mu\text{g}/100\text{g}$, and to plants below the 10 percent figure that show by compelling evidence that this relief is needed. USWA itself earlier suggested generally that "... plants where the proportion of skilled/supervisory workers with blood-lead levels between 60-70 $\mu\text{g}/100\text{g}$ is 10 percent or more merit relief ...". On the basis of the record, OSHA has used the above criteria to grant relief. This recommendation is, therefore, not included in the order.

Recommended condition number (5) would require submission of a report to OSHA and to USWA at least 60 days before the variance expires so that interested parties are aware of the progress made and any problems that may warrant immediate attention. OSHA believes that requiring each applicant to provide blood lead, zinc protoporphyrin (ZPP), air lead, and MRP data during the duration of the variance will allow OSHA to accurately evaluate the applicant's progress and to determine whether any problems exist that warrant immediate attention. This condition, therefore, is not included in the order.

The Amax Lead Company of Missouri in its comments objected to the conditions USWA proposed for its variance. Amax believes that the USWA proposed conditions are unnecessarily burdensome, unsupportable by accepted medical and legal principles, and based on information concerning Amax that, in part, is either incorrect or unclear. OSHA believes that its response to USWA's recommended conditions adequately addresses Amax's objections.

In comments received from Dr. Grace Ziem of The Johns Hopkins University, several arguments concerning the variance requests were raised. First, Dr. Ziem contends that, based on her experience as the medical consultant to the Maryland Occupational Safety and Health program (MOSH), maintaining the 70 $\mu\text{g}/100\text{g}$ trigger level would be incompatible with OSHA's mandate to provide a safe and healthful workplace. For example, Dr. Ziem states that her evaluations have revealed that many of the lead exposed employees with blood-

lead levels above 60 $\mu\text{g}/100\text{g}$ suffer clinical symptoms, that blood-lead levels (particularly with chronic exposure) underestimate body lead burden, that blood and body lead levels increase between monitorings, and that, frequently, there is a 10 to 12 percent or more laboratory variability in employees blood-lead results in the 70 $\mu\text{g}/100\text{g}$ range as compared to the 60 $\mu\text{g}/100\text{g}$ range or lower.

Assuming the validity of Dr. Ziem's assertions, they are nonetheless irrelevant to this proceeding. Temporary variances are being granted to 45 employers who have demonstrated that the 60/40 $\mu\text{g}/100\text{g}$ MRP triggers are not feasible at the present time. OSHA feels that, given feasibility constraints, the medical requirements of the variance order which are far more stringent than those of the lead standard, and all other provisions of the standard with which employers granted variances must comply during the duration of the temporary variance, do fulfill its mandate to assure, to the extent possible, that no worker suffers diminished health as a result of occupational exposure.

Dr. Ziem further argues against OSHA requiring a medical statement instead of a medical determination from the examining physician of each employee with blood-lead levels at 60 $\mu\text{g}/100\text{g}$ and above. She states that, based on her experience, a medical statement provides far less assurance than a medical determination. Dr. Ziem claims it is vital that OSHA require a thorough medical review by competent medical personnel as an integral part of the variance. OSHA believes the additional medical surveillance required in the variance order does provide this protection.

IV. Conclusions

OSHA's analysis of the evidence resulted in the following conclusions:

1. Approximately 10 percent or more of the total lead-exposed skilled workforce at each of the plants to which variances are granted would be on continuous temporary medical removal at the 60 $\mu\text{g}/100\text{g}$ removal trigger.
2. The removal of 10 percent or more of the lead-exposed skilled workforce of each plant would affect the ability of each plant to continue to operate.
3. A firm conclusion cannot be drawn from the estimates in the variance records concerning the length of time necessary for the blood-lead of a removed employee to drop to the 40 $\mu\text{g}/100\text{g}$ level of the return trigger, because the evidence to substantiate the applicants' estimates is inadequate.

However, based on the MRP data submitted to OSHA by the primary smelters in response to the March 3, 1981 Federal Register notice (46 FR 14897) delaying the effective date of the 60/40 triggers, OSHA estimated the length of time for employees blood-lead levels to drop from a mean blood-lead level of 65 $\mu\text{g}/100\text{g}$ to 40 $\mu\text{g}/100\text{g}$ as follows: 50 percent of removed workers would be able to return in 1.8 to 3.5 months; 80 percent would be able to return in 3.1 to 7.3 months. These estimates, representing OSHA's best scientific judgment, admittedly are based upon extrapolations from data reflecting industry's experience with 80/60 and 70/50 triggers, rather than upon data drawn from direct experience with blood-lead dynamics below 50 $\mu\text{g}/100\text{g}$. The applicants dispute these estimates, claiming without adequate substantiation that, for long-term workers with body burdens built up over many years, the rate at which blood-lead levels drop slows markedly below 50 $\mu\text{g}/100\text{g}$.

4. The time needed to train fully competent employees to replace the experienced supervisory, maintenance, and skilled employees who would be subject to removal under the 60/40 removal and return triggers varies from periods of 6 to 18 months or more for supervisory employees, 1 to 3 years for maintenance employees, and 3 to 18 months for skilled production employees. The number of experienced replacements both inside and outside of the plants is extremely limited.

5. Adverse safety and health consequences would result from removing experienced and highly skilled employees and replacing them with inexperienced personnel. These consequences might include subjecting inexperienced employees, as well as other employees, to: (a) Excessive lead exposure from process and ventilation equipment breakdown caused by inadequate preventive maintenance, improper work and hygiene practices and improper use of protective devices such as respirators; (b) possible injury or death from explosions caused by failure to repair water jackets around blast furnaces or by improper handling of the explosives used to blast aerations from the furnace shaft; (c) possible burns from materials that splash or drop during transfer of molten lead; and (d) other injuries and illnesses resulting from the employees' inability to protect their own safety and health due to reduced or ineffective safety and health training applicable to their job functions.

6. OSHA cannot draw firm conclusions of the dollar losses that

would be incurred if 10 percent or more of the employees in each plant are placed on MRP, since cost data were incomplete and were submitted by only 13 applicants.

7. Based on the air-lead data, the number of available positions located in areas below the 30 $\mu\text{g}/\text{m}^3$ action level are grossly inadequate to accommodate the numbers of employees placed on MRP because of elevated blood-lead levels. Such positions are almost nonexistent in primary smelters, and vary from 1 to 5 positions in most of the secondary smelters and battery manufacturing plants.

V. Decision

The variance record demonstrates that immediate compliance with the 60/40 $\mu\text{g}/100\text{g}$ MRP removal and return trigger levels presents severe feasibility problems for the 45 applicants in four major areas: (1) The applicants would have to remove between 10 percent to 66 percent of their total skilled workforce from lead exposure; (2) experienced employees who would be removed cannot easily be replaced because the employers are unable to recruit other employees with the levels of skills necessary to perform these highly skilled positions or to quickly train replacements; (3) removal of highly skilled and experienced employees would diminish the health and safety of the remaining employees at the affected plants, with a resulting high probability of increases in work-related injuries, illnesses, and deaths; and (4) sufficient transfer opportunities do not exist and extensive lay-offs would result in greatly increased MRP costs. Based on the above, OSHA concludes that the 45 applicants have demonstrated that immediate compliance with 60/40 $\mu\text{g}/100\text{g}$ MRP removal and return trigger levels are infeasible and each, thus, merits a temporary variance, effective until February 28, 1983.

VI. Terms of the Final Variance Order

The primary purpose of the requirements contained in the order is to provide significantly increased protection to supervisory, maintenance and skilled employees with elevated blood-lead levels between 60-70 $\mu\text{g}/100\text{g}$ who, because of this variance, need not be removed from their jobs. In the absence of this relief the employer would have to remove such employees in compliance with the 60 $\mu\text{g}/100\text{g}$ removal trigger. Because the order temporarily denies the affected employees that particular form of protection, OSHA, in fulfillment of its statutory obligations under Section 6(b)(6)(A) of the Act, has provided

further safeguards to protect the affected employees from the hazards of lead exposure.

The following is a discussion of the individual requirements of the variance order, including OSHA's rationale for each specific provision.

Paragraph 1 requires that the employers perform blood-lead and ZPP testing bi-monthly on all employees with blood-lead levels over 40 $\mu\text{g}/100\text{g}$ who are exposed to lead above the 30 $\mu\text{g}/\text{m}^3$ action level. This requirement imposes no additional burden upon employers. Section 1910.1025(j)(2) of the lead standard presently requires such monitoring.

Paragraph 2 requires that the employer provide for a consultation with a physician every 2 months and a comprehensive medical examination every 6 months (or sooner at the discretion of the consulting or examining physician) for employees with blood-lead levels between 60-70 $\mu\text{g}/100\text{g}$ who are not removed because of this order. By contrast the lead standard requires medical examinations and consultations annually for any employee whose blood-lead level during the preceding 2 months is at or above 40 $\mu\text{g}/100\text{g}$ (§ 1910.25(j)(3)).

Paragraph 3 requires a written medical opinion by the physician as to whether the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead. Section 1910.1025(k)(1)(ii) of the lead standard already requires removal of an employee from lead exposure at or above 30 $\mu\text{g}/\text{m}^3$ on each occasion when a final medical determination indicates that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead. To maximize the preventive aspects of the medical consultations and examinations required by this order, OSHA is requiring the physician's written medical opinion after each visit. This paragraph also requires the employer to submit to OSHA (after each consultation and medical examination) a written statement from the physician, concerning each affected employee, stating that it is medically appropriate for the employee to continue to work at his or her present job. This requirement affords increased medical surveillance and enables OSHA to monitor compliance with this provision.

Paragraph 4 requires the employer to remove an employee with blood-lead levels over 70 $\mu\text{g}/100\text{g}$ to areas where lead exposure is below 30 $\mu\text{g}/\text{m}^3$, and return the employee when his/her blood-lead

is at or below 50 $\mu\text{g}/100\text{g}$. Removal and return at 70/50 $\mu\text{g}/100\text{g}$ simply extends the second year triggers during the duration at this relief. Requiring removal to places where exposures are below 30 $\mu\text{g}/\text{m}^3$ affords some of the protection to the removed employees that would be provided by the 60/40 triggers.

Paragraph 5 requires that the employer provide OSHA (upon the issuance of the variance and at each time thereafter) with the name, job classification, and position of each employee who is subject to MRP as a result of either a blood-lead at or above 70 $\mu\text{g}/100\text{g}$ or the recommendation of the examining physician. Requiring this data will enable OSHA to confirm employer compliance with the 70/50 $\mu\text{g}/100\text{g}$ removal and return triggers, which are extended for the duration of the employer's temporary variance.

Paragraph 6 requires full-shift respirator usage for employees with blood-lead levels at or above 60 $\mu\text{g}/100\text{g}$ who are working in areas with air-lead levels at or above 30 $\mu\text{g}/\text{m}^3$, and who because of this order are not removed. OSHA has concluded that requiring full-shift respirator usage at the 30 $\mu\text{g}/\text{m}^3$ action level in lieu of the more limited respirator usage at or above the 50 $\mu\text{g}/\text{m}^3$ permissible exposure limit required by § 1910.1025(e)(2) of the lead standard will provide the increased protection these employees need.

Paragraph 7 requires that the employer make periodic inspections and evaluations of the work conditions of employees with blood-lead levels at or above 60 $\mu\text{g}/100\text{g}$ who need not be removed under this order, and take all reasonable or appropriate corrective steps necessary to reduce employee lead absorption.

Paragraph 8 requires that the employer provide OSHA with blood-lead, ZPP, and air lead data as accumulated bi-monthly for all affected employees. OSHA has concluded that the data will assist in determining the applicant's compliance with the lead standard and the terms of the variance order.

Paragraph 9 requires that the employer agree to OSHA inspections related to its temporary variance. OSHA, in granting this relief, must be assured that it can readily monitor compliance with the requirements of the order.

VII. Order

It appears from the applications for temporary variance, the supporting data, and the variance investigations that, as required by Section 6(b)(6)(A) of the Act, the applicants listed below were unable to comply with the requirements

of 29 CFR 1910.1025(k)(1)(i)(C) and 29 CFR 1910.1025(k)(1)(iii)(A)(3) by the date required by the standard. It further appears that the variance is necessary to prevent undue hardship to the applicants and their employees. Therefore, pursuant to the authority in Section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, in the Secretary of Labor's Order No. 8-76 (41 FR 25059), and in 29 CFR Part 1905, it is ordered that the 45 plants listed below are authorized to comply with the requirements of the order set forth below, with respect to their supervisory, maintenance and skilled production employees, in lieu of complying with the requirements of 29 CFR 1910.1025(k)(1)(i)(C) and 29 CFR 1910.1025(k)(1)(iii)(3). All other provisions of the lead standard are unaffected by this order and, therefore, must be complied with in conjunction with the terms of this order.

Temporary variance are being issued to the following 45 plants:

Primary Smelters

Amax Lead Company of Missouri
ASARCO (Glover Plant)
ASARCO (East Helena Plant)
ASARCO (Omaha Plant)
ASARCO (El Paso Plant)
St. Joe Minerals Corporation

Secondary Smelters

Chloride Metals (Tampa Plant)
Chloride Metals (Columbus Plant)
Chloride Metals (Florence Plant)
East Penn Manufacturing Company,
Incorporated

Franklin Smelting and Refining
Company

General Battery Corporation
Gould Incorporated (Savanna Plant)
Gould Incorporated (Omaha Plant)
Gould Incorporated (Frisco Plant)

Gulf Coast Lead Company
ILCO Incorporated
Inland Metal, Incorporated
Master Metals, Incorporated
Murph Metals, Incorporated
National Smelting and Refining
Company, Incorporated

NL Industries
Non Ferrous Processing Corporation
Refined Metals Corporation
(Jacksonville Plant)

Refined Metals Corporation (Beech
Grove Plant)

Refined Metals Corporation (Memphis
Plant)

Revere Smelting and Refining,
Incorporated

RSR Quemetco, Incorporated
Sanders Lead Company
Seitzinger Lead Smelters and Refiners,
Incorporated

Taracorp Industries (Granite City Plant)

Taracorp Industries (McCook Plant)
Tonolli Corporation

Battery Manufacturers

Chloride Batteries (Tampa Plant)
Chloride Batteries (Columbus Main
Plant)
Chloride Batteries (Columbus Satellite
Plant)
Chloride Batteries (Florence Plant)
Crown Battery Manufacturing Company
East Penn Manufacturing Company,
Incorporated
Miami Battery and Electric Company
Corporation
Mule Emergency Lighting, Incorporated
Standard Industries

Other Industries

Associated Lead, Incorporated
(Philadelphia Plant)
Associated Lead, Incorporated
(Brooklyn Plant)
Eagle-Picher Industries, Incorporated

The terms of the order are as follows:

(1) As presently required by 29 CFR 1910.1025(j)(2) of the lead standard, employers shall perform blood-lead and zinc protoporphyrin (ZPP) tests every two months on each employee whose last blood test indicated a blood-lead level at or above 40 $\mu\text{g}/100\text{g}$ and who is exposed to lead above the 30 $\mu\text{g}/\text{m}^3$ action level.

(2) For employees with blood-lead levels between 60-70 $\mu\text{g}/100\text{g}$ who work in jobs having airborne lead exposure at or above 30 $\mu\text{g}/\text{m}^3$, the employer shall provide:

(a) Personal consultation with a licensed physician every two months; and

(b) A comprehensive medical examination by a licensed physician every six months, or sooner, as determined by a physician.

(3) After each personal consultation and the comprehensive medical examination, the physician shall make a written medical opinion as to whether the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(a) If the employee is determined to have such a condition, he or she shall be removed from work having an exposure to lead at or above 30 $\mu\text{g}/\text{m}^3$; or

(b) If the employee is determined not to have such a condition, the employer shall submit to the Officer of Variance Determination a written statement from the physician concerning each affected employee, stating that it is medically appropriate for the employee to continue to work at his or her present job.

(4) Employers shall remove each employee with blood lead levels at or

above 70 $\mu\text{g}/100\text{g}$ and return the employee when his/her blood-lead level is at or below 50 $\mu\text{g}/100\text{g}$, in accordance with Sections 1910.1025(k)(1)(i)(B) and 1910.1025(k)(1)(iii)(A)(2), except that removal shall be to areas where lead exposure is below 30 $\mu\text{g}/\text{m}^3$.

(5) The name and job classification of each employee on MRP and the area where the employee is assigned, shall be submitted to the Office of Variance Determination upon the issuance of the variance and at each time thereafter that an affected employee is placed on medical removal protection as a result of either a blood-lead level at or above 70 $\mu\text{g}/100\text{g}$ or the recommendation of a physician.

(6) For employees with blood-lead levels at or above 60 $\mu\text{g}/100\text{g}$ who are working in areas with air-lead levels at or above 30 $\mu\text{g}/\text{m}^3$, respirator usage shall be mandatory during the entire workshift.

(7) For all employees with blood-lead levels at or above 60 $\mu\text{g}/100\text{g}$ who need not be removed under the terms of the order, the employer shall make periodic inspections and evaluations of:

(a) The lead-related work practices and administrative controls affecting the employee;

(b) The employee's respirator usage; and

(c) The use and availability of protective clothing and other personal equipment, and hygiene facilities, and the employee's relevant personal hygiene habits.

Based on that inspection and evaluation, the employer shall take all reasonable and appropriate corrective steps in these regards to reduce the employee's absorption of lead.

(8) For the duration of the variance, the employer shall submit to the Office of Variance Determination blood-lead, ZPP and air-lead data as accumulated every two months for all affected employees.

(9) The employer shall agree to allow OSHA to inspect its premises in connection with the temporary variance.

As soon as possible after the effective date of this order, the companies listed above shall give notice to their affected employees of the conditions and requirements of this order by the same means required to inform them of the application for a variance.

Effective date: This order shall become effective January 25, 1983.

Expiration Date: This order shall remain in effect until February 28, 1983.

Signed at Washington, D.C., this 24th day of January 1983.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 83-2476 Filed 1-27-83; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Proposed Exemptions From Certain Prohibited Transaction Restrictions

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, NW., 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, NW., 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.

Morgan & Associates, M.D.'s P.C., Employees Pension Plan and Trust (the Plan) Located in Bismarck, North Dakota

[Application No. D-3570]

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 408(a), 408(b)(1) and 408(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 sale of a parcel of real property (the Property) by the Plan to Dr. Riffat Morgan and his wife, Margaret Morgan (the Morgans), parties in interest with respect to the Plan, provided the sales price is at least the fair market value of the Property at the time of the sale.

Summary of Facts and Representations

1. The Plan is a money purchase pension plan with twenty participants and assets, as of August 31, 1980, of \$1,286,654. There are seven trustees (the Trustees) of the Plan who are responsible for investment decisions for the Plan. Dr. Riffat Morgan is a Trustee and an officer and shareholder of Morgan & Associates, Inc. (the Employer), the sponsor of the Plan. The Employer operates a medical clinic located in Bismarck, North Dakota.

2. The Property is a single family dwelling located on Sanibel Island, Florida utilized primarily as rental property for vacationers. The property was purchased by the Plan on March 20, 1979 for \$180,000 from an unrelated third party and was intended by the Trustees to provide rental income to the Plan and the potential for future appreciation. The Priscilla Murphy Island Accommodations, Inc., a real estate agent, has been arranging the lease of the Property on the Plan's behalf to unrelated third parties. However, at various intervals of time since the purchase of the Property by the Plan, the Property had been leased to Dr. Morgan and the Employer for vacation trips for Dr. Morgan and medical meetings for the Employer. Dr. Morgan also made a number of inspection trips to the Property from 1978 to 1981 to supervise the purchase, painting, furnishing, and renovation of the Property for rental purposes and the installation of a swimming pool.

3. The applicant now proposes that the Property be sold to the Morgans for the sum of \$285,000. This price was the fair market value of the Property, as of May 29, 1981, as determined by Richard P. Webster, S.R.A., an independent appraiser of Fort Meyers, Florida. The sale will be for cash with no expenses of any kind relating to the sale to be paid the Plan. The Trustees of the Plan represent that the sale is in the best interests of the Plan. The Trustees represent that the operating income of the Property does not and is not likely to exceed the expenses associated with the Property and that the appreciation of the Property has peaked. Mr. Thomas Mark (Mark), vice president and trust officer of the 1st National Bank of Grand Forks, North Dakota has examined the proposed transaction and represents that it is in the best interests of the Plan. Mark also represents that the Property currently provides the Plan with a negative cash flow and that any future appreciation of the Property is only speculative. Mark is independent of the parties to the transaction and has ten years of experience in the portfolio management of employee benefit plans.

4. The applicant concedes that the lease of the Property by the Plan to Dr. Morgan and the Employer and some of the use of the Property by the Employer or Dr. Morgan may have constituted prohibited transactions under section 406 of the Act and 4975 of the Code. In February of 1982, Dr. Morgan and the Employer voluntarily paid to the Internal Revenue Service certain excise taxes under section 4975 of the Code relating to the lease and use of the

Property by Dr. Morgan and the Employer which Dr. Morgan and the Employer believed were applicable.

5. Dr. Morgan and the Employer represent that they will pay any additional excise taxes which are applicable as determined by the Internal Revenue Service under section 4975(a) of the Code by reason of the past lease and use of the Property by Dr. Morgan and the Employer within 90 days of the publication in the Federal Register of the grant of the exemption proposed herein. In addition, Dr. Morgan has agreed to reimburse the Plan for the expenses it had been charged plus interest from 1978 through 1981 related to the trips by Dr. Morgan to supervise the renovation and maintenance of the Property. Also, Dr. Morgan has agreed to pay the Plan additional rentals plus interest for the period in 1978 through 1980 during which Dr. Morgan resided at the Property to supervise the renovation and maintenance of the Property.

6. The applicant represents that the sale of the Property satisfies the statutory criteria of section 408(a) of the Act because: (1) The Trustees and Mark represent it is in the best interests of the Plan; (2) the Property is operating at a loss and has peaked in appreciation; (3) it is a one-time sale for cash; (4) the price was determined by an independent appraiser; (5) no expenses of any kind will be charged the Plan with respect to the sale; and (6) all applicable excise taxes with respect to the lease of the Property by the Plan to Dr. Morgan and the Employer and the use of the Property by Dr. Morgan and the Employer will be paid.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

The Chas. H. Johnston's Sons Co., Inc. Pension Plan for Employees Represented by Local 135, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (the Bargaining Unit Plan) and the Chas. H. Johnston's Sons Co., Inc. Non-Bargaining Unit Employees' Pension Plan (the Non-Bargaining Unit Plan; Collectively, the Plans) Located in Greensburg, Indiana

[Exemption Application Nos. D-3634 and D-3635]

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 a proposed loan of \$5,000 by the Bargaining Unit Plan and to a proposed loan of \$22,500 (collectively, the Loans) by the Non-Bargaining Unit Plan to Chas. H. Johnston's Sons Co., Inc. (the Employer), the sponsor of the Plans.

1. The Employer, a wholesale grocer in Greensburg, Indiana, established the Bargaining Unit Plan as a defined benefit plan on December 1, 1969 and the Non-Bargaining Unit Plan as a defined benefit plan on January 1, 1976. As of October 26, 1981, the Bargaining Unit Plan had total assets of \$75,074 and approximately 28 participants and the Non-Bargaining Unit Plan had total assets of \$112,387 and approximately 31 participants. The assets of the Plans are held by the Indiana National Bank of Indianapolis (the Trustee), which in the past has acted as a directed trustee with respect to the assets of the Plans. With respect to the transactions involved in this exemption request, the Trustee will be acting as an independent fiduciary of the Plans. The applicant represents that there is no existing commercial relationship between the Employer and the Trustee.

2. The applicant is requesting an exemption which will permit the Plans to make the Loans the proceeds of which will be used by the Employer to purchase inventory. The applicant represents that it will be in the best interests of the participants and beneficiaries of the Plans for the Employer to pay the Plans the high rate of interest on the Loans rather than have the Employer pay such high rate of interest to an unrelated party. The Loans will have a term of eight years with repayment to be made in quarterly installments of principal and interest. The Loans will have a floating rate of interest with the initial interest rate being equal to 2 percent over the prime interest rate of the Union Bank and Trust Company (the Bank) which is located in Greensburg, Indiana. Such interest rate will be adjusted quarterly to an interest rate equal to 1 percent greater than the prime rate being charged by the Bank at such time. However, a quarterly change in the interest rate would only be effected when the new rate would differ from the previous rate by at least one full percentage point. The terms of the Loan will also provide for an interest rate floor of 12 percent. The Employer will be entitled to prepay all or a portion of the

principal of the Loans on any installment payment date. The Loans will be secured by a first mortgage (the Mortgage) on certain unencumbered improved real property (the Property) which is owned by the Employer. The Property was appraised on December 18, 1981 by Barnes Appraisal Services, Inc. (Barnes), an independent real estate appraising firm whose office is located in Greensburg, Indiana. Barnes represents that as of December 18, 1981 the Property had a fair market value of \$44,500. The terms of the Loans provide that if the value of the Property should fall below 150 percent of the outstanding balances of the Loans additional collateral will be added such that the Loans will always be secured by collateral in an amount at least equal in value to 150 percent of the outstanding balances of the Loans. The applicant represents that the Employer will maintain fire and extended coverage insurance on the Property during the term of the Loans in an amount not less than the principal balance of the Loans with the Plans being the loss payee of such insurance. The Property is currently being leased by the Employer to parties who are unrelated to the Employer. The applicant represents that the Mortgage will mortgage not only the Property, but also all the rents, issues, income and profits therefrom.

3. The Trustee has reviewed the terms and conditions of the Loans and represents that: (1) The Loans will be prudent investments for the participants and beneficiaries of the Plans; and (2) the terms and conditions of the Loans are designed to protect the participants and beneficiaries of the Plans. In addition, the Trustee will monitor and enforce the terms and conditions of the Loans on behalf of the Plans including the valuation of the collateral securing the Loans. If the Trustee determines that the collateral on the Loans is endangered or that the cash flow needs of the Plans necessitates greater liquidity, it may demand that the Employer provide additional collateral such that the Loans are secured by collateral in an amount at least equal to 150 percent of the amount of the outstanding balances of the Loans or the Trustee may demand that the Employer accelerate its repayment of the Loans.

4. In summary, the applicant represents that the Loans will satisfy the statutory criteria of section 408(a) of the Act because: (1) The Trustee represents that the Loans will be prudent investments for the participants and beneficiaries of the Plans; (2) the Loans will be approved and monitored by an independent fiduciary; (3) the Plans will

receive a high rate of interest on the Loans; and (4) the Loans will be secured by collateral with a value in an amount equal to at least 150 percent of the outstanding balances of the Loans.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

Engelman-General Profit Sharing Plan (the Plan) Located in Wichita Falls, Texas

[Application No. D-3899]

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 the cash sale of certain unimproved real property by the Plan to Engelman-General, Inc. (the Employer) for \$54,000, provided that this amount is at least the fair market value of the property at the time of sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 141 participants and net assets of \$616,855 as of April 30, 1982. The Plan's trustees are Charles E. Engleman, George W. Naron and David R. Anderson, all of whom are officers of the Employer.

2. On February 4, 1972, the Plan purchased an undivided interest in a parcel of unimproved property for \$8,407 from unrelated parties. The property is located at 8501 Jacksboro Highway in Wichita Falls, Texas. The property was partitioned on February 25, 1975 and the Plan received 12.07 acres of land. On September 15, 1975, the Plan sold 1.138 acres of the property to an unrelated third party.

3. The Plan's trustees propose to sell the remaining 10.94 acres of the property to the Employer for its appraised value of \$54,000. The purchase price will be paid in cash and the Plan will not have to pay any commissions with respect to the sale.

4. The property was appraised on December 1, 1982 by Tony Saulsbury (Mr. Saulsbury), an MAI certified appraiser of Saulsbury Appraisal Co., Wichita Falls, Texas, as having a current fair market value of \$54,000. Mr. Saulsbury represents that in determining

the \$54,000 fair market value of the property, the primary factor used in arriving at such value was the location of the property, which is uniquely suitable for use by the Employer and that such property would be worth significantly less to any other potential buyer.

5. The Plan trustees represent that the proposed sale of the property is both prudent and timely. The property is vacant, raw land with gravel covering part of it and would not be readily marketable at the appraised price to anyone other than the Employer. Also, since the property is currently vacant, it is not generating any income to the Plan.

6. 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) It will be a one time transaction for cash;

(b) The sales price was determined by an independent appraiser;

(c) The Plan will not pay any commissions;

(d) The Plan will be able to dispose of a non-income producing asset; and

(e) The Plan's trustees have determined that the proposed transaction is in the best interests and protective of the Plan and its participants and beneficiaries.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Rodey, Dickason, Sloan, Akin & Robb, P.A. Profit Sharing Plan and Trust (the Plan) Located in Albuquerque, New Mexico

[Application No. D-3951]

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 the refinancing of a loan made by the Plan to Rodey, Dickason, Sloan, Akin & Robb, P.A. (the Employer), the sponsor of the Plan, provided that the terms and conditions of the refinancing are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated third party.

Summary of Facts and Representations

Introduction. On July 25, 1980, the Department granted an exemption allowing a loan of \$650,000 by the Plan to the Employer (Prohibited Transaction Exemption 80-50, 45 FR 49718), subject to specific terms and conditions. All payments of principal and interest pursuant to the loan have been made and there has been no other violation of the loan's terms to date. As of December, 1982, the unpaid principal balance of the loan was \$457,991. The applicant requests an exemption to allow the Plan to increase the loan to its original principal amount of \$650,000 with such amount repayable over the remaining term of the original loan. Such refinancing (the Loan) will be subject to terms and conditions which are substantially identical to those in the prior exemption. Differences and other additional supporting representations on behalf of the request are described below.

1. As of December 31, 1981, the Plan had 136 participants. As stated in the prior application, the First National Bank in Albuquerque (the Bank) serves as the trustee of the Plan. As of October 31, 1982, the Plan's assets had a market value of \$3,394,816. As of October 31, 1982, the Employer had 150 employees including 54 attorneys, of which 34 are principals of the Employer. Not including the Employer's contribution to the Plan for calendar year 1982, the Loan will constitute approximately 19% of the Plan's assets. The Employer is the largest law firm in New Mexico and is organized as a professional association.

2. The interest rate and other terms of the Loan will be identical to that of the prior loan. Such rate will be the greater of 1.5% above the prime rate of the First National City Bank of New York, or 12.5%, adjusted monthly. Principal and interest will be paid in equal monthly installments over the remaining term of the Loan which expires July 1, 1987.

3. The security for the Loan will be the furniture, fixtures, equipment and leasehold improvements which serve as collateral for the original loan, plus additional collateral purchased with the proceeds from the Loan. Appraisals of the existing collateral performed by independent appraisers, Mr. Peter Starr of Ferguson Library Services, the Joe E. Fritz Management Inc., Mr. Ralph Trigg, Jr. of Automated Office Systems, Inc., Mr. I. B. Hoover, Jr. of New Mexico Office Furniture, and Mr. Steven B. Rael of International Business Machine Corporation, all located in Albuquerque, New Mexico, have determined that the collateral has a fair market value, as of November, 1982, of \$1,456,179. The

additional property which will serve as collateral for the Loan will have an estimated fair market value of \$153,500.

4. The total collateral in which the Plan will have a perfected first security interest will have a value approximately 250% of the amount of the Loan. In no event will the value of the collateral be less than 150% of the outstanding balance of the Loan. The Employer will insure the collateral against loss or damage in an amount not less than the outstanding principal balance of the Loan throughout the term of the Loan, and the Plan will be the named insured.

5. As provided in the prior exemption, the principals of the Employer, now totalling 34, will execute pro rata personal guarantees of the Loan. Such guarantees will ensure the repayment of principal, plus interest on the Loan.

6. As provided in the prior exemption, the Bank will serve as the independent fiduciary of the Plan with respect to the Loan. The Employer and the Bank have certain existing relationships. Such relationships include (a) the Employer serves as the principal outside counsel for the Bank; (b) the Employer leases office space in a building from the Bank which comprises 13.6% of the leaseable space in the building; (c) .45% of the Bank's outstanding shares are held by or for the benefit of persons who are employees of the Employer; (d) there are no loans outstanding between the Employer and the Bank although loans extended to attorneys of the Employer constitute approximately .19% of the Bank's outstanding Loans; and (e) employees of the Employer, including principals, maintain checking accounts and demand, savings, and time deposits with the Bank which are estimated to constitute a very small percentage of the Bank's total deposits.

7. The Bank has thoroughly reviewed the terms of the Loan and has determined that the Loan will be appropriate for the Plan and in the best interest of the Plan and its participants and beneficiaries. The Bank will have final administrative authority and control over the Loan, and will monitor and enforce the performance of the Employer's obligations under the Loan. Among the Bank's duties with regard to the monitoring of the Loan will be to (a) determine the interest rate to which the Loan will be adjusted on a monthly basis; (b) seek immediate payment from the Employer if a payment under the Loan is not made, and if such payment is not made, seek immediate payment from the guarantors of the Loan; (c) accelerate the due date for the Loan if the payments described above are not timely made; (d) have powers to

foreclose under the security agreement; and (e) determine, at least quarterly, whether additional collateral is required to adequately secure the Loan.

8. As provided in the prior exemption, the applicant has provided further representations in support of the exemption request. The Albuquerque National Bank (ANB), which is completely unrelated to the Employer states, by letter dated November 23, 1982, that the terms and security of the Loan are at least as, if not more, favorable to the Plan than those of a similar loan which would be made by a bank or other lending institution to the Employer. ANB further represents that the Loan will be in the interests and protective of the participants and beneficiaries of the Plan. The Bank represents that given the financial strength of the Employer as a going concern it is highly unlikely that it will be necessary to collect the Loan through the personal guarantees of the guarantors.

9. In summary, the applicant represents that the proposed Loan will satisfy the criteria of section 408(a) of the Act because (a) the Loan will be secured by a perfected first security interest in insured collateral having an appraised value approximately 250% of the Loan; (b) the Bank, a qualified, independent party, has reviewed the proposed transaction and has determined that the Loan is appropriate and in the best interest of the Plan and its participants and beneficiaries; and (c) the Bank will monitor the Loan and enforce the performance of the Employer's obligations under the Loan.

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) 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 condition 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 20th day of January, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-2483 Filed 1-27-83; 8:45 am]

BILLING CODE 4510-25-M

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee; Open Meeting

A meeting of the National Security Telecommunications Advisory Committee (NSTAC) Emergency Response Procedures Working Group will be held beginning at 2:00 p.m. on Thursday, February 10, 1983. The meeting will continue through Friday, February 11, 1983. The meeting will be held in the Westgate Building of the MITRE Corporation, 1820 Dolley Madison Boulevard, McLean, Virginia. The agenda is as follows:

- A. Opening Remarks.
- B. Chairman Remarks.
- C. National Coordinating Mechanism.
 1. Review of proposed functions and information requirements.
 2. Development of implementation alternatives.

D. Adjournment.

Any person desiring information about the meeting may telephone (Area Code 202-692-9274) or write the Manager of the National Communications System, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

Joseph C. Wheeler,

Colonel, USAF, NCS Joint Secretariat.

[FR Doc. 83-2494 Filed 1-27-83; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on February 16-18, 1983.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to the policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. The session of the proposed meeting on February 16th, a portion of the morning and afternoon sessions on February 17th and the afternoon session on February 18, 1983 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the session on February 16, 1983 will be as follows:

- 9:00 a.m.-5:00 p.m.—Challenge Grants Committee Meeting Discussion of specific applications (Closed to the public for the reasons stated above)

The agenda for the sessions on February 17, 1983 follows:

(Open to the public)

8:30-9:30—Coffee for Council Members in Chairman's Office

9:30-10:30—Committee Meetings—Policy Discussion

Education and State Programs—1st Floor

Fellowship Programs—Room 314

General Programs—Room 807

Research and Office of Planning—Room 1134

10:30 to adjourn (Closed to the Public for the reasons stated above)

Consideration of specific applications; Following the adjournment of Committee meetings Council members will convene in the first floor theater for a screening of a film.

The morning session on February 18, 1983 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.-9:00 a.m.).

Minutes of the Previous Meeting Reports

- A. Introductory Remarks
- B. Introduction of New Staff
- C. Contracts Awarded in the Previous Quarter
- D. Application Report
- E. Gifts and Matching Report
- F. FY 1983 Appropriations
- G. FY 1984 Appropriations Request
- H. Study of Treasury Funds
- I. Humanities and Social Science
- J. Dates of Future Council Meetings
- K. NEH Plan in Response to the President's Initiative on Historically Black Colleges and Universities
- L. Committee Reports on Policy and General Matters
 - a. State Programs
 - b. General Programs
 - c. Research Programs
 - d. Planning and Assessment Studies
 - e. Fellowship Programs
 - f. Education Programs
 - g. Challenge Grants

M. Jefferson Lecture Discussion.

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer

Washington, D.C. 20506, or call area code 202-724-0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 83-2481 Filed 1-27-83; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368, License No. NPF-6, EA 82-98]

Arkansas Power & Light Co.; Arkansas Nuclear One, Unit 2; Confirmatory Order Modifying License Effective Immediately

I

Arkansas Power and Light Company ("AP&L" or the "licensee"), is holder of Facility Operating License No. NPF-6 (the "license") which authorizes the operation of Arkansas Nuclear One, Unit 2 (the "facility"). The facility consists of a pressurized water reactor (PWR), located at the licensee's site in Russellville, Arkansas.

II

On March 13, 1980, the Nuclear Regulatory Commission (the "Commission" or "NRC") issued IE Bulletin No. 80-06, Engineered Safety Feature (ESF) Reset Controls ("IEB 80-06" or "Bulletin"). IEB 80-06 requested all licensees to review all Engineered Safety Feature control schematics to determine whether unacceptable flyback from emergency to normal mode of emergency core cooling system components would occur upon reset of the ESF signal. The Bulletin further requested that the licensee conduct tests to verify that the actual installed instrumentation and controls were consistent with the schematics. If any safety-related equipment did not remain in its emergency mode upon reset of an ESF signal, the licensee was requested to describe a proposed system modification, design change, or other corrective action to resolve the problem. Finally, the bulletin required the licensee to report in writing to the Commission within 90 days the results of its reviews. The results were to be submitted in writing and to be signed under oath or affirmation pursuant to 10 CFR 50.54(f) which provides that the Commission may, at any time, request that the licensee submit written statements, signed under oath or affirmation, to enable the Commission to determine whether or not the license should be modified, suspended, or revoked.

By letter of June 18, 1980, AP&L responded to IEB 80-06 stating that the testing required by the Bulletin had been completed on Arkansas Nuclear One, Unit 2. Based upon this response and supplemental information submitted by the licensee, the NRC Staff prepared an internal Safety Evaluation Report concluding that Arkansas Nuclear One, Unit 2 did not need further modifications of its ESF system. On December 29, 1981, the NRC resident inspector at the licensee's facility discovered that the licensee's response to IEB 80-06 was false, in that the testing called for by the Bulletin had not been completed by June 18, 1980, as stated in the response. This statement by the licensee constitutes a material false statement within the meaning of section 186 of the Atomic Energy Act of 1954, as amended, as is more fully set out in a Notice of Violation and Proposed Imposition of Civil Penalty issued contemporaneously with this Order.

The cause of this inaccurate communication with the Commission appears to be inadequate corporate management attention to and involvement in the preparation of responses to the NRC. More specifically, this event evidences a breakdown in communication between personnel at the facility where work related to the Bulletin response was performed, and the AP&L Little Rock General Office staff which is responsible for preparing communications to the NRC. Furthermore, this incident demonstrates a failure of the licensee's commitment tracking system and also a failure of the licensee's on-site Safety Review Committee to adequately review its response to the Commission of June 18, 1980. Specifically, the NRC investigation of this matter revealed that, on May 5, 1980, an internal memorandum prepared by the licensee's staff clearly stated that the required testing on Arkansas Nuclear One, Unit 2 was partially complete and would be completed during the next shutdown. A copy of this communication was sent to the licensee's Little Rock General Office staff. In spite of this information, the erroneous June 18, 1980 letter was prepared and sent to the NRC indicating that all testing had been completed. The NRC investigation further established that a copy of the June 18, 1980 letter was sent to the Arkansas Nuclear One site and reviewed at a meeting of the onsite Safety Review Committee on July 7, 1980. Two of the attendees at this meeting were the author and addressee of the May 5, 1980 internal memorandum, which indicated the incomplete status of the required work. Nonetheless, the review failed to

identify the inaccuracy. These matters were discussed in an enforcement conference with the AP&L Senior Vice-President, Energy Supply, and the Regional Administrator on April 8, 1982. These matters were further discussed at a meeting held on September 10, 1982 with the AP&L President, the Director of the Office of Inspection and Enforcement, and the Regional Administrator.

The licensee's response to this situation has been a number of commitments to make major changes in the conduct of its licensed activities to provide substantially increased assurance that all communications with the NRC are complete and accurate. The substance of these commitments is set forth in a letter of September 29, 1982 from the licensee to the Regional Administrator of Region IV. The commitments consist of both short term and long term actions.

Short term commitments by the licensee include:

1. Full and rapid implementation of a Regulatory Response Program.
2. Daily monitoring of the centralized commitment tracking system to ensure proper updating.
3. A program for verification of commitments before such commitments are considered to be met and before letters are sent to the NRC.
4. An identification system for design change packages that pertain to NRC commitments.
5. A feasibility study for prioritizing responses to NRC actions according to nuclear safety significance.

In addition, AP&L is proceeding with the development of a long range Regulatory Response and Commitment Control Program to improve its control of letters and commitments to the NRC. This program would encompass and supersede the Regulatory Response Program which the licensee now has in effect. In the letter of September 29, 1982, the five phases which represent the licensee's approach to the timely development of the program are summarized. The licensee anticipates that all five phases of the program will be complete within six months. Outside consultants will be hired to ensure the timely development of this program. The licensee has committed to provide a status report to the Regional Administrator by January 15, 1983, identifying any noteworthy program changes.

The licensee further states that it has contracted with the Institute of Nuclear Power Operations (INPO) for an independent assessment of the results of Phase 1 of the Regulatory Response and

Commitment Control Program. In addition, INPO will assess the procedures and practices of the licensee's Plant Safety Committee and Safety Review Committee to determine the adequacy of such procedures and practices when applied to material such as the response to IEB 80-06.

III

The events described in Section II reveal substantial breakdowns in Arkansas Power and Light's management controls related to the Arkansas Nuclear One facility. The changes proposed in the licensee's letter of September 29, 1982, if effectively implemented, will provide substantially increased assurance that licensed activities at the Arkansas Nuclear One facility are properly controlled. Accordingly, I have determined that the commitments contained in the September 29, 1982 letter are required in the interest of public health and safety and, therefore, should be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to sections 103, 161(i), and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 2 and 10 CFR Part 50, it is hereby ordered effective immediately that:

The licensee shall complete in a timely manner the comprehensive plan of action set forth in its letter to the Regional Administrator of Region IV dated September 29, 1982. To ensure rapid completion of the measures set forth by AP&L in its letter of September 29, 1982, AP&L shall provide to the Administrator of Region IV a monthly status report providing detailed information as to implementation of the various activities under way. Further, the independent assessments to be performed by INPO, both of the Regulatory Response and Commitment Control Program and the activities of the plant Safety Committee and Safety Review Committee are to be provided directly to the Regional Administrator of Region IV upon their completion. These reports should contain INPO recommendations for improvements in the areas examined as appropriate.

The Administrator of Region IV may relax or terminate in writing any of the preceding conditions for good cause.

V

Any person who has an interest affected by this Order may request a hearing on this Order within 30 days of this issuance. A request for a hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be:

- (1) Whether the matters set forth in Section II of this Order are true; and
- (2) Whether this Order should be sustained.

It is so ordered.

Dated at Bethesda, Maryland, this 18th day of January 1983.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-2502 Filed 1-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-454 OL and STN 50-455 OL]

Commonwealth Edison Co. (Byron Nuclear Power Station, Units 1 and 2); Evidentiary Hearing

On December 15, 1978, the Nuclear Regulatory Commission published in the Federal Register (43 FR 58659) a Notice that the Commission had received an application from the Commonwealth Edison Company (Applicant) for an operating license which would authorize the Applicant to possess, use and operate two pressurized water nuclear reactors, each 1,120 megawatts of electric capacity, at the Applicant's Byron Station located in Rockvale Township, Ogle County, Illinois. The Notice stated that any person whose interest may be affected by the proceeding may request a hearing and may file a petition for leave to intervene. An Atomic Safety and Licensing Board was established to rule on hearing requests and intervention petitions and to conduct any hearing. Subsequently the Rockford League of Women Voters, the DeKalb Area Alliance for Responsible Energy, and the Smississippi Alliance for the Environment requested a hearing and an opportunity to intervene in any such hearing. The Board granted the requests and determined that a hearing would be held on the application for the Byron operating licenses. Subsequently, the intervening parties submitted issues to be considered in the proceeding, many of which were accepted for adjudication by the Board.

Therefore please take notice that the evidentiary hearing on the issues relative to the application for operating licenses for the Byron Units 1 and 2 will commence at 9:30 a.m. CST on March 1, 1983 at the Main Courtroom, Room 260, Federal Building, 211 South Court Street, Rockford, Illinois 61101. The hearing will continue for several weeks thereafter. Parties to this proceeding will be the intervenors named above, the Applicant, Commonwealth Edison Company, and the Staff of the Nuclear Regulatory Commission. The issues to be heard and decided by the Board will be only those issues raised by the intervenor parties unless the Commission authorized additional issues.

The public is invited to attend. Persons who are not parties to the proceeding will be given an opportunity to make statements about the application for the Byron operating licenses either orally or in writing. Oral statements will be accepted at the hearing as the first order of business on March 1. An evening session for oral statements will be held beginning at 7:30 p.m. on March 1 at Rockford College, Scarborough Hall, Severson Auditorium, 5050 East State Street, Rockford, Illinois 61101. Depending upon the number of requests a time limit may be imposed on oral statements. However, oral statements may be supplemented by written statements. Written statements may be submitted to the Board at the hearing or mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For the Atomic Safety and Licensing Board.
Bethesda, Maryland, January 24, 1983.

Ivan W. Smith,

Administrative Law Judge.

[FR Doc. 83-2503 Filed 1-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR-39, and Amendment No. 70 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications on auxiliary feedwater and related systems. This action also completes the licensee's commitment in item F.5 of the February 29, 1980 Confirmatory Order to be in compliance with NRC letters concerning auxiliary feedwater systems reliability improvements. This action further completes the reviews of NUREG 0737 "Clarification of TMI Action Plan Requirements" items I.E.1.1 and I.E.1.2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated December 31, 1979, as supplemented by letters dated March 12, 1980 and December 15, 1982, (2) Amendment Nos. 80 and 70 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of January, 1983.

For the Nuclear Regulatory Commission,
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 83-2504 Filed 1-27-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-254]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 85 Facility Operating License No. DPR-29, issued to Commonwealth Edison Company, and Iowa Illinois Gas and Electric Company which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit 1 located in Rock Island County, Illinois. The amendment became effective December 20, 1982.

The Amendment revises the Technical Specifications to allow operation with one main steam drain isolation valve inoperable, until the first cold shutdown after the 30-day period following December 21, 1982. Operation has been conditioned by new requirements in the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated December 20, 1982 (2) the Commission's letter to the licensee dated December 20, 1982 (3) Amendment No. 85 to License No. DPR-29 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Moline Public Library 504-17th Street, Moline, Illinois. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of January 1983.

For the Nuclear Regulatory Commission,
Domenic B. Vassallo,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.
[FR Doc. 83-2505 Filed 1-27-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Van Buren County, Michigan. This amendment is effective as of its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications for required boron concentration and sampling frequency of one of the four safety injection tanks for the remainder of Cycle 5.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1982, (2) Amendment No. 74 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of January, 1983.

For the Nuclear Regulatory Commission.
Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5,
Division of Licensing.

[FR Doc. 83-2506 Filed 1-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-482]

Kansas Gas & Electric Co., et al. (Wolf Creek Generating Station, (Unit No. 1)); Order Rescheduling Prehearing Conference

Please take notice that the Prehearing Conference in this proceeding now scheduled for March 8, 1983 will take place on March 10, 1983, commencing at 10:00 a.m. in Coffey County Courthouse Basement Room, Sixth and Neosho Street, Burlington, Kansas 66839. In all other respects, the Order Scheduling Prehearing Conference dated January 10, 1983 is unchanged.

Dated at Bethesda, Maryland, this 21st day of January, 1983.

It is so ordered.

Atomic Safety and Licensing Board.

James A. Laurenson,

Administrative Law Judge.

[FR Doc. 83-2507 Filed 1-27-83; 8:45 am]

BILLING CODE 7590-01-M

Abnormal Occurrence; Loss of Auxiliary Electrical Power

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the Federal Register on February 24, 1977 (42 FR 10950). One of the general criteria notes that major degradation of essential safety-related equipment can be considered an abnormal occurrence. The following description of the incident also contains the remedial actions taken to date.

Date and Place—On June 22, 1982, the NRC was notified by Commonwealth Edison Company (the licensee) of a sequence of events at Quad Cities Nuclear Power Station which resulted in a total unavailability of emergency diesel generator power for Unit 1 and the loss of offsite power and one emergency diesel generator for Unit 2.

Quad Cities Nuclear Power Station utilizes two General Electric Company designed boiling water reactors and is located in Rock Island County, Illinois.

Nature and Probable Consequences—Diesel generators (DGs) at nuclear power plants provide emergency, onsite backup AC power in the event that normal offsite sources of AC power are unavailable. Quad Cities Units 1 and 2 have combined total of three DGs. DG-1 is dedicated to Unit 1, DG-2 is dedicated to Unit 2, and DG-3 is a swing diesel that can be aligned to either unit. As a result of the sequence of events described below, normal offsite sources of AC power were available for Unit 1, but neither DG-1 nor DG-2 were available; simultaneously, all normal offsite sources of AC power were lost for approximately 40 minutes to Unit 2 and only DG-2 was available. For both Units, such loss of power sources can be considered a major degradation of essential safety-related equipment. The safety significance was increased by several other failures which occurred during the event, including loss of several instrumentation indications in the control room. Nevertheless, the actions taken by the plant staff were timely and attentive and Unit 2 was safely shut down. Unit 1 operation was not affected.

At the time of the event, Unit 2 was operating at approximately 95% and Unit 1 at 60% power. DG-1 was out of service for maintenance; however, DG-2 and DG-3 were operable. While preparing to remove the Unit 2 reserve auxiliary transformer from service for elective repairs, an equipment operator at 5:25 a.m. mistakenly pulled out the fuses for a 4-kilovolt bus instead of pulling the transformer fuses. (When the plant is producing electricity, the plant loads and instrumentation are powered by the plant's main generator via an auxiliary transformer. The reserve auxiliary transformer is available to provide offsite power when the plant is not operating.)

The operator error disconnected power to certain plant systems, including the 2B Reactor Feedwater Pump. The reduced feedwater flow caused a low water level, which automatically initiated a reactor trip. The Unit 2 main generator subsequently tripped, resulting in the loss of all normal AC power to Unit 2, as the reserve auxiliary transformer was already out of service. Both DG-2 and DG-3 started automatically and began to supply power to essential plant systems.

Pressure in the reactor was reduced by the automatic operation of the safety relief valve and subsequent manual actuation of power operated relief

valves. In the process, one relief valve failed to open, and reactor operators actuated a second relief valve.

At 5:47 a.m., 22 minutes after the event began, the reactor operators started the 2A Residual Heat Removal (RHR) pump to begin cooling the water in the pressure suppression pool. (The pressure suppression pool is a doughnut-shaped tank surrounding the reactor containment. Water in the pool condenses the steam released by the relief and safety valves; condensing the steam transfers the heat to the water in the suppression pool.)

DG-3 tripped when the RHR service water pump was being started, cutting off power being supplied to various instrumentation and safety systems. The cause of the DG-3 trip was the actuation of underexcitation relays which protect the DG. Power continued to be supplied from DG-2.

Loss of DG-3 resulted in numerous alarms and loss of several control room instrument indications. In addition, the loss of DG-3 left Unit 1, which was still operating, without any backup source of power (since DG-1 was already out of service for maintenance) should it experience a loss of offsite power. With the loss of instrumentation, a senior operator went to the local instrument panel in the reactor building. He then established communications with the control room, and relayed information on reactor pressure, water level, and containment pressure to the reactor operators.

At 5:50 a.m., an unusual event was declared under the licensee's emergency plan, and appropriate notifications were made.

Pressure in the Unit 2 containment increased from the normal pressure of about 1.3 psig to about 4.3 psig. The principal causes of the pressure increase were due to leaking gaskets on the discharge lines of the main steam relief valves, multiple relief valve actuations to control reactor pressure, and shutdown of the drywell coolers. The latter occurred, as designed, as a result of an emergency core cooling system (ECCS) initiation signal which actuates at a drywell pressure of about 2 psig. Also as a result of this ECCS initiation signal, the high pressure coolant injection (HPCI) system started automatically and began to pump water into the reactor vessel. A core spray pump also automatically actuated but reactor pressure remained above its permissive pressure setpoint. The ECCS signal also tripped the running residual heat removal service water pump and the reactor building closed cooling water (RBCCW) pumps. A normal Group II

isolation of containment occurred and functioned properly.

Licensee personnel in the meantime were restoring the reserve auxiliary transformer to service. By 6:04 a.m., 39 minutes after the event began, the transformer was operable and offsite power was restored for all affected plant systems.

Reactor pressure continued to be controlled by manual operation of the relief valves, and at 6:15 a.m. suppression pool cooling was established using the RHR system. Cold shutdown was achieved at about 5 p.m.

The plant returned to service on June 24, 1982, after appropriate maintenance and testing activities were completed.

Cause or Causes—The cause of the event can be attributed to nonconservative planning of maintenance activities, personnel error, and design error.

As stated previously, the station's auxiliary electrical power system utilizes three onsite power sources (DGs). Unit 1 and Unit 2 each has one dedicated DG and the third DG is a swing diesel that will automatically align itself to the Unit that requires it. With this arrangement, the removal of a dedicated DG from service would mean the potential unavailability of all automatic onsite emergency power sources of one Unit. The removal of the swing diesel generator causes unavailability of onsite power to one division of emergency electric power system of both Units. Because of this interdependence of onsite power sources between both Units at the station, any scheduled maintenance of the offsite power system of either Unit would affect the overall electric power system availabilities of both Units. The reserve auxiliary transformer is the primary source of offsite power for the plant. Therefore, the licensee's decision to remove the transformer from service for elective maintenance while the plant was in operation, and particularly with DG-1 already out of service for maintenance, was nonconservative (even though it was not prohibited by the plant's technical specifications).

The event was initiated by an operator error in pulling the incorrect fuse. The operator pulled the fuse for the bus rather than the transformer. This eventually led to a Unit 2 reactor scram and Unit 2 generator trip, resulting in the loss of all normal AC power to Unit 2.

Following loss of offsite power to Unit 2, DG-2 and DG-1/2 started as designed. However, later when the operator attempted to start a RHR service water pump for suppression pool cooling, DG-1/2 tripped. Succeeding attempts by the control room operator to

start DG-1/2 failed. The cause of the trip was due to a design error in the DG control logic system. An underexcitation relay had been installed in 1981 in all three DGs as a modification recommended by the licensee; the relay is designed to protect the DG during testing when the DG is loaded to an energized bus and the relay protection should be automatically blocked when an auto-start signal actuates the DG. Due to a design error, this trip was unblocked when the operator initiated drywell and suppression pool cooling. The characteristic of the relay is such that it can actuate when a large motor (such as the RHR service water pump) is started. Actuation of the underexcitation relay also tripped the DG lock-out relay. With the latter relay tripped, the DG would not restart until this relay was manually reset. Resetting of the relay was delayed since the equipment operator had been sent to the switchyard to expedite restoration of offsite power to Unit 2.

Actions Taken To Prevent Recurrence

Licensee—The licensee has taken appropriate measures to minimize the possibility for similar operator errors, including a review of procedures and additional training for operating personnel. The DG trip mechanism, the underexcitation relay, has been removed, and the licensee is planning modifications to all diesel generators to prevent protective trips in an emergency situation. The power operated relief valve which failed to open was replaced, and the operability of all relief valves was verified prior to the unit's returning to service. The licensee also replaced the leaking gaskets on the relief valve discharge lines which had contributed to the rise in containment pressure.

During the next refueling, the licensee plans to modify the core spray logic so that the drywell coolers and RBCCW pumps do not trip on a core spray initiation (e.g., 2 psig drywell pressure) if offsite power is available to the emergency buses. The licensee is also considering other measures which would only allow the reserve auxiliary transformer to be removed from service for elective maintenance while the reactor is shut down with power being supplied from offsite sources through the main transformer. The licensee submitted a special report of the event to the NRC on July 8, 1982.

NRC—The licensee had informed the NRC of the scheduled maintenance prior to June 22, 1982. NRC Region III and the NRC Senior Resident Inspector decided it was essential to have an inspector onsite throughout the scheduled

maintenance due to possible consequences associated with the removal of the reserve auxiliary transformer during unit operation. The NRC resident inspectors thoroughly reviewed the event and the followup actions taken by the licensee.

The results of the NRC inspection were forwarded to the licensee by NRC Region III on October 22, 1982. The forwarding letter expressed the NRC's concern regarding the nonconservative management decisions. Region III has recommended to the NRC Office of Nuclear Reactor Regulation (NRR) that the plant's technical specifications be modified to prohibit such nonconservative decisions. NRR is reviewing the Region's recommendation.

In addition, the NRC Office for Analysis and Evaluation of Operational Data performed an engineering evaluation of the event.

Dated in Washington, D.C. this 24th day of January 1983.

Samuel J. Chilk,

Secretary of the Commission.

(FR Doc. 83-2508 Filed 1-27-83; 8:45 am)

BILLING CODE 7590-01-M

OFFICE OF THE FEDERAL REGISTER

Agreements Between the American Institute in Taiwan and the Coordination Council for North American Affairs

AGENCY: Office of the Federal Register (NARS).

ACTION: Notice of availability of agreements.

SUMMARY: The American Institute in Taiwan has concluded a number of agreements with the Coordination Council for North American Affairs in order to maintain cultural, commercial and other unofficial relations between the American people and the people on Taiwan. The Director of the Federal Register is publishing the list of these agreements on behalf of the American Institute in Taiwan in the public interest.

SUPPLEMENTARY INFORMATION: Cultural, commercial and other unofficial relations between the American people and people on Taiwan are maintained on a nongovernmental basis through the American Institute in Taiwan (AIT), a private nonprofit corporation created under the Taiwan Relations Act (Pub. L. 96-8; 93 Stat. 14). The Coordination Council for North American Affairs (CCNAA) is its nongovernmental Taiwan counterpart.

Under section 12(a) of the Act, agreements concluded between the AIT

and the CCNAA are transmitted to the Congress, and according to sections 6 and 10(a) of the Act, such agreements have full force and effect under the law of the United States.

The texts of the agreements are available from the American Institute in Taiwan, 1700 North Moore Street, 17th Floor, Arlington, Virginia 22209. For further information contact Joseph Kyle at this address, telephone (703) 525-8474.

Following is a list of agreements between AIT and CCNAA which were in force as of December 31, 1982.

Aviation

Air transport agreement, with exchange of letters. Signed at Washington March 5, 1980; entered into force March 5, 1980.

Memorandum of agreement relating to aeronautical equipment and services, with annexes. Signed at Arlington and Washington September 24 and October 23, 1981; entered into force October 23, 1981.

Educational and Cultural

Implementing agreement financing certain educational and cultural exchange programs. Exchange of letters at Taipei April 14 and June 4, 1979; entered into force June 4, 1979.

Fisheries

Agreement concerning fisheries off the coasts of the United States, with annex and agreed minutes. Signed at Washington June 7, 1982; entered into force July 1, 1982.

Privileges and Immunities

Agreement relating to privileges and immunities of courier system. Signed at Washington and Arlington December 31, 1979 and January 7, 1980; entered into force January 7, 1980.

Agreement on privileges, exemptions and immunities. Signed at Washington October 2, 1980; entered into force October 2, 1980.

Safety at Sea

Agreement relating to safety of life at sea. Exchange of letters at Arlington and Washington August 17 and September 7, 1982; entered into force September 7, 1982.

Scientific Cooperation

Agreement relating to cooperation in science and technology. Exchange of letters at Arlington and Washington September 4, 1980; entered into force September 4, 1980.

Security of Information

Protection of information agreement. Signed at Arlington and Washington September 15, 1981; entered into force September 15, 1981.

Trade and Commerce

Agreement on trade matters, with annexes. Exchange of letters at Arlington and Washington October 14, 1979; entered into force October 24, 1979.

Agreement implementing tariff reductions on a Most Favored Nation basis, with annexes. Exchange of letters at Arlington and Washington December 31, 1981; entered into force December 31, 1981; effective September 30, 1982.

Agreement relating to trade in cotton, wool and man-made fiber textiles and textile products, with annexes. Signed at Washington November 18, 1982; entered into force November 18, 1982; effective January 1, 1982.

Weather Observations

Agreement relating to provision to AIT of ionospheric weather observations by CCNAA. Signed at Taipei November 26, 1980; entered into force November 26, 1980.

Agreement modifying the agreement of November 26, 1980 relating to provision to AIT of ionospheric weather observation by CCNAA. Signed at Taipei February 2, 1981.

Dated: January 13, 1983.

Joseph B. Kyle,
Corporate Secretary, American Institute in Taiwan.

Dated: January 24, 1983.

John C. Byrne,
Director, Office of the Federal Register.

[FR Doc. 83-2128 Filed 1-27-83; 8:45 am]

BILLING CODE 1505-02-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Extension of Forms for OMB Review

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed extension of forms submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed extension of forms which collect information from the public. OPM Forms 1056A and B, Mid-Level Data Sheets, are key entry and optical scan documents respectively and are used by OPM's automated processing center to create basic applicant records for an automated examining system. OPM is responsible

for open competitive examining for admission to the competitive service in accordance with section 3302, 5 U.S.C. For copies of this proposal, call John P. Weld, Agency Clearance Officer, on (202) 632-7720.

DATE: Comments on this proposal should be received within 10 working days from date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer,
U.S. Office of Personnel Management,
1900 E Street, N.W., Room 6669,
Washington, D.C. 20415
and

Frank Reeder, Information Desk Officer,
Office of Information and Regulatory
Affairs, Office of Management and
Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:
John P. Weld, (202) 632-7720.

Office of Personnel Management.

Donald J. Devine,
Director.

[FR Doc. 83-2367 Filed 1-27-83; 8:45 am]

BILLING CODE 6325-01-M

Proposed Extension of Form for OMB Review

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice of proposed extension of form submitted to OMB for clearance.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed extension of OPM Form which collects or solicits information from the public (i.e., an applicant's previous employers, associates and friends). The method is known variously as reference rating, reference vouchering or qualification inquiry. OPM uses the information to determine the suitability of an applicant for an Administrative Law Judge position.

DATE: Comments on this proposal should be received within 10 working days from date of this publication.

ADDRESSES: Send or deliver comments to:

John P. Weld, Agency Clearance Officer,
U.S. Office of Personnel Management,
1900 E Street, N.W., Room 6669,
Washington, D.C. 20415
and

Frank Reeder, Information Desk Officer,
Office of Information and Regulatory
Affairs, Office of Management and
Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:
John P. Weld, (202) 632-7720.

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

[FR Doc. 83-2368 Filed 1-27-83; 8:45 am]
BILLING CODE 5325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12987; (812-5308)]

American Express Co.; Filing of an Application for an Order

January 21, 1983.

Notice is hereby given that American Express Company ("Applicant"), American Express Plaza, New York, New York 10004, filed an application on September 7, 1982 and an amendment thereto on December 28, 1982 for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the purchase of securities issued by the Applicant from the provisions of Section 12(d)(3) of the Act and Rule 12d-1 thereunder to the extent therein requested. 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, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Applicant, a New York corporation, and its subsidiaries are primarily engaged in providing a variety of travel-related, insurance, international banking, and investment services. Travel-related services consist primarily of transactions involving American Express Travelers Cheques, the American Express Card, and retail and wholesale travel services. Other travel-related services and products include the issuance of American Express Money Orders, the publication of Travel & Leisure and Food & Wine magazines, the publication of family reference books through Mitchell Beazley Ltd., and debit and credit card processing for third parties through First Data Resources Inc. Insurance services are offered through Fireman's Fund Insurance Company and its subsidiaries and include both commercial and personal property-liability insurance primarily in the United States and Canada and individual and group life insurance in the United States.

Applicant's international banking services are offered through American Express International Banking Corporation and its subsidiaries ("AEIBC") and include commercial, investment and wholesale banking,

equipment finance, and financial advisory services. These activities are conducted outside of the United States, except for the operations of AEIBC's New York Agency, which are conducted as an incident to its foreign activities.

Investment and asset management services are offered principally through Shearson/American Express Inc. and its subsidiaries ("Shearson"). Services provided by Shearson include domestic and foreign retail securities, options and commodities brokerage; customer financing activities; the underwriting and distribution of securities; trading, institutional sales, arbitrage; equipment lease and real estate financing; mortgage banking; investment management; and the sale of insurance as agent. Another subsidiary, American Express Credit Corporation ("Credco"), primarily engages in the business of purchasing receivables arising from the use of the American Express Card. As of June 30, 1982, Credco has outstanding approximately \$545 million of long-term debt that is publicly held. Applicant also owns a 50 percent interest in Warner Amex Cable Communications Inc., which, with its affiliates, engages in the cable television business.

Applicant seeks an order pursuant to Section 6(c) of the Act exempting from the provisions of Section 12(d)(3) of the Act the purchase or other acquisition solely for investment purposes by a registered investment company, or any company or companies controlled by such registered investment company, of any security issued by Applicant, provided that all of the conditions of Rule 12d-1 (or any successor rule) are satisfied but for the requirement that not in excess of 15% of the total gross revenues of the Applicant be derived from "Securities-Related Businesses" (any entity which directly or indirectly is engaged in the business of a broker, a dealer, an underwriter, an investment adviser of an investment company, or an investment adviser registered under the Investment Advisers Act of 1940), and that in lieu thereof a condition be established that not in excess of 25% of the total gross revenues of Applicant be derived from Securities-Related Businesses. Applicant has further agreed to the conditions that no registered investment company may avail itself of the exemptive order when purchasing securities issued by Applicant if, immediately after such purchase: (1) That investment company and all other registered investment companies having the same (or an affiliated) investment adviser own in the aggregate more than 5% of the securities of that class outstanding (in determining the amount of outstanding securities of a class, the

registered investment company may rely upon information set forth in Applicant's most recent quarterly or annual report, and any current report subsequent thereto, filed with the Commission pursuant to the Securities Exchange Act of 1934, unless such investment company knows or has reason to believe that the information contained therein is inaccurate); or (2) the registered investment company has invested more than 10% of the value of its total assets or, if lower, the maximum percentage permitted by its investment policies and restrictions, in any class of securities of Applicant; or (3) where the registered investment company is an open-end company, 10% or more of the gross dollar amount of shares issued by it or by any other open-end registered investment company having the same (or an affiliated) investment adviser within the preceding 24-month period (excluding shares issued upon the reinvestment of dividends) were sold in transactions in which Shearson, Foster & Marshall/American Express Inc., Robinson-Humphrey/American Express Inc., or any other registered broker-dealer subsidiary of Applicant acted as a broker-dealer. The foregoing 24-month period is a rolling period, i.e., the most recent month is substituted for the earliest month as time passes. A change in circumstances subsequent to a purchase which at that time was in accordance with the foregoing condition (such as a decrease in the number of Applicant's shares outstanding, an increase in the value of the investment company's position in Applicant relative to its total assets, or sales by Applicant's broker-dealer subsidiaries in excess of the 10% threshold) shall not require any disposition of Applicant's securities, but no further purchases may be made until such time as such condition is again satisfied.

Absent the requested relief, Applicant submits that registered investment companies may be precluded from purchasing, or may be compelled to sell, Applicant's securities notwithstanding the fact that the acquisition of such securities does not present the dangers which Section 12(d)(3) purports to address. For the year ended December 3, 1981, in excess of 9% of Applicant's gross revenues (as restated to reflect the June 1981 acquisition of Shearson, which was accounted for as a pooling of interests) was derived from Securities-Related Businesses. On March 23, 1982, Shearson acquired Foster & Marshall Inc., a prominent broker-dealer in the Pacific Northwest region of the United States, and on June 4, 1982, Shearson completed the acquisition of The

Robinson-Humphrey Company, Inc., a leading investment banking firm in the Southeast. For the six months ended June 30, 1982, the percentage of Applicant's revenues derived from Securities-Related Businesses (as restated to reflect the Robinson-Humphrey acquisition, which was also treated as a pooling for accounting purposes) exceeded 9.5%. (The Foster & Marshall acquisition was treated as a "purchase" for accounting purposes, and thus its revenues have been included only since the date of acquisition.) Applicant states that this percentage is expected to increase in light of the recent surge in commission revenues experienced by major retail securities firms. Applicant further asserts that it has a large institutional following (as of March 31, 1982, approximately 3% of Applicant's outstanding common shares were held by registered investment companies) and it believes that many investment companies may begin to dispose of its securities if reported results show Shearson accounting for even 13-14% of Applicant's consolidated revenues.

Applicant acknowledges three principal risks which have been cited to justify Section 12(d)(3): (1) The entrepreneurial risks of the investment banking business; (2) the risk that a mutual fund might invest in a broker-dealer in reciprocity for the broker-dealer's sales of the fund's shares; and (3) the risk that an investment company might direct brokerage to a broker-dealer issuer in which it had invested to enhance the broker-dealer's profitability or to rescue it from financial difficulty. Applicant submits that the foregoing risks, in the context of an investment in Applicant, do not warrant the application of Section 12(d)(3) to an extent greater than the contemplated by the requested order.

Since the requested relief relates only to investments in securities issued by Applicant, Applicant asserts that the question whether such an investment might expose an investment company to the "entrepreneurial risks" of the investment banking business must be viewed in the context of the financial position of Applicant and all of its subsidiaries on a consolidated basis. The most recent audited, consolidated financial statements of Applicant reflect that, as of December 31, 1981, Applicant's common shareholders' equity exceeded \$2.6 billion, up 9% from the corresponding amount of approximately \$2.4 as of December 31,

1980. For the year ended December 31, 1981, total consolidated revenues and net income of Applicant were approximately \$7.2 billion and \$518 million, respectively, while the corresponding amounts for the year ended December 31, 1980, were approximately \$6.4 billion and \$462 million. (All amounts have been restated to reflect the acquisition of Shearson in June 1981.) As the application requests relief from Section 12(d)(3) only to the extent that the total gross revenues derived from Securities-Related Businesses do not exceed 25% of the total gross revenues of Applicant, Applicant asserts that there is and will remain a considerable asset base and revenue stream that is not exposed to the "entrepreneurial risks" of the investment banking business.

The risk that a mutual fund might invest in the securities of Applicant in reciprocity for the sale of the fund's shares by Shearson is, in Applicant's opinion, remote in light of various legal and practical considerations. Applicant states that as a legal matter, such an investment may be precluded as a joint enterprise or joint arrangement under Section 17(d) of the Act. Moreover, as a result of the third condition imposed as a prerequisite to the contemplated order, no more than a *de minimis* relationship could exist between an investment company investing in Applicant whose securities were sold by Shearson, Foster & Marshall/American Express Inc., Robinson-Humphrey/American Express Inc., or any other registered broker-dealer subsidiary of Applicant.

Finally, Applicant contends that the risk that an investment company might direct brokerage to Shearson in order to enhance the profitability of Applicant or to rescue it from financial difficulty is virtually nonexistent. Given the magnitude of Applicant's business on a consolidated basis, and its enormous capitalization (on June 30, 1982, the number of Applicant's common shares issued and outstanding was 95,758,136 and, based upon the closing sales price on August 30, 1982, of \$46.00 per share, such shares had an aggregate fair market value in excess of \$4.4 billion; the active market for its common shares, the average weekly trading volume during the four weeks ended August 13, 1982, was 1,153,125 common shares), Applicant argues that it is inconceivable that any investment company could hope to have any discernible impact upon its profitability or financial

stability simply through directed brokerage commissions.

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.

Applicant concludes that the risks which Section 12(d)(3) addresses are either not present in the context of Applicant or are adequately addressed by the restrictions of Rule 12d-1 as sought to be modified by the application and the other conditions to which Applicant has agreed, as described above. Applicant submits that the granting of the exemptive order is necessary or appropriate in the public interest and consistent with the protection of investors, and accordingly requests that the relief sought in its application be granted.

Notice is hereby given that any interested person wishing to request a hearing on the application may, not later than February 15, 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. 83-2369 Filed 1-27-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12986; (812-5350)]

California Municipal Fund for Temporary Investment, Inc., Suite 204, Webster Building, Concord Plaza, 3411 Silverside Road, Wilmington, Delaware 19810, Filing of Application for an Order

January 21, 1983.

Notice is hereby given that California Municipal Fund for Temporary Investment, Inc. ("Applicant"), Suite 204, Webster Building, Concord Plaza, 3411 Silverside Road, Wilmington, Delaware 19810, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application and an amendment thereto for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant to the extent necessary: (1) From the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit Applicant to calculate its net asset value per share based on the amortized cost method of valuation and to value in the manner described in the application certain rights to sell its portfolio securities to brokers, dealers, and banks; and (2) from the provisions of Section 12(d)(3) of the Act to permit Applicant to acquire from brokers and dealers the aforesaid rights to sell portfolio securities. 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, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

A Maryland corporation whose objective is to provide investors with as high a level of current interest income exempt from federal and California state personal income taxes as is consistent with the preservation of capital and relative stability of principal, Applicant is designed primarily for California institutional investors as a convenient means of investing cash reserves in a professionally-managed portfolio of short-term, tax-exempt, municipal securities. Institutional investors whom Applicant seeks to attract include—banks acting in a fiduciary, advisory, agency, or similar capacity; corporations; insurance companies; investment counselors; and brokers. Shares may not be purchased by individuals directly, although institutional investors may purchase shares for accounts maintained by individuals.

Applicant states, that, except during defensive periods, it will maintain at least 80% of its assets in municipal

securities and will not knowingly purchase securities the income from which is subject to federal income tax. Moreover, according to Applicant, at least 50% of its assets will be invested in California governmental debt obligations at the close of each quarter of Applicant's fiscal year. Applicant states that it may hold uninvested cash reserves pending investment, during defensive periods or if, in the opinion of Applicant's investment adviser, suitable tax-exempt obligations are unavailable. Applicant states further that it will not seek profits through short-term trading, but intends to hold its portfolio securities to maturity.

Applicant seeks to achieve its investment objective by investing in municipal securities which present minimal credit risks. In addition to "general obligation" and "revenue" issues, Applicant's portfolio may include "moral obligation" issues. Applicant states that if an issuer of moral obligation securities is unable to meet its obligations, the repayment of such securities becomes a moral commitment but not a legal obligation of the state, municipality, or other entity in question. Applicant may also invest in variable rate demand notes.

In support of the relief requested, Applicant submits that the amortized cost method of valuation will enable it to maintain the stable net asset value and steady income which vitally concern investors. By valuing its securities at amortized cost and declaring dividends daily, Applicant asserts that it can expect its net asset value to remain constant in the absence of unusual market conditions. Applicant contends that potential shareholders are not concerned with the theoretical differences which might occur between the yield achieved through market pricing and the yield computed on the basis of amortized cost for instruments which Applicant expects to hold until maturity. Prior to adopting the amortized cost method of valuation, Applicant's board of directors will determine in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuing securities will reflect the fair value of such securities. Applicant believes that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly agrees that the following conditions may be imposed in any order of the Commission granting the exemption requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at \$1.00 per share.

2. Included among the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's amortized cost price per share, and the maintenance of records of such review.¹

(b) In the event of such deviation from Applicant's \$1.00 amortized cost price per share exceeds $\frac{1}{2}$ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from Applicant's amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the greatest extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share; provided, however, that it will not (a) purchase any instrument with a

¹ To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of directors in the exercise of its discretion to be appropriate indicators of value, which may include, among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of instruments published by reputable sources.

remaining maturity greater than one year (although an instrument that was originally issued as one year instrument but had up to 375 days to maturity shall be deemed to have a maturity of one year).² nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.³

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the

² Applicant states that it may purchase variable rate demand notes which have maturities of more than one year, provided Applicant is entitled to the payment of principal and accrued interest upon not more than seven day's notice. The rate of interest on such notes is to be adjusted automatically at intervals which normally do not exceed thirty-one days but may extend up to one year. Each variable rate demand note purchased by Applicant would be determined under procedures prescribed by Applicant's board of trustees to present minimal credit risks and will be rated "high quality" at the time of purchase (i.e., within the two highest ratings assigned by any major rating service) or, if unrated will be determined by Applicant's investment adviser to be of comparable quality, and thereafter the quality of such notes will be monitored by Applicant. In computing its dollar-weighted average portfolio maturity, Applicant states that it will consider the maturity of such notes as the longer of the notice period required before Applicant is entitled to prepayment under the note, or the period remaining until the note's next interest rate adjustment. In connection with such variable rate demand notes purchased by the Applicant, Applicant's board of directors (or Applicant's investment adviser to the extent permitted by Rule 2a-7 under the Act as proposed or as ultimately adopted) will: (i) Determine that whenever a new interest rate on a variable rate demand note is established it will then cause the note to have a current market value which approximates its par value; (ii) determine no less frequently than quarterly that variable rate demand notes held by Applicant are of "high quality;" and (iii) cause Applicant, absent extenuating circumstances, to dispose of any variable rate note as soon as practicable should the quality of the note fall below "high quality." In addition, the issuer's obligation to pay the principal of a variable rate demand note purchased by the Applicant will be supported by an irrevocable, unconditional bank letter of credit where necessary to ensure that the note is of "high quality" (i.e., in all cases where the Applicant's board of directors and investment adviser cannot determine that a note is of "high quality" without a letter of credit).

³ In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable. In addition, in fulfilling this condition, the maturity of a portfolio security shall not be considered shortened or otherwise affected by any Stand-by Commitment of the type described below to which such security is subject, and all such Commitments held by Applicant shall be valued at zero.

discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments to those U.S. dollar-denominated instruments, which, as determined by its board of directors, present minimal credit risks, and which are of "high quality" as determined by any major rating service, or, in the case of any instruments that are not rated, of comparable quality, as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement indicating whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

Applicant also requests exemptive relief to the extent necessary to permit it to adopt policies permitting the acquisition of Stand-by Commitments. Through the acquisition of Stand-by Commitments, also known as "puts", Applicant proposes to improve portfolio liquidity by issuing same-day settlements on portfolio sales (and thus facilitate same-day payment of redemption proceeds). Applicant describes a Stand-by Commitment as a right of an investment company, when it purchases municipal securities for its portfolio from a broker, dealer, or other financial institution, to sell the same principal amount of such securities back to the seller, at the investment company's option, at a specified price. Applicant's investment policies permit the acquisition of Stand-by Commitments solely to facilitate portfolio liquidity and Applicant declares that the acquisition or exercisability of a Stand-by Commitment will not affect the valuation or maturity of its underlying municipal securities, which will be valued on the amortized cost basis in accordance with the conditions set forth in the Commission's exemptive order permitting Applicant to use such valuation.

Applicant states that Stand-by Commitments acquired by it will have the following features: (1) They will be in writing and will be physically held by Applicant's custodian; (2) they will be

exercisable by Applicant at any time prior to the maturity of the underlying securities; (3) they will be entered into only with brokers, dealers, and banks which, in the opinion of Applicant's investment adviser, present minimal risks of default; (4) Applicant's right to exercise them will be unconditional and unqualified; (5) although they will not be transferable, municipal securities purchased subject to a Commitment could be sold to a third party at any time, even though the Commitment is outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the municipal securities which are subject to a Commitment (excluding any accrued interest which Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. According to the application, a Stand-by Commitment will not obligate Applicant to sell the underlying securities back to the seller, nor entitle the seller to demand the return of the securities at its option, although a sale of the underlying securities by Applicant to a third party will terminate Applicant's rights under the related Stand-by Commitment to sell the securities back to the seller. Applicant further states since it intends to value its portfolio securities on an amortized cost basis pursuant to an exemptive order from the Commission, the amount payable under a Stand-by Commitment will be substantially the same as the portfolio value of the underlying securities. Applicant submits that there is little risk of an event occurring that would make the amortized cost valuation of its portfolio securities inappropriate. However, Applicant states that in the unlikely event that the market or fair value of securities in its portfolio were not substantially equivalent to their amortized cost value, its board of directors could determine that the securities should be valued on the basis of available market information. Applicant states that it expects to refrain from exercising Stand-by Commitments to avoid imposing a loss on a seller of securities and jeopardizing Applicant's business relationship with that seller.

According to the application, Applicant expects that Stand-by Commitments generally will be available without payment of any direct or indirect consideration. However, if necessary and advisable, Applicant

states that it will pay for Stand-by Commitments, either separately in cash or by paying a higher price for portfolio securities which are acquired subject to a Commitment (thus reducing the yield to maturity otherwise available for the same securities). As stated by Applicant, as a matter of policy, the total amount "paid" in either manner for outstanding Stand-by Commitments held in its portfolio will not exceed $\frac{1}{2}$ of 1% of the value of its total assets calculated immediately after any Stand-by Commitment is acquired.

As stated in the application, it will be difficult to evaluate the likelihood of exercise or the potential benefit of a Stand-by Commitment. Therefore, Applicant states that its board of directors believes that the value of any such Stand-by Commitment is zero, regardless of whether any direct or indirect consideration is paid. Where Applicant has paid for a Stand-by Commitment, its cost will be reflected as unrealized depreciation for the period during which the Commitment is held. In addition, Applicant states that for purposes of complying with the condition to Applicant's proposed amortized cost order from the Commission that the dollar-weighted average maturity of its portfolio shall not exceed 120 days, Stand-by Commitments will be valued at zero and that, as a result, the dollar-weighted average maturity will not be affected by the acquisition of a Stand-by Commitment.

Applicant states that it has not sought a favorable ruling from the Internal Revenue Service ("Service") with respect to Stand-by Commitments, but that the Service has issued a favorable private ruling to the effect that a registered investment company will be the owner of municipal securities acquired subject to a Commitment and that interest on the securities will be tax-exempt to the investment company (LTR 8034122, May 30, 1980). In addition, Applicant states that the Service has issued a favorable published ruling on a similar situation to the one described in this Application (Rev. Rule 82-144), but that the Service could reach a different result as to the Applicant's proposed transactions. The continued availability of Stand-by Commitments under all market conditions has not been assumed by Applicant.

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.

Applicant asserts that the requested relief is appropriate, in the public interest, and consistent with the protection of investors. Applicant submits that the proposed acquisition of Stand-by Commitments will not affect its net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds that same day in federal funds. Other investment techniques used by taxable money market funds to obtain liquidity are not as freely available to Applicant because they are prohibitively expensive or would produce taxable income in contradiction of Applicant's investment objective. Applicant further states that it will enter into Stand-by Commitments only with banks, brokers, and dealers which, in its investment adviser's opinion, are of satisfactory credit standing. Applicant asserts that in addition to the credit of these institutions, its rights under the Commitments will be secured to the extent of the value of the underlying securities that are subject to the Commitments. In this respect, the relationship between Applicant and the seller of securities subject to a Stand-by Commitment will be comparable to the relationship arising from a broker-dealer repurchase agreement or security loan that is fully collateralized on the date of purchase and thereafter collateralized to the extent of the value of the purchased or loaned securities. Therefore, states Applicant, the risk of loss is not qualitatively different from the risk of loss faced by any investment company holding securities pending settlement after having agreed to sell the securities in the ordinary course of business. Applicant states that its investment adviser intends to periodically evaluate the credit of institutions issuing Stand-by Commitments to Applicant in accordance with current procedures used to evaluate the quality of the institution's short-term debt securities, including periodic review of the institution's assets, liabilities, contingent claims, and other relevant financial information. Applicant states that it will not acquire Stand-by Commitments to promote reciprocal practices, to encourage the sale of its shares, or to obtain research services. Accordingly,

Applicant believes that the acquisition of such Commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require Applicant to evaluate the credit of dealers in determining its net asset value.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 15, 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. 83-2372 Filed 1-27-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19444; File No. SR-SCCP-83-2]

Filing and Immediate Effectiveness of Proposed Rule Change by Stock Clearing Corporation of Philadelphia ("SCCP")

January 20, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 18, 1983, the Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change authorizes SCCP (1) to accept from other self-regulatory organizations, including registered clearing agencies, as input into SCCP's comparison operation, initial or supplemental trade data on behalf of SCCP participants, and (2) to transmit to those organizations reports of clearing trade data on behalf of those

participants. Similar trade input and reporting services are to be provided to service bureaus acting on behalf of SCCP participants. The proposed rule change, among other things, allows SCCP to receive trade data from, and transmit reports regarding that data to, the National Association of Securities Dealers, Inc. in connection with its Trade Acceptance and Reconciliation Service, when that service is implemented. In addition, the proposed rule change would allow SCCP to provide comparison services, in SCCP's discretion, for participants of other self-regulatory organizations who are not SCCP participants, when deemed by SCCP to be appropriate. SCCP stated in its filing that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act in that it will promote the prompt and accurate clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication 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 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-SCCP-83-02.

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 these 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, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-3770 Filed 1-27-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12984 9812-53900]

Southern Farm Bureau Cash Fund, Inc., Filing of Application for an Order

January 20, 1983.

Notice is hereby given that Southern Farm Bureau Cash Fund, Inc. ("Applicant"), Suite 300, 1401 Livingstone Lane, Jackson, MS 39213, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 8, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its assets at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund designed to provide investors with current income, preservation of principal, and liquidity. Applicant states that its portfolio will consist of United States and United States Government agency and instrumentality obligations, bank obligations, commercial paper, corporate debt securities, repurchase agreements, and reverse repurchase agreements. Applicant states that Southern Farm Bureau Adviser, Inc., currently a wholly-owned subsidiary of Southern Farm Bureau Casualty Insurance Company, acts as Applicant's investment adviser.

Applicant asserts that its board of directors believes that stability of principal and a steady flow of predictable income at a currently competitive rate are essential to attract investors to "money market" funds. According to Applicant, its board has determined in good faith that, in light of Applicant's characteristics, the amortized cost method of valuation of portfolio securities is appropriate and preferable. Applicant represents that its board has further determined that it will continuously monitor valuations indicated by other methods and has directed management to make reports to the board so that the board may make any changes in the pricing method

which may be necessary to assure that the method of valuation being used is a fair approximation of fair value in view of all pertinent factors.

Applicant requests an order of exemption pursuant to Section 6(c) of the Act, from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio using the amortized cost method of valuation. 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, if and to the extent that such exemption 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.

Applicant consents to the issuance of an order of exemption subject to the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board undertakes—as a particular responsibility within the overall duty of care owed to its stockholders—to establish procedures reasonably designed taking into account current market conditions and Applicant's objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at \$1.00 per share.

2. Included within the procedures to be adopted by Applicant's board of directors shall be the following:

- (a) Review by the board, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's \$1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from Applicant's \$1.00 amortized cost price per share exceeds one-half of one percent, a requirement that the board will promptly consider what action, if any, should be initiated by the board.

(c) Where the board believes the extent of any deviation from Applicant's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing stockholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair results which may include (1) selling portfolio instruments prior to maturity to realize gains or losses or to shorten Applicant's average portfolio maturity, (2) redeeming shares in kind, (3) withholding dividends, or (4) utilizing available market quotations to determine net asset value per share.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year of (b) maintain a dollar weighted average portfolio maturity which exceeds 120 days. 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.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above; and, Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to Rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the board of directors determines present minimal credit risks, and which

are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board.

6. Applicant will include in each Quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, applicant will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 14, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his 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. 83-2371 Filed 1-27-83; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0015]

First Business Investment Corp.; Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration (SBA) Rules and Regulations governing Small Business Investment Companies (13 CFR 107.105 (1983)), First Business Investment Corporation, One West Loop South, Suite 807, Houston, Texas 77027, incorporated under the laws of the State of Texas, has surrendered its License

No. 06/10-0015, issued by the SBA on February 25, 1960.

First Business Investment Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above-cited Regulation, the license of First Business Investment Corporation is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59-011, Small Business Investment Companies)

Dated: January 24, 1983.

Robert G. Lineberry,
Deputy Associate Administrator for
Investment.

[FR Doc. 83-2515 Filed 1-27-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-5197]

Pan American Capital Corp.; Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration (SBA) Rules and Regulations governing Small Business Investment Companies (13 CFR 107.105 (1983)), Pan American Capital Corporation, P.O. Box 668, Opelousas, Louisiana 70570, incorporated under the laws of the State of Louisiana has surrendered its License No. 06/06-5197, issued by the SBA on January 17, 1978.

Pan American Capital Corporation, has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above-cited Regulation, the license of Pan American Capital Corporation is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59-011, Small Business Investment Companies)

Dated: January 24, 1983.

Robert G. Lineberry,
Deputy Associate Administrator for
Investment.

[FR Doc. 83-2516 Filed 1-27-83; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Companies; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business

concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective February 1, 1983, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 10.405% per annum.

Dated: January 25, 1983.

Edwin T. Holloway,
Associate Administrator for Finance and Investment.

[FR Doc. 83-2513 Filed 1-27-83; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan #2076]

Texas; Declaration of Disaster Loan Area

Newton County in the State of Texas constitutes a disaster area as a result of damage caused by heavy rain, rising water and flooding which occurred on December 25, 1982 through January 3, 1983. Eligible persons, firms and organizations may file applications for physical damage until the close of business on March 21, 1983, and for economic injury until the close of business on October 20, 1983, at the address listed below:

U.S. Small Business Administration,
2525 Murworth, Suite 112, Houston,
Texas 77054

or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 13%

Homeowners without credit available elsewhere, 6%

Businesses with credit available elsewhere, 11%

Businesses without credit available elsewhere, 8%

Businesses (EIDL) without credit available elsewhere, 8%

Other (non-profit organizations including charitable and religious organizations), 11%.

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 20, 1983.

Heriberto Herrera,
Acting Administrator.

[FR Doc. 83-2514 Filed 1-27-83; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/597]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development on Thursday, February 17, 1983, from 10:00 a.m. to 12:00 noon in the Loy Henderson Conference Room of the Department of State, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to report on the results of the OECD ICCP Special Session of December 1982 and to discuss preparation for the March ICCP meetings.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: January 17, 1983.

Philip T. Lincoln, Jr.,
Executive Secretary.
[FR Doc. 83-2402 Filed 1-27-83; 8:45 am]
BILLING CODE 4710-07-M

SYNTHETIC FUELS CORPORATION

Competitive Solicitation for Oil Shale Projects

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Issuance of competitive solicitation for oil shale projects.

SUMMARY: Notice is hereby given that on January 20, 1983, the United States Synthetic Fuels Corporation issued a Competitive Solicitation for Oil Shale Projects soliciting proposals for synthetic fuel projects to be assisted under Title I, Part B, of the Energy Security Act of 1980 (Pub. L. 96-294).

EFFECTIVE DATE: January 20, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph L. Bayrer, Vice President for Projects, United States Synthetic Fuels Corporation, 2121 K Street NW., Washington, D.C. 20586, (202) 822-6436.

FOR COPIES OF THE SOLICITATION, CONTACT: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2121 K Street NW., Washington, D.C. 20586, (202) 822-6460.

Dated: January 24, 1983.

United States Synthetic Fuels Corporation.
Jimmie R. Bowden,
Executive Vice President.

[FR Doc. 83-2346 Filed 1-27-83; 8:45 am]
BILLING CODE 0000-00-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Print Panel of the Commissioner of Internal Revenue Availability of Report on Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of availability of report on closed meetings of the art print panel.

SUMMARY: The report is now available.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976); section 8d(3) of the Office of Management and Budget (OMB) Circular No. A-63 (3-27-74), as supplemented; and section 12b of Treasury Directive 10-06.E (9-2-77): A report summarizing the closed meeting activities of the Art Print Panel during 1982 has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111

Constitution Avenue, NW., Washington, D.C. 20224

Requests for copies, at \$1.20 each, should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the *Federal Register* for Wednesday, November 8, 1978 (43 FR 52122).

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:C:E:V, 1111 Constitution Avenue, NW., Room 5431, Washington, D.C. 20224, Telephone (202) 566-4196 - (Not a toll free telephone number).

James I. Owens,
Acting Commissioner.

[FR Doc. 83-2501 Filed 1-27-83; 8:45 am]

BILLING CODE 4830-01-M

Proposed Revised Schedule F (Form 1040), Farm Income and Expenses

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed revised Schedule F (Form 1040), Farm Income and Expenses, and request for comment.

SUMMARY: The Internal Revenue Service is proposing for public comment the revision of the schedule used by taxpayers to figure the net profit or loss from farming income. Three different versions of Schedule F are being considered. The Service tentatively plans to adopt one of the versions for 1983, modified as necessary based on the nature of comments received. In addition, the Service is proposing for public comment revision of Form 4835, Farm Rental Income and Expenses and Summary of Gross Income from Farming or Fishing, which is used by landowners

and sub-lessors to figure farm rental income and expenses.

DATE: Written comments and suggestions should be mailed or delivered by March 31, 1983.

ADDRESS: Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Ms. Carolyn Tavenner, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone (202) 566-4075 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: Schedule F is used by taxpayers to figure farm income and expenses. Each of the three proposed versions of the schedule represents an attempt by the Internal Revenue Service to reduce the reporting burden associated with filing Schedule F.

The Service is interested in receiving comments regarding the feasibility of each of the three versions of the form. The listing of expenses in each version is basically the same as that used on the present Schedule F. The major provisions of each version are as follows:

1. Version A combines into one line sales of livestock and other items bought for resale and eliminates the description of the livestock and other items. Sales of livestock and produce raised and other income are combined into four main categories—livestock, livestock by-products, crop sales, and other farm income. Under this version, both cash and accrual method taxpayers complete Part I. Accrual method taxpayers also complete Part II to figure the cost of livestock, crops, and products sold, which is then subtracted from gross farm income in Part I to arrive at gross profits.

2. Version B uses separate Parts I and II according to the method of accounting used. Part I, for cash basis taxpayers, combines into one line sales of livestock and other items bought for resale and eliminates the description of these items. Detailed listings for other income items reported under the cash method are replaced with two categories of income—sales of livestock and produce raised, and other farm income. Part II is for use by accrual method taxpayers. The detailed listings of sales, inventory at the beginning and end of the year, and purchases are eliminated.

3. Version C format is substantially the same as the present Schedule F. However, under this proposal, taxpayers can choose to list certain items of income separately or enter only the total of these income items on the form.

Because some taxpayers may prefer the current Schedule F, the Service is also interested in receiving comments about whether the current Schedule F should be retained without change. Comments are also welcome concerning any suggestions to combine features of any of the versions.

In addition, the Service is interested in receiving comments regarding three separate proposals involving the reporting of farm rental income and expenses on Form 4835. The three proposals are as follows:

1. To revise Form 4835 to mirror changes made to Schedule F.

2. To eliminate Form 4835 and require farm rental income and expenses to be reported on Schedule F and provide an entry on Schedule F to identify the income as farm rental income.

3. To eliminate Form 4835 and require farm rental income and expenses to be reported directly on Schedule E.

Nelson A. Brooke,
Chairman, Tax Forms Coordinating Committee.

BILLING CODE 4830-01-M

VERSION A

SCHEDULE F
(Form 1040)Department of the Treasury
Internal Revenue Service

Farm Income and Expenses

▶ Attach to Form 1040, Form 1041, or Form 1065.
▶ See instructions for Schedule F (Form 1040).

OMB No. 1545-0074

1983

16

Name of proprietor(s)

Social security number

Farm name and address ▶

Employer identification number

Part I Farm Income—Cash and Accrual Method—Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report these sales on Form 4797. Complete Part I if you are on the cash or accrual method.

1 Sales of livestock and other items you bought for resale	1	
2 Livestock (cattle, calves, sheep, swine, poultry, goats, etc.)	2	
3 Livestock by-products (dairy, eggs, wool, etc.)	3	
4 Crop sales (vegetables, grains, tobacco, cotton, hay, straw, fruits, nuts, etc.)	4	
5 Other farm income (machine work, net patronage dividends, per-unit retains, agricultural program payments, crop insurance proceeds, etc.)	5	
6 Add amounts on lines 1 through 5	6	
7 If you are on the cash method, enter the cost or other basis of livestock and other items you bought for resale. If you are on the accrual method, complete Part II and enter the amount from Part II, line 13	7	
8 Gross Profits.* Subtract line 7 from line 6	8	

Part II Farm Income—Accrual Method—Complete Part II only if you are on the accrual method

9 Inventory of livestock, crops, and products at beginning of year	9	
10 Livestock, crops, and products purchased during year	10	
11 Add lines 9 and 10	11	
12 Inventory of livestock, crops, and products at end of year	12	
13 Cost of livestock, crops, and products sold. Subtract line 12 from line 11, and enter the result here. Also enter this amount in Part I, line 7	13	

Part III Farm Deductions—Cash and Accrual Method—Do not include personal or living expenses (such as taxes, insurance, repairs, etc., on your home), which do not produce farm income. Reduce the amount of your farm deductions by any reimbursement before entering the deduction below.

14 a Labor hired		28 Depreciation, including Section 179 expense deduction (from Form 4562)	
b Jobs credit		29 Insurance	
c Balance (subtract line 14b from line 14a)		30 Utilities	
15 Repairs, maintenance		31 Freight, trucking	
16 Interest		32 Conservation expenses	
17 Rent of farm, pasture		33 Land clearing expenses	
18 Feed purchased		34 Pension and profit-sharing plans	
19 Seeds, plants purchased		35 Employee benefit programs other than line 34	
20 Fertilizers, lime, chemicals		36 Other (specify)	
21 Machine hire			
22 Supplies purchased			
23 Breeding fees			
24 Veterinary fees, medicine			
25 Gasoline, fuel, oil			
26 Storage, warehousing			
27 Taxes		37 Total (add lines 14c through 36)	

38 Net farm profit or (loss). Subtract line 37 from line 8. If a profit, enter on Form 1040, line 19, and on Schedule SE, Part I, line 1. If a loss, go on to line 39. (Fiduciaries and partnerships, see the instructions.)

39 If you have a loss, do you have amounts for which you are not "at risk" in this farm (see instructions)? . . . ☐ Yes ☐ No
If you checked "No," enter the loss on Form 1040, line 19, and on Schedule SE, Part I, line 1. If you checked "Yes," get Form 6198.

*Use amount on line 8 for optional method of computing net earnings from self-employment. (See Schedule SE, Part II, line 4.)

For Paperwork Reduction Act Notice, see Form 1040 Instructions.

390-501-1

VERSION B

SCHEDULE F
(Form 1040)

Farm Income and Expenses

OMB No. 1545-0074

Department of the Treasury
Internal Revenue Service

▶ Attach to Form 1040, Form 1041, or Form 1065.

▶ See instructions for Schedule F (Form 1040).

1983

16

Name of proprietor(s)

Social security number

Farm name and address ▶

Employer identification number

Part I Farm Income—Cash Method

Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report these sales on Form 4797.

1 Sales of livestock and other items you bought for resale	1	
2 Cost or other basis of livestock and other items you bought for resale	2	
3 Subtract line 2 from line 1	3	
4 Sales of livestock and produce you raised	4	
5 Other farm income	5	
6 Gross Profits.* Add amounts on lines 3 through 5	6	

Part II Farm Income—Accrual Method (Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report these sales on Form 4797 and omit them from "Inventory at beginning of year" column.)

7 Sales of livestock, crops, and products during year and other farm income	7	
8 Inventory of livestock, crops, and products at beginning of year	8	
9 Cost of livestock and products purchased during year	9	
10 Add lines 8 and 9	10	
11 Inventory of livestock, crops, and products at end of year	11	
12 Cost of livestock, crops, and products. Subtract line 11 from line 10	12	
13 Gross Profits.* Subtract line 12 from line 7	13	

Part III Farm Deductions—Cash and Accrual Method

Do not include personal or living expenses (such as taxes, insurance, repairs, etc., on your home), which do not produce farm income. Reduce the amount of your farm deductions by any reimbursement before entering the deduction below.

14 a Labor hired		29 Utilities	
b Jobs credit		30 Freight, trucking	
c Balance (subtract line 14b from line 14a)		31 Conservation expenses	
15 Repairs, maintenance		32 Land clearing expenses	
16 Interest		33 Pension and profit-sharing plans	
17 Rent of farm, pasture		34 Employee benefit programs other than line 33	
18 Feed purchased		35 Depreciation, including Section 179 expense deduction (from Form 4562)	
19 Seeds, plants purchased		36 Other (specify) ▶	
20 Fertilizers, lime, chemicals			
21 Machine hire			
22 Supplies purchased			
23 Breeding fees			
24 Veterinary fees, medicine			
25 Gasoline, fuel, oil			
26 Storage, warehousing			
27 Taxes			
28 Insurance			

37 Total deductions from Part III. Add amounts in columns for lines 14c through 36	37	
38 Net farm profit or (loss). Cash method—Subtract line 37 from line 6. Accrual method—Subtract line 37 from line 13. If a profit, individuals enter on Form 1040, line 19, and on Schedule SE, Part I, line 1. If a loss, go on to line 39. (Fiduciaries and partnerships, see the instructions.)	38	

39 If you have a loss, do you have amounts for which you are not "at risk" in this farm (see instructions)? ☐ Yes ☐ No
If you checked "No," enter the loss on Form 1040, line 19, and on Schedule SE, Part I, line 1. If you checked "Yes," get Form 6198.

*Use amount on line 6 or 13 for optional method of computing net earnings from self-employment. (See Schedule SE, Part II, line 4.)

For Paperwork Reduction Act Notice, see Form 1040 Instructions.

390-501-1

VERSION C

SCHEDULE F
(Form 1040)Department of the Treasury
Internal Revenue Service

Farm Income and Expenses

▶ Attach to Form 1040, Form 1041, or Form 1065.
▶ See instructions for Schedule F (Form 1040).

OMB No. 1545-0074

1983

16

Name of proprietor(s)

Social security number

Farm name and address ▶

Employer identification number

Part I Farm Income—Cash Method

Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report these sales on Form 4797.

Sales of Livestock and Other Items You Bought for Resale

a. Description	b. Amount
1 a Livestock ▶	
b Other items ▶	
2 Totals. Add lines 1a and 1b	
3 Cost or other basis	
4 Subtract line 3 from line 2 ▶	

Sales of Livestock and Produce You Raised and Other Farm Income

Note: If you prefer not to list the items of income separately on lines 5 through 26, you may enter only the total on line 27.

Kind	Amount
5 Cattle and calves	
6 Sheep and wool	
7 Swine	
8 Poultry and eggs	
9 Dairy products	
10 Cotton	
11 Tobacco	
12 Vegetables	
13 Soybeans	
14 Corn and other grains	
15 Hay and straw	
16 Fruits and nuts	
17 Machine work	
18 a Patronage dividends	
b Less: Nonincome items	
c Net patronage dividends	
19 Per-unit retains	
20 Nonpatronage distributions from exempt cooperatives	
21 Agricultural program payments: a Cash	
b Materials and services	
22 Commodity credit loans under election (or forfeited)	
23 Federal gasoline tax credit	
24 State gasoline tax refund	
25 Crop insurance proceeds	
26 Other (specify) ▶	
27 Add amounts in column for lines 5 through 26	
28 Gross profits* (add lines 4 and 27) ▶	

Part II Farm Deductions—Cash and Accrual Method

Do not include personal or living expenses (such as taxes, insurance, repairs, etc., on your home), which do not produce farm income. Reduce the amount of your farm deductions by any reimbursement before entering the deduction below.

Items	Amount
29 a Labor hired	
b Jobs credit	
c Balance (subtract line 29b from line 29a)	
30 Repairs, maintenance	
31 Interest	
32 Rent of farm, pasture	
33 Feed purchased	
34 Seeds, plants purchased	
35 Fertilizers, lime, chemicals	
36 Machine hire	
37 Supplies purchased	
38 Breeding fees	
39 Veterinary fees, medicine	
40 Gasoline, fuel, oil	
41 Storage, warehousing	
42 Taxes	
43 Insurance	
44 Utilities	
45 Freight, trucking	
46 Conservation expenses	
47 Land clearing expenses	
48 Pension and profit-sharing plans	
49 Employee benefit programs other than line 48	
50 Depreciation, including Section 179 expense deduction (from Form 4562)	
51 Other (specify) ▶	
52 Total (add lines 29c through 51)	

53 Net farm profit or (loss) (subtract line 52 from line 28). If a profit, enter on Form 1040, line 19, and on Schedule SE, Part I, line 1. If a loss, go on to line 54. (Fiduciaries and partnerships, see the instructions.) 53

54 If you have a loss, do you have amounts for which you are not "at risk" in this farm (see instructions)? . . . ☐ Yes ☐ No
If you checked "No," enter the loss on Form 1040, line 19, and on Schedule SE, Part I, line 1. If you checked "Yes," get Form 6198.

*Use amount on line 28 for optional method of computing net earnings from self-employment. (See Schedule SE, Part II, line 4.)

For Paperwork Reduction Act Notice, see Form 1040 Instructions.

390-501-1

Sunshine Act Meetings

Federal Register

Vol. 48, No. 20

Friday, January 28, 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, February 4, 1983.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTER TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-131-83 Filed 1-26-83; 12:35 pm]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, February 1, 1983.

PLACE: Commission Conference Room 5240, fifth floor, 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 Vote/s.
2. Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 82-11-FOIA-234, concerning EEO-1 forms, all documents in any Title VII, EPA or ADEA proceeding instituted against a certain hospital.

4. Freedom of Information Act Appeal No. 82-9-FOIA-142-NY, concerning a request for access to records in a charge file.

5. Freedom of Information Act Appeal No. 82-09-FOIA-101-PA, concerning a request for access to a closed Title VII charge file.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

(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.

Issued: January 25, 1983.

[S-130-83 Filed 1-26-83; 9:45 am]

BILLING CODE 6570-06-M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-05A]

TIME AND DATE: 2:30 p.m., Tuesday, February 8, 1983.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-87 (Final) (Certain Seamless Steel Pipes and Tubes from Japan)—briefing and vote.
6. Investigations 731-TA-118/119 (Preliminary) (Certain Polyester Fabric from Japan and the Republic of Korea)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-128-83 Filed 1-25-83; 4:32 pm]

BILLING CODE 7020-02-M

4

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-05A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 3072, January 24, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, February 2, 1983.

CHANGES IN THE MEETING: Emergency addition to the agenda. In deliberations held Tuesday, January 25, 1983, the United States International Trade Commission, in conformity with 19 CFR 201.37(b), voted to add the following item to its agenda for the meeting:

4a. Certain staple guns (Docket No. 903).

Commissioners Eckes, Stern, and Haggard determined by unanimous consent that Commission business requires the change in subject matter by addition of the agenda item, affirmed that no earlier announcement of this addition to the agenda was possible, and directed the issuance of the notice at the earliest practicable time.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-129-83 Filed 1-25-83; 4:32 pm]

BILLING CODE 7020-02-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 31, 1983, at 450 5th Street, N.W. Washington, D.C.

A closed meeting will be held on Tuesday, February 1, 1983, at 10:00 a.m. An open meeting will be held on Tuesday, February 1, 1983, at 2:30 p.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 1, 1983, at 10:00 a.m., will be:

Formal orders of investigation.
 Institution of administrative proceedings of an enforcement nature.
 Institution of injunctive actions.
 Administrative proceeding of an enforcement nature.
 Access requests to investigative files by Federal, State, or Self-Regulatory authorities.

The subject matter of the open meeting scheduled for Tuesday, February 1, 1983, at 2:30 p.m., will be:

1. Meeting with the American Society of Corporate Secretaries.
2. Consideration of whether to issue an interpretive release under the Investment Company Act of 1940 announcing a revision of the position of the Division of Investment Management ("Division") taken in Investment Company Act Release No. 10666 (April 18, 1979) regarding registered investment companies entering into fully collateralized repurchase agreements with a broker or dealer, and announcing the view of the Division that the directors of money market funds using the amortized cost or penny rounding methods of portfolio valuation and share pricing pursuant to a Commission exemptive order or proposed Rule 2a-7 (if adopted) are required to evaluate the creditworthiness of all entities with which they propose to enter into repurchase agreements. For further information, please contact Brion R. Thompson at (202) 272-3026.
3. Consideration of whether to issue a release which would announce proposed amendments to Securities Exchange Act Rule 15b9-1 clarifying the requirement that a broker-dealer must either register as a SECO broker-dealer by filing Form SECO-5 and paying the applicable fee or become a member of the National Association of Securities Dealers, Inc., before conducting an over-the-counter securities business. For further information, please contact Howard L. Kramer at (202) 272-2411.
4. Consideration of whether to issue a release stating that a letter requesting confidential treatment for other materials submitted to the Commission will not be kept confidential unless the letter contains information which is protected under the

Freedom of Information Act. For further information, please contact Richard Moore at (202) 272-2332.

4. 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: Steve Boehm at (202) 272-2467.

January 25, 1983.

[S-132-83 Filed 1-26-83; 12:54 pm]

BILLING CODE 8010-01-M

6

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 10:15 a.m. (e.s.t.), Wednesday, February 2, 1983 (Meeting No. 1305).

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA ITEM:

A—Project Authorizations

A1. Project Authorization No. 3643—Fire protection improvements for the Power Service Center in Muscle Shoals, Alabama.

*A2. Project Authorization No. 3644—Interim offices and shop buildings at Browns Ferry Nuclear Plant.

C—Power Items

*C1. TVA's guaranty of Federal-American Partners' performance under mining equipment subleases and assignments in connection with the Gas Hills, Wyoming, uranium project.

C2. lease and amendatory agreement with Monroe County Electric Power Association, covering arrangements for distributor's lease of TVA's Caledonia Substation, located in Lowndes County, Mississippi.

D—Personnel Items

D1. renewal of personal services contract with Consultants & Designers Inc., New

* Items approved by individual Board members. This would give formal ratification to the Board's action.

York, New York, for engineering support services, requested by the Office of Engineering Design and Construction.

D2. Personal services contract with Applied Technology of Barnwell, Inc., Barnwell, South Carolina, for services of health physics technicians, requested by the Office of Power.

E—Real Property Transactions

E1. Grant of permanent easement to the State of Alabama for the construction, operation, and maintenance of a highway affecting approximately 18.5 acres of Guntersville Reservoir land in Marshall County, Alabama—Tract No. XTGR-142H.

E2. Grant of permanent easement to Decatur-Morgan County Port Authority for industrial site development affecting approximately 450 acres of Wheeler Reservoir land in Morgan County, Alabama—Tract No. XTGR-92E.

E3. Grant of permanent easement to Eastern Band of Cherokee Indians, affecting approximately 47 acres of Tellico Reservoir land in Monroe County, Tennessee—Tract No. XTTEL-27RE.

E4. Grant of 30-year industrial easement to Feed Terminal Company, Inc., for the construction, maintenance, and operation of a rail-to-barge coal terminal affecting 100.1 acres of Kentucky Reservoir land in Livingston County, Kentucky—Tract no. XGIR-904IE.

F—Unclassified

F1. Revised organizational bulletin—Tennessee Valley Authority.

F2. Budget plan for fiscal year 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.

Dated: January 26, 1983.

[S-133-83 Filed 1-26-83; 2:57 pm]

BILLING CODE 8120-01-M

Register Federal

Friday
January 28, 1983

Part II

Department of Defense

Department of the Air Force

Privacy Act of 1974; Systems of Records; Deletions, Amendments, and Republication

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Systems of Records; Deletions, Amendments, Republication

AGENCY: Department of the Air Force (AF), DoD.

ACTION: Deletion, Amendments, Republication of Air Force Systems of Records Notices.

SUMMARY: The Air Force is systematically republishing all of its systems of records notices. Each notice is being rejustified, rewritten and renumbered in the interest of accuracy, simplicity and clarity. Changes are summarized below and the rewritten notices follow in their entirety. The first publication in the **Federal Register** for November 4, 1982 deleted 32 notices and amended 84 others. This second publication deletes 11 more notices and amends 147.

EFFECTIVE DATE: The amendments will be effective on February 28, 1983 unless public comments are received which result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAD(S), The Pentagon, Washington, D.C. 20330, telephone: 202/694-3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records inventory subject to the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 44 Stat. 1896 *et seq.*) has been published in the **Federal Register** as follows:

FR Doc. 81-897 (46 FR 6443) January 21, 1981

FR Doc. 82-674 (47 FR 2544) January 18, 1982

FR Doc. 82-2886 (47 FR 5295) February 4, 1982

FR Doc. 82-4481 (47 FR 7478) February 19, 1982

FR Doc. 82-9886 (47 FR 14936) April 7, 1982

FR Doc. 82-10539 (47 FR 16827) April 20, 1982

FR Doc. 83-3029 (47 FR 50004) November 4, 1982

None of these changes required an altered system report as required by 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

January 19, 1983.

Deletions

FO3001 SPI A

System Name:

Duty and Travel Restriction
Notification Letters (44 FR 74173).

Reason:

This system has been discontinued.

FO3003 XOXXX

System Name:

Next of Kin Inquiries Civilian MIA/
PWs (44 FR 74178).

Reason:

This system has been discontinued.

FO300410HAJXFA

System Name:

Air Force Systems Command (AFSC)
Personnel Resource Management
System (44 FR 74190).

Reason:

This system has been discontinued.

FO3504 OTMUHJD

System Name:

PCS Funds Control Log (44 FR 74242).

Reason:

These records are not retrieved by
any personal identifier.

FO3507 OJ DP A

System Name:

Flying Evaluation Board (FEB) File (44
FR 74248).

Reason:

This system has been discontinued.

F16802 ORKNMDA

System Name:

Civilian Health/Medical Program of
Uniformed Services (CHAMPUS) Case
Claim Files (46 FR 6577).

Reason:

This system has been discontinued.

F17101 OHZHTVD

System Name:

Management Oriented Personnel
System (MOP) (44 FR 74348).

Reason:

This system has been discontinued.

F17720 OCGBUZA

System Name:

Control Log for Civilian Medical Care
(44 FR 74361).

Reason:

This system has been discontinued.

F21301 OJ DP A

System Name:

Completion of Courses/Degrees
Under Operation Bootstrap (44 FR
74386).

Reason:

These records are properly part of
system F05002 DPPE A, Education
Services Program Records (Individual)
(44 FR 74275).

F90001 XRDE A

System Name:

USAF Harold Brown Award (44 FR
74394).

Reason:

This is not a system of records under
the Privacy Act.

F90001XRDE B

System Name:

USAF Research and Development
Award (44 FR 74394).

Reason:

This is not a system of records under
the Privacy Act.

Amendments

The following major changes have
been made to the systems notices
published as amended below. These
notices have also been substantially
rewritten in the interest of clarity and
accuracy.

F00401 05HCHLA

System Name:

For Cause Separation of Personnel
with Duty and Travel Restriction (FCS/
DTR) (44 FR 74146).

Change:

System Identification:

Change to, "F030 AFIS A."

System Name:

Change to, "For Cause Discharge
Program."

F01001 OCGBUZA

System Name:

Individual Weight Control File (44 FR
74150).

*Changes:**System Identification:*

Change to, "F035 AF MP N."

System Name:

Change to, "Individual Weight Management File."

F01001 OJDDBB*System Name:*

Administrative Discharge Information Summary (44 FR 74150).

*Changes:**System Identification:*

Change to, "F035 ATC J."

Authority for Maintenance of the System:

Change to, "10 USC 8012, Secretary of the Air Force: powers and duties; delegation by."

F01001 DAYYT A*System Name:*

Unusual and Incoherent Translation Material (44 FR 74148).

*Change:**System Identification:*

Change to, "F010 DAS A."

F01001 OKPNQSA*System Name:*

Potential Faculty Rating System (44 FR 74151).

*Changes:**System Identification:*

Change to, "F010 ATC A."

Authority for Maintenance of the System:

Change to, "10 USC 8012, Secretary of the Air Force: powers and duties; delegation by."

F01101 DAYYT A*System Name:*

Operational Reference File (44 FR 74154).

*Changes:**System Identification:*

Change to, "F011 DAS A."

Authority for Maintenance of the System:

Change to, "10 USC 8032, The Air Staff, General duties."

F01001 05HCHLC*System Name:*

Air Force Attache System (44 FR 74153).

*Change:**System Identification:*

Change to, "F030 AFIS B."

System Name:

Change to, "Air Force Attache Personnel and Area Specialist System."

F01001 05HCHLD*System Name:*

Prisoner of War (PW) Debriefing Files (44 FR 74153).

*Change:**System Identification:*

Change to, "F010 AFIS B."

F01101 DPXJ B*System Name:*

Record of Air Force Personnel Assigned Outside the Department of Defense (44 FR 74155).

*Changes:**System Identification:*

Change to, "F011 MP A."

Authority for Maintenance of the System:

Change to, "10 USC 8012, Secretary of the Air Force: powers and duties; delegation by."

F01101 OJ TTSB*System Name:*

Graduate Evaluation Master File (44 FR 74156).

*Changes:**System Identification:*

Change to, "F011 ATC A."

Authority for Maintenance of the System:

Change to, "10 USC 8012, Secretary of the Air Force: powers and duties; delegation by."

F01101 OKPNQSA*System Name:*

Air Force Reserve Officer Training Corps (AFROTC) Membership System (44 FR 74156).

*Changes:**System Identification:*

Change to, "F045 ATC B."

F01101 OKPNQSB*System Name:*

Four-Year Reserve Officer Training Corps (AFROTC) Scholarships Program Files (44 FR 74157).

*Changes:**System Identification:*

Change to, "F011 ATC E."

Authority for Maintenance of the System:

Change to, "10 USC 2107, Financial assistance program for selected members."

F01102 AF A*System Name:*

Congressional and Other High Level Inquiries (46 FR 6535).

*Changes:**System Identification:*

Change to, "F011 AF MP A."

F01102 DAYX A*System Name:*

Base, Unit, and Organizational Military and Civilian Personnel Locator File (44 FR 74160).

*Changes:**System Identification:*

Change to, "F011 AF A."

System Name:

Military and Civilian Personnel Locator and Registration Files.

Authority for Maintenance of the System:

Change to, "10 USC 8012, Secretary of the Air Force: powers and duties; delegation by."

F01102 ORKNMPA*System Name:*

General and Colonel Personnel Data Action Records (44 FR 74166).

*Change:**System Identification:*

Change to, "F011 PACAF A."

F01201 DAD A*System Name:*

Privacy Act Request File (44 FR 74168).

*Change:**System Identification:*

Change to, "F012 AF B."

F01201 OQPTFLA*System Name:*

Information Requests-Freedom of Information Act (46 FR 6537).

*Change:**System Identification:*

Change to, "F012 AF A."

F03001 OCGBUZA*System Name:*

Drug/Alcohol Abuse Control Case Files (44 FR 74173).

*Changes:**System Identification:*

Change to, "F030 AF MP B."

System Name:

Change to, "Drug/Alcohol Abuse Evaluation and Rehabilitation Case Files."

F03001 OJMLSC*System Name:*

Drug Abuse Control Case Files (44 FR 74174).

*Changes:**System Identification:*

Change to, "F030 ATC A."

System Location:

Change to, "Special Counseling Section, 3507 Airman Classification Squadron, Lackland Air Force Base, TX 782360."

F03002 SPO A*System Name:*

Documentation for Identification and Entry Authority (44 FR 74175).

*Change:**System Identification:*

Change to, "F030 AF SP A."

F03003 DPMSACB*System Name:*

Deceased Service Member's Dependent File (44 FR 74176).

*Change:**System Identification:*

Change to, "F030 MPC A."

F03003 DPMSACC*System Name:*

Indebtedness, Nonsupport, Paternity (44 FR 74177).

*Change:**System Identification:*

Change to, "F030 MPC B."

F03003 DPMSA*System Name:*

Casualty Files (44 FR 74177).

*Change:**System Identification:*

Change to, "F030 AF MP C."

F03004 AFDPMDA*System Name:*

Contingency Planning Support Capability (CPSC) (44 FR 74178).

*Change:**System Identification:*

Change to, "F030 AF MP D."

F03004 AFDPMDB*System Name:*

Advanced Personnel Data System (APDS) (46 FR 6541).

*Changes:**System Identification:*

Change to, "F030 AF MP A."

System Name:

Change to, "Personnel Data System (PDS)."

F03004 OJ RSSA*System Name:*

Processing and Classification of Enlistees (PACE) (44 FR 74187).

*Changes:**System Identification:*

Change to, "F030 ATC C."

Authority for Maintenance for the System:

Change to, "10 USC 9302, Enlisted member of the Air Force: schools."

F03004 OJ RSSB*System Name:*

Enlistee Quality Control Monitoring system (44 FR 74188).

*Changes:**System Identification:*

Change to, "F030 ATC B."

Authority for Maintenance for the System:

Change to, "10 USC 503, Enlistments: recruiting campaigns; 505 Regular components: qualification, term, grade; and 8012, Secretary of the Air Force: powers and duties; delegation by."

F03004 OTMUHJK*System Name:*

Base Automated Mobility System (BAMS) Personnel Extract Tape (44 FR 74189).

*Change:**System Identification:*

Change to, "F030 TAC A."

F03403 DPMSA*System Name:*

Nonappropriated Fund (AF NAF) Employee Insurance and Benefits System File (44 FR 74194).

*Changes:**System Identification:*

Change to, "F176 AF MP B."

F03501 AFDPO U*System Name:*

Office File (44 FR 74196).

*Change:**System Identification:*

Change to, "F035 MPC L."

F03501 ASGPS R*System Name:*

Medical Opinions and Board for Correction of Air Force Military Records Cases (BCMR) (44 FR 74198).

*Change:**System Identification:*

Change to, "F035 MPCH."

F03501 DP3*System Name:*

Unit Assigned Personnel Information (46 FR 6553).

*Changes:**System Identification:*

Change to, "F035 AF MP O."

Categories of Individuals Covered by the System:

Add, "Air Force civilian employees may be included when records are created which are identical to those on military members."

F03501 DPMAKEI*System Name:*

Absentee and Deserter Information Files (44 FR 74200).

*Change:**System Identification:*

Change to, "F035 AF MP J."

F03501 DPMAO K*System Name:*

Officer Effectiveness Report (OER)/ Airman Performance Report (APR) Appeal Case Files (44 FR 74200).

*Change:**System Identification:*

Change to, "F035 AF MP D."

F03501 DPMAR*System Name:*

Disability/Non-Disability Retirements Records (44 FR 74201).

*Change:**System Identification:*

Change to, "F035 MPC E."

F03501 DPMDQIA*System name:*

Military Personnel Records System (48 FR 6554).

*Change:**System Identification:*

Change to, "F035 AF MP C."

F03501 DPMDRAB*System name:*

Correction of Military Record Card (44 FR 74203).

*Change:**System Identification:*

Change to, "F035 MPC D."

F03501 DPMHC L*System Name:*

Chaplain Applicant Processing Folder (44 FR 74203).

*Change:**System Identification:*

Change to, "F035 MPC M."

F03501 DPMSG M*System Name:*

Health Education Records (44 FR 74203).

*Change:**System Identification:*

Change to, "F035 MPC F."

F03501 DPMSG N*System Name:*

Application for Appointment and Extended Active Duty (44 FR 74204).

*Change:**System Identification:*

Change to, "F035 MPC A."

F03501 DPMSG O*System Name:*

Medical Officer Personnel Utilization Records (44 FR 74205).

*Change:**System Identification:*

Change to, "F035 MPC G."

F03501 DPPP S*System Name:*

United States Air Force (USAF) Airman Retraining (USAF) Airman Retraining Program (44 FR 74207).

*Change:**System Identification:*

Change to, "F035 AF MP E."

System Name:

Change to, "USAF Airman Retraining Program."

F03501 DPMYR R*System Name:*

Statutory Tour Program (44 FR 74207).

*Change:**System Identification:*

Change to, "F035 MP B."

F03501 MPC A*System Name:*

Civilian/Military Service Review Board Card (44 FR 74208).

*Change:**System Identification:*

Change to, "F035 MPC B."

F03501 MPC B*System Name:*

Effectiveness/Performance Reporting System (46 FR 6555).

*Change:**System Identification:*

Change to, "F035 AF MP A."

F03501 OJ DP B*System Name:*

Status of Ineffective Recruiter (44 FR 74212).

*Changes:**System Identification:*

Change to, "F035 ATC I."

Authority for Maintenance of the System:

Change to, "10 USC 503, Enlistments: Recruiting campaigns."

F03501 OKPNQSD*System Name:*

AFJROTC Instructor Records System (44 FR 74213).

*Change:**System Identification:*

Change to, "F035 ATC B."

F03501 OKPNQSD*System Name:*

Air Force Junior ROTC (AFJROTC) Instructor/Applicant System (46 FR 6557).

*Changes:**System Identification:*

Change to, "F045 ATC A."

Authority for Maintenance of the System:

Change to, "10 USC Chapter 102-Junior Reserve Officers Training Corps."

F03501 OTMUHJA*System Name:*

Informational Personnel Records (OI Personnel Background) (44 FR 74215).

System Identification:

Change to, "F035 TAC A."

F03501 OUMCBVA*System Name:*

Geographically Separated Unit Copy Officer Effectiveness & Airmen Performance Report (44 FR 74216).

*Change:**System Identification:*

- Change to, "F035 AF MP B."

F03501 05HCHLH*System Name:*

Reserve Management and Mobilization System (RMAMS) (44 FR 74216).

*Changes:**System Identification:*

Change to, "F035 AFIS A."

System Name:

Change to, "Intelligence Reserve Information System (IRIS)."

F03501 XOOTAYZA*System Name:*

Management Control System (44 FR 74225).

*Change:**System Identification:*

Change to, "F035 AFDSC A."

F03502 DPMMB A*System Name:*

Selective Reenlistment Consideration (44 FR 74228).

*Change:**System Identification:*

Change to "F035 AF MP G."

F03502 DPMMB B*System Name:*

Request for Variable Reenlistment Bonus (VRB) and/or Advance Payment of VRB (44 FR 74228).

*Changes:**System Identification:*

Change to, "F0355 AF MP F."

System Name:

Change "Variable "to" Selective," and "VRB "to" SRB."

F03502 07YLNGA*System Name:*

Career Development Folder.

*Change:**System Identification:*

Change to, "F035 AFOSI B."

F03503 ATC A*System Name:*

Recruiting Research and Analysis System (44 FR 74231).

*Change:**System Identification:*

Change to, "F035 ATC H."

F03503 ATC RSL*System Name:*

Basic Trainee Interview Record (44 FR 74231).

*Change:**System Identification:*

Change to, "F035 ATC D."

F03503 ATC RSM*System Name:*

Recruiting Activities Management Support System (44 FR 74232).

*Change:**System Identification:*

Change to, "F035 ATC G."

F03503 DPMMP A*System Name:*

Air Force Enlistment/Commissioning Records System (46 FR 6559).

*Change:**System Identification:*

Change to, "F035 AF MP H."

F03503 07YLNGB*System Name:*

Internal Personnel Data System (44 FR 74221).

*Change:**System Identification:*

Change to, "F035 AFOSI A."

F03504 DPM A*System Name:*

Relocation Preparation Project Folders (44 FR 74234)

*Change:**System Identification:*

Change to, "F035 AF MP K."

F03504 DPMHC A*System Name:*

Chaplain Personnel Action Folder (46 FR 6560).

*Changes:**System Identification:*

Change to, "F035 HC A."

Categories of Records in the System:

Change to, "A grouping of information for each United States Air Force (USAF) chaplain. Items of information in these folders include: Correspondence between the chaplain and Headquarters USAF/Chief of Chaplains; copy of ecclesiastical endorsement; correspondence between the chaplain and the chaplain's office at the Air Force Manpower and Personnel Center; summary of education; application for appointment as Reserve of the Air Force; application for extended active duty with the United States Air Force; copy of extended active duty orders; copy of appointment orders; student information sheets prepared while attending USAF Chaplain School courses; current Career Brief; Officer Career Objective Statement; chaplain services personnel evaluation; copies of letters to and from ecclesiastical endorsing agencies concerning their chaplain representative; copies of assignment actions documents; permanent change of station orders, temporary duty orders, request for extension/curtailment of tour, release from active duty orders, request for humanitarian reassignment; retirement orders; informal letters/memoranda or commendation/recommendation; letter of complaint against a chaplain from individuals; reports of investigation; letter/memoranda of favorable/unfavorable information; letters/memoranda concerning nonprofessionalism of the chaplain;

current photograph; computer printout of military history; copy of withdrawal of ecclesiastical endorsement."

Authority for Maintenance of the System:

Change to, "10 USC 8012; Secretary of the Air Force powers and duties, delegation by; 8067 (h), Designation: officers to perform certain professional functions; Defense Officer Personnel Management Act of 1980."

F03504 DPMHC B*System Name:*

Assignment Action File (44 FR 74235).

*Change:**System Identification:*

Change to, "F035 MPC N."

F03504 DPMRA C*System Name:*

Airmen Utilization Records System (44 FR 74235).

*Change:**System Identification:*

Change to, "F035 MPC J."

F03504 DPMRO D*System Name:*

Officer Utilization Records System (44 FR 74236).

*Change:**System Identification:*

Change to, "F035 MPC Q."

F03504 DPMYCOF*System Name:*

Incoming Clearance Record (44 FR 74237).

*Change:**System Identification:*

Change to, "F035 AF MP L."

F03504 OYUEBLB*System Name:*

Commander Identification (46 FR 6561).

*Change:**System Identification:*

Change to, "F035 AFCC A."

System Name:

Change to, "Scope Leader Program".

F03505 DPMAO A*System Name:*

Unfavorable Information Files (UIFs) (44 FR 74244).

<i>Change:</i>	F03508 DPMAW M	F05002 ATC TTS
<i>System Identification:</i>	<i>System Name:</i>	<i>System Name:</i>
Change to, "F035 AF MP L."	Historical Airman Promotion Master Test File (MTF) (44 FR 74250).	Student Record of Training (46 FR 6569).
F03505 DPMAO B	<i>Change:</i>	<i>Change:</i>
<i>System Name:</i>	<i>System Identification:</i>	<i>System Identification:</i>
Personnel Action File (Digest File) (46 FR 6562).	Change to, "F035 MPC L."	Change to, "F050 ATC H."
<i>Change:</i>	F03508 DPMAW	F05002 DPPE A
<i>System Identification:</i>	<i>System Name:</i>	<i>System Name:</i>
Change to, "F035 MP C."	Airman Promotion Historical Records (44 FR 74251).	Education Services Program Record (Individual) (44 FR 74275).
F03506 DPMAW A	<i>Change:</i>	<i>Change:</i>
<i>System Name:</i>	<i>System Identification:</i>	<i>System Identification:</i>
Air Force Personnel Test 851, Test Answer Cards (44 FR 74245).	Change to, "F035 MPC K."	Change to, "F050 AF MP A."
<i>Change:</i>	F04501 DPMMP A	F05002 OJ DOZB
<i>System Identification:</i>	<i>System Name:</i>	<i>System Name:</i>
Change to, "F035 MPC R."	Educational Delay Board Findings (44 FR 74262).	Individual Academic Records—Survival Training Students (44 FR 74279).
F03506 OKPNQSA	<i>Change:</i>	<i>Change:</i>
<i>System Name:</i>	<i>System Identification:</i>	<i>System Identification:</i>
Air Force Reserve Officer Training Corps Qualifying Test Scoring System (46 FR 6563).	Change to, "F045 MPC A."	Change to, "F050 ATC D."
<i>Change:</i>	F04501 OKPNQSA	F05002 OJ TTPA
<i>System Identification:</i>	<i>System Name:</i>	<i>System Name:</i>
Change to, "F035 ATC C."	Cadet Records (45 FR 74263)	Technical Training Course Management Information System (44 FR 74279).
F03507 DPMAJDA	<i>Change:</i>	<i>Change:</i>
<i>System Name:</i>	<i>System Identification:</i>	<i>System Identification:</i>
Flying Status Branch File (44 FR 74247).	Change to, "F045 ATC C."	Change to, "F050 ATC L"
<i>Change:</i>	F04501 OKPNQSC	F05002XOJ ED A
<i>System Identification:</i>	<i>System Name:</i>	<i>System Name:</i>
Change to, "F035 MPC S."	AFROTC Field Training Assignment System	Community College of the Air Force Student Record System (46 FR 6572).
<i>System Name:</i>	<i>Change:</i>	<i>Change:</i>
Change to, "Aviation Service Branch File."	<i>System Identification:</i>	<i>System Identification:</i>
F03508 DPMAJAA	Change to, "F045 ATC D."	Change to, "F050 ATC B."
<i>System Name:</i>	F05001 OJ DP A	F05002 OKPNQSA
Officer Promotion and Appointment (44 FR 74248).	<i>System Name:</i>	<i>System Name:</i>
<i>Change:</i>	Faculty Board Ledger (44 FR 74270).	Air University Academic Records (44 FR 74280).
<i>System Identification:</i>	<i>Change:</i>	<i>Change:</i>
Change to, "F035 AF MP M."	<i>System Identification:</i>	<i>System Identification:</i>
F03508 DPMAJBA	Change to, "F050 ATC C."	Change to, "F050 ATC F."
<i>System Name:</i>	F05002 ATC A	F05002 OKPNQSB
Recorder's Roster (46 FR 6563).	<i>System Name:</i>	<i>System Name:</i>
<i>Change:</i>	Maintenance Management Automated Training system (MMATS) (44 FR 74274).	Student Record Folder (44 FR 74280).
<i>System Identification:</i>	<i>Change:</i>	
Change to, "F035 MPC P."	<i>System Identification:</i>	
	Change to, "F050 ATC E."	

*Change:**System Identification:*

Change to, "F050 ATC G."

F05002 OQVDYDA*System Name:*

Unit Training Program (44 FR 74281).

*Change:**System Identification:*

Change to, "F050 AF SP A."

F05002 OYUEBLA*System Name:*Air Traffic Control (ATC)
Certification Documentation (46 FR
6569).*Change:**System Identification:*

Change to, "F050 AFCC A."

*System Name:*Change to, "USAF Air Traffic Control
(ATC) Certification and Rating
Documentation."**F05002 OYUEBLG***System Name:*Air Traffic Control Rating and
Training Program Documentation (46 FR
6570).*Changes:**System Identification:*

Change to, "F050 AFCC B."

*System Name:*Change to, "Air Traffic Control (ATC)
Training Program."**F05002 OYUEBLD***System Name:*

Student Record (46 FR 6570).

*Change:**System Identification:*

Change to, "F050 AFCC D."

F05002 OYUEBLE*System Name:*Individual Academic Training Record
(46 FR 6571).*Change:**System Identification:*

Change to, "F050 AFCC C."

F05002 07YLNGA*System Name:*United States Air Force Special
Investigations School Individual
Academic Records (44 FR 74283).*Change:**System Identification:*

Change to, "F050 AFOSI A."

*System Name:*Change to, "USAF Special
Investigations Academy Individual
Academic Records."**F05101 OJ DOTA***System Name:*Flying Training Records-Nonstudent
(44 FR 74286).*Change:**System Identification:*

Change to, "F051 ATC B."

F05101 OJ DOTB*System Name:*Flying Training Records-Student (46
FR 6573).*Change:**System Identification:*

Change to, "F051 ATC C."

F05101 OJ MPLSA*System Name:*

Flying Training Records (44 FR 74287).

*Change:**System Identification:*

Change to, "F051 ATC A."

F05101 OTMUHJA*System Name:*Tactical Air Command Automated
Flying Training Management System (44
FR 74288).*Change:**System Identification:*

Change to, "F051 TAC A."

F06005 XOOFFA*System Name:*Air Force Operations Resource
Management System (AFORMS) (44 FR
74291).*Change:**System Identification:*

Change to, "F060 AF A."

F06608 OOJUBJB*System Name:*Maintenance Management
Information and Control System MMICS
(44 FR 74294).*Change:**System Identification:*

Change to, "F066 AF A."

F06711 AFSCA*System Name:*Equipment Maintenance Management
Program (EMMP) (44 FR 74295).*Change:**System Identification:*

Change to, "F067 AFSC A."

F08003 OHCNBCA*System Name:*Aeromedical Research Data (44 FR
74300).*Change:**System Identification:*

Change to, "F080 AFSC A."

F10010 AFCS A*System Name:*Military Affiliate Radio System
(MARS) Member Records (44 FR 74302).*Change:**System Identification:*

Change to, "F100 AFCC A."

F12001 DPX B*System Name:*Investigations/Complaints Files (44
FR 74312).*Change:**System Identification:*

Change to, "F120 AF MP A."

F12401 07YLNGA*System Name:*

Badge and Credentials (44 FR 74313).

*Changes:**System Identification:*

Change to, "F124 AFOSI A."

*Authority for Maintenance of the
System:*Change to, "18 USC 499, Military,
naval or official passes; 506, Seals of
department or agencies and 701, Official
badges, identification cards, other
insignia."**F12404 07YLNGA***System Name:*Investigative Support Records (44 FR
74314).*Change:**System Identification:*

Change to, "F124 AF D."

F12406 07YLNGA*System Name:*

Security and Related Investigative Records (44 FR 74315).

*Change:**System Identification:*

Change to, "F124 AF B."

F12410 07YLNGA*System Name:*

Criminal Records (44 FR 74317).

*Change:**System Identification:*

Change to, "F124 AF C."

F12401 07YLNGB*System Name:*

Investigative Applicant Processing Records (44 FR 74314).

*Change:**System Identification:*

Change to, "F124 AFOSI B."

F12408 07YLNGA*System Name:*

Counterintelligence Operations and Collection Records (44 FR 74316).

*Change:**System Identification:*

Change to, "F124 AF A."

F12501 ASPP*System Name:*

Firearms Authorization and Safety Records (44 FR 74318).

*Changes:**System Identification:*

Change to, "F125 AF SP A."

System Name:

Change to "Air Force Policy Statement—Firearms Safety and Use of Force."

F12501 SPO D*System Name:*

Provisional Pass (44 FR 74318).

*Change:**System Identification:*

Change to, "F125 AF SP H."

F12501 SPO E*System Name:*

Registration Records (Excluding Private Vehicle Records) (44 FR 74318).

*Change:**System Identification:*

Change to, "F125 AF SP L."

F12501 SPO F*System Name:*

Notification Letters to Persons Barred From Entry to Air Force Installations (44 FR 74319).

*Change:**System Identification:*

Change to, "F125 AF SP F."

F12501 SPO G*System Name:*

Complaint/Incident Reports (44 FR 74320).

*Change:**System Identification:*

Change to, "F125 AF SP B."

F12501 SPO H*System Name:*

Serious Incident Reports (44 FR 74320).

*Changes:**System Identification:*

Change to, "F125 AF SP J."

Authority for Maintenance of the System:

Add, "and Chapter 47—Uniform Code of Military Justice."

F12501 SPO I*System Name:*

Incident Investigation File (44 FR 74321)

*Change:**System Identification:*

Change to, "F125 AF SP E."

F12501 SPO J*System Name:*

Traffic Accident and Violation Reports (44 FR 74321).

*Change:**System Identification:*

Change to, "F125 AF SP L."

F12501XSPP B*System Name:*

Pickup or Restriction Order (44 FR 74323).

*Change:**System Identification:*

Change to, "F125 AF SP G."

F12501 OQVDYDC*System Name:*

Field Interview Card (44 FR 74322).

*Change:**System Identification:*

Change to, "F125 AF SP D."

F12502 SPP A*System Name:*

Correction Records (46 FR 6575).

*Change:**System Identification:*

Change to, "F125 AF SP C."

F12503 SPO A*System Name:*

Vehicle Administrative Records (44 FR 74324).

*Change:**System Identification:*

Change to, "F125 AF SP K."

F12701 OJ IGYA*System Name:*

Air Training Command Aircraft Mishap Board Resource List (44 FR 74325).

*Change:**System Identification:*

Change to, "F127 ATC A."

F160 AF SG B*System Name:*

Medical Professional Staffing Records (47 FR 50051)

*Change:**Categories of Records in the System:*

Add after "information," in line 7, "including malpractice claims reports," and after "individuals," in line 9, "and the records of any actions taken on the individual's credentials."

F16002 SGPS B*System Name:*

Retirements/Separations Records System (44 FR 74330).

*Change:**System Identification:*

Change to, "F160 MPC A."

System Name:

Change to, "Medical Assignment Limitation Record System."

F17101 OHZHTVA*System Name:*

Manhour Accounting System (MAS) (44 FR 74348).

*Change:**System Identification:*

Change to, "F178 AFSC B."

F17101 OJNTMUA*System Name:*

Behavioral Automated Research System (BARS) (44 FR 74348).

*Change:**System Identification:*

Change to, "F125 ATC A."

F17603 OYUEBLA*System Name:*

Individual Earning Data (44 FR 74352).

*Change:**System Identification:*

Change to, "F176 AFCC A."

F17607 DPMS*System Name:*

Nonappropriated Fund Instrumentalities (NAFIs) Financial System (44 FR 74353).

*Change:**System Identification:*

Change to, "F176 AF MP A."

F17724 OKPNQSA*System Name:*

Air Force ROTC Cadet Pay System (44 FR 74367).

*Change:**System Identification:*

Change to, "F177 ATC A."

F17801 OJ RS A*System Name:*

Lead Management System (LMS) (46 FR 6585).

*Change:**System Identification:*

Change to, "F035 ATC F."

F17801 OKPNQSA*System Name:*

Student Questionnaire (44 FR 74372).

*Change:**System Identification:*

Change to, "F050 ATC J."

F17802XOOAYZM*System Name:*

Personnel Cost Accounting System (PCAS)

*Changes:**System Identification:*

Change to, "F178 AFCC A."

System Name:

Change to, "Center Automated Manhour and Update System (CAMPUS)."

System Location:

Change to, "Air Force Systems Design Center (AFDSDC), Gunter Air Force Station, AL 36114."

System Manager(s) and Address:

Change to, "Commander, Air Force Data Systems Design Center, Gunter Air Force Station, AL 36114."

F18201 DAC A*System Name:*

Air Force Postal Directory File (44 FR 74373).

*Change:**System Identification:*

Change to, "F182 AF A."

F20002 05HCHLA*System Name:*

Operations Security File for Foreign Intelligence Collection Activities (44 FR 74377).

*Changes:**System Identification:*

Change to, "F200 AFIS A."

System Name:

Delete, "Operations" and, "Activities."

F20002 05HCHLD*System Name:*

DIA Source Administration Program for Foreign Intelligence Collection Activities (44 FR 74377).

*Changes:**System Identification:*

Change to, "F200 AFIS B."

System Name:

Change to, "DIA Program for Foreign Intelligence Collection."

F20505 AFIS A*System Name:*

Sensitive Compartment Information Personnel Security Records (44 FR 74382).

*Changes:**System Identification:*

Change to, "F205 AFIS A."

F21301 DPMSS A*System Name:*

Air Force Educational Assistance Loans (44 FR 74385).

*Change:**System Identification:*

Change to, "F213 AFWB A."

F21306 OSPCZPA*System Name:*

Individual Class Record Form (44 FR 74387).

*Change:**System Identification:*

Change to, "F123 AF MP A."

F21401 OJ SSFK*System Name:*

Kindergarten Student File (44 FR 74387).

*Change:**System Identification:*

Change to, "F034 ATC A."

F40-1-7 FZHTVA*System Name:*

Air Force Logistics Command (AFLC) Supergrade Information File (44 FR 74392).

*Changes:**System Identification:*

Change to, "F040 AFLC A."

Systems Name:

Change "Supergrade" to "Senior Civilian."

F90001 DAY A*System Name:*

Annual Outstanding Air Force Administration And Executive Support Award (44 FR 74391).

*Changes:**System Identification:*

Change to, "F900 DAY A."

F90001 DPMSAAB*System Name:*

Military Decorations (44 FR 74392).

*Change:**System Identification:*

Change to, "F900 AFMP A."

F90001 OTMUHJA**System Name:**

Special Awards File (44 FR 74393).

Change:**System Identification:**

Change to, "F900 TAC A."

F90002 MPC A**System Name:**

Suggestions, Inventions, Scientific Achievements (44 FR 74395).

Changes:**System Identification:**

Change to, "F900 AF MP B."

F010 AFIS B**SYSTEM NAME:**

Prisoner of War (PW) Debriefing Files

SYSTEM LOCATION:

Headquarters Air Force Intelligence Service (HQ AFIS/INRA), Ft Belvoir, VA 22060

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force returned PW.

CATEGORIES OF RECORDS IN THE SYSTEM:

Debriefing transcripts; messages concerning PWS; topical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; implemented by HQ USAF PD 400.2, 500.2; JCSM SM 676-71.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Intelligence file; research source documents used by Air Force Intelligence Analysts, Physicians, Casualty Resolution Personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, computer paper printouts and on microfiche.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

During CY83, transfer to Albert F. Simpson Historical Research Center, Maxwell Air Force Base, AL 36112, to be retired as permanent 20 years after cessation of hostilities

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters Air Force Intelligence Service (HQ AFIS/INRA), Ft Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

The individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Returned USAF prisoners of war.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F010 ATC A**SYSTEM NAME:**

Potential Faculty Rating System.

SYSTEM LOCATION:

Squadron Officer School, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Squadron Officer School students being considered for faculty duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual rating of students.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Training Command Regulation 53-1, Faculty Boards and Administrative Withdrawals and Losses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluate individuals for potential assignments as faculty members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in note books/binders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Student Operations, Squadron Office School, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Requests should include the individual's name and Social Security Number. Individuals may visit Office of the System Manager and present Military ID Card.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. The mailing address is in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtain from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F010 DAS**SYSTEM NAME:**

Unusual and Incoherent Translation Material.

SYSTEM LOCATION:

Translation and Abbreviations Section, 1947th Administrative Support Group, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have addressed correspondence to the Department of Defense, or to specific persons such as

Secretary of the Air Force, or Secretary of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete or Summary translations of letters, articles, and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, The Air Staff, General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Translations or previous correspondence aid translating or summarizing similar correspondence.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties. Records are controlled by personnel screening. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, on longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Translation and Abbreviations Section, HQ 1947th ASG/DASJT, The Pentagon, Washington DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. The individual must furnish full name and address. The individual may visit the Translation and Abbreviations Section, the Pentagon, Washington DC 20330. No identification is required to determine if the system contains records pertaining to a specific individual.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing address is Translation and Abbreviations Section, HQ 1947th ASG/DASJT, The Pentagon, Washington DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is in the form of translated correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 AFA

SYSTEM NAME:

Military and Civilian Personnel Locator and Registration Files.

SYSTEM LOCATION:

At Headquarters, United States Air Force, and at Air Force Installations, to include bases, units, offices, and functions. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel; Air Force Reserve and National Guard Personnel; Air Force civilian employees; dependents may be included at the option of the installation, unit, or organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards or listings may contain the individuals name, grade, military service identification number, Social Security Number, duty location, office telephone number, residence address and residence telephone number, and similar type personnel data determined to be necessary by the local authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to locate or identify personnel assigned to, attached to, tenanted on, or on temporary duty at the specific installation, office, base, unit, function, and/or organization in response to specific inquiries from authorized users for the conduct of business. Files may be used locally to support official and unofficial programs which require minimal locator information or membership or user listings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper records in card or form media in visible file binders/cabinets card files or on computer and computer products.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, or when superseded or no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Headquarters, U.S. Air Force, Washington, DC. Local System

MANAGERS:

Privacy officer of the installation, base, unit, organization, office or function to which the individual is assigned, attached, tenanted on or on temporary duty. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the local System Manager or custodian of the records. Individual must furnish full name and the names of Air Force installation, unit and organization, office, or function to which assigned, attached, tenanted on or on temporary duty at, including the calendar years of such service. The individual may visit the Locator Office or Privacy Officer at the place of assignment. No identification is required to determine if the system contains records pertaining to a specific individual.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the local System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces or from individuals or personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 AF MP A**SYSTEM NAME:**

Congressional and Other High Level Inquiries.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Major Commands, Separate Operating Agencies and Consolidated Base Personnel Offices (CBPOs) at Air Force installations. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military personnel serving on active duty, in the Air Force Reserve, or retired or discharged from the Air Force. Civilian personnel currently or formerly employed by the Air Force. Personnel attending Air Force training institutions or undergoing training under Air Force sponsorship.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background information and information reflecting Air Force personnel policies and procedures; copies of inquiries received from the Office of the President, Members of Congress and other high level sources requesting information by or on behalf of a constituent; copies of replies to such inquiries including transmittal media used en route from and to the Air Force Office of Legislative Liaison (SAF/LL).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and 10 U.S.C. 8032, The Air Staff, general duties; implemented by Air Force Regulation 11-7, Air Force Relations with Congress.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information pertinent to an inquiry forwarded to SAF/LL for preparation of the reply to the high level requester. In

some instances, response may be direct to the requester without referral through SAF/LL; however, when required by directive, copies of such responses are furnished SAF/LL. The records may be used in responding to subsequent inquiries concerning the same individual. The record system is audited periodically to determine trends on the nature of complaints and questions and for statistical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by the custodian of the record system and by persons responsible for servicing the records in performance of their official duties who are properly cleared for need-to-know. Records are stored in security file containers/cabinets, locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for up to 18 months depending on category, then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force; commanders of major air commands, numbered air forces or comparable level activities.

NOTIFICATION PROCEDURES:

Requests from individuals must contain reasonable particulars about the subject in question and should be addressed to the respective System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the respective System Manager. Individual's request must contain reasonable identifying particulars about the subject in question.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information provided by major command or consolidated base personnel office personnel, manual or

automated personnel records, Air Force policies and procedures, copies of inquiries, congressional/high level officials'/constituents' comments or requests and Air Force replies thereto.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 ATC A**SYSTEM NAME:**

Graduate Evaluation Master File.

SYSTEM LOCATION:

Air Training Command Technical Training Center. Official mailing addresses are in the Department of Defense directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel and civilian employees. Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Procedures for operating the data automation of graduate evaluation questionnaire system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Training Command Manual 52-234, Graduate Evaluation Questionnaire—ATC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Field evaluation of formal school graduates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Computer magnetic tape.

RETRIEVABILITY:

SSN computerized.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know and those servicing the record system in performance of their official duties. Records are protected by computer software.

RETENTION AND DISPOSAL:

Destroy when purpose has been served by tearing into pieces, shredding, pulping, macerating, burning or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Contact Headquarters ATC Standards and Evaluation Directorate Evaluation Division, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Headquarters Technical Training Centers, Standards and Evaluation Directorate, Evaluation Division (TTSE), Randolph Air Force Base, TX 78150.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Centers TTSE Organizational Directory.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 ATC E**SYSTEM NAME:**

Four-Year Reserve Officer Training Corps (AFROTC) Scholarship Program Files.

SYSTEM LOCATION:

Central records maintained at Four-Year AFROTC Scholarship Branch (RRUF), Maxwell Air Force Base, AL 36112; computer printout summary data sent to AFROTC and Air Force Junior Reserve Officer Training Corps (AFJROTC) detachments; AFROTC area admission counselors located at selected AFROTC detachment, and congressmen at their request. Addresses are maintained by the AFROTC Commandant, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

High school students or graduates who apply for the four-year scholarship.

CATEGORIES OF RECORDS IN THE SYSTEM:

AFROTC administrative unit; applicant's address; Air Force officer qualifying test scores; AFROTC detachment located at the educational institution to be attended by the applicant; AFROTC detachment which the applicant desires to attend; AFJROTC unit attended by applicant; college entrance examination board scores; applicant's class standing and size of class; applicant disqualification

causes; personal interview actions and associated waivers as required; applicant medical status; applicant's full name; AFROTC program qualification; applicant medical remedial requirements; applicant scholarship status; applicant Social Security Number (SSN); applicant test qualification; civil air patrol wing attended; applicant's high school and address; applicant high school decile placement; applicant grade point average; applicant telephone number; applicant date of birth; applicant statement of understanding and intent; medical testing facility; AFROTC area admission counselor's areas of responsibilities; applicant scholarship choices; AFROTC four-year central scholarship selection board results; applicant's designated scholarship; civil involvement information and associated waivers as required; name of educational institution to be attended by applicant; applicant's high school principal evaluation; AFJROTC instructor evaluation of a cadet; high school transcripts; application forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2107, Financial assistance program for specially selected members; and Air Force Regulation 45-3, Air Force ROTC Field Training Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by AFROTC scholarship program office, AFROTC detachments, and AFROTC area admission counselors for processing and awarding of AFROTC 4-year scholarships; counseling applicants concerning application difficulties and problems; and the recruiting of applicants into the AFROTC program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, visible file binders/cabinets, and on computer and computer output products.

RETRIEVABILITY:

Filed by name and SSN.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and controlled by computer system software.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Four-Year Scholarship Branch, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager, Chief, Four-Year Scholarship Branch, Maxwell Air Force Base, AL. Requests should include the full name, military-applicant status, and SSN or military service number. Individuals may visit the AFROTC scholarship Programs Office, Maxwell Air Force Base, AL 36112. Individuals must provide their full name, military applicant status, and SSN or service number.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, automated system interfaces, police and investigating officers and from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 DAS A**SYSTEM NAME:**

Operational Reference File

SYSTEM LOCATION:

Translation and Abbreviations Section, HQ USAF/DASJT, The Pentagon, Washington DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Language translators and interpreters, State Department personnel, Army and Navy translation activity personnel, commercial translation services personnel, Air Force civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual personnel data cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, The Air Staff, General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to check names and titles of foreign military and civilian government personnel which appear in correspondence received for translation. This system also serves as a listing of translators/interpreters available to provide translation and interpreting services in support of Headquarters United States Air Force requirements for such services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in card files.

RETRIEVABILITY:

Information retrieved by name or title.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Translation and Abbreviations Section, HQ USAF/DASJT, The Pentagon, Washington DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. The individual must furnish full name and indicate whether military/civilian status and whether a resident or nonresident of the United States. The individual may visit the Translation and Abbreviations Section at Headquarters United States Air Force, Washington DC 20330. No identification is required to determine if the system contains records pertaining to a specific individual.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing address is Translation

and Abbreviations Section, HQ USAF/DASJT, The Pentagon, Washington DC 20330.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, from international organizations, from source documents (such as reports) prepared on behalf of the Air Force, from commercial translation service firms, from the Department of Defense or other United States Government translation activities, and from translated correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 MP A**SYSTEM NAME:**

Record of Air Force Personnel Assigned Outside the Department of Defense.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military and civilian personnel assigned to full time duty outside the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include correspondence between the Air Force and nonmilitary government agencies. Additionally, a by-name listing of personnel is forwarded on a quarterly basis to the Department of Defense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; implemented by Air Force Regulation 30-19, Air Force Personnel Assigned to Duty Outside the Department of Defense and Supporting Non-DOD Activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to maintain an accurate accounting of personnel detailed outside the Department of Defense. Principal users are Air Force personnel managers and the Deputy Assistant Secretary (Administration), Office of the Secretary of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained until an individual is returned to Air Force duties and then destroyed by tearing to pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Correspondence between the Air Force and non-military government agencies and information extracted from military personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 PACAF A**SYSTEM NAME:**

General and Colonel Personnel Data Action Records

SYSTEM LOCATION:

Headquarters Pacific Air Forces.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officer personnel. Applies to active duty

generals, colonels, colonel selectees and officers filling colonel authorized positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Provides officer assignment data such as date arrived current duty station, projected date of retirement, data extracted from Air Force Standard Personnel Data System Record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8074, Commands: Territorial organization; as implemented by Air Force Regulation 36-10, Officer Evaluations, and Air Force Regulation 36-20, Officer Assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by major air command to confirm designation of authority or assignment of duty as well as in identification of manning requirements due to medical evacuations or projected retirement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

PACAF Assistant for Senior Officer Management mailing address is HQ PACAF/DPO Hickam Air Force Base, HI 96853.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and

appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F012 AF A

SYSTEM NAME:

Information Requests—Freedom of Information Act

SYSTEM LOCATION:

Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have requested documents under the provisions of the Freedom of Information Act (FOIA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Administration of release of information to the public.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, The Freedom of Information Act as implemented by Air Force Regulation 12-30, Disclosure of Air Force Records to the Public.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To control administrative processing of requests for information used by freedom of information manager.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for two years after annual cut-off then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Headquarters United States Air Force, Washington DC 20330.

NOTIFICATION PROCEDURE:

Contact the local FOIA manager at each Air Force installation.

RECORD ACCESS PROCEDURES:

Contact the local FOIA manager at each Air Force installation.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Freedom of information manager as result of requests for information from members of public.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F012 AF B

SYSTEM NAME:

Privacy Act Request File

SYSTEM LOCATION:

At all levels of the Air Force having responsibility for systems of records under the Privacy Act. Includes Headquarters United States Air Force staff agencies, major commands, separate operating agencies, installations, and activities. Official mailing addresses are in the Department of Defense directory in the appendix to the Department of the Air Force system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who request access to, information from, or amendment of records about themselves from the Department of the Air Force under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a).

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, legal opinions, messages, and miscellaneous documents relating to an individual's request for access to or amendment of records concerning that person, including letters of denial, appeals, statements of disagreements, and related documents accumulated in processing requests received under the Privacy Act of 1974.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a, The Privacy Act of 1974 as implemented by Air Force Regulation 12-35, Air Force Privacy Act Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To record, process and coordinate individual requests for access to or amendment of personal records, and

appeals on denials of requests for access or amendments to personal records; to prepare legal opinions and interpretations for System Managers and the Secretary of the Air Force. Used by the Air Force Audit Agency, the Air Force Inspector General, the Office of Management and Budget, the General Services Administration, the Office of Personnel Management, the Justice Department or other Government agencies having a direct interest in monitoring or evaluating compliance with the provisions of the Privacy Act by the Department of the Air Force, including the preparation of special studies or reports on the status of actions taken to comply with the Act, the results of those efforts, any problems encountered and recommendations for any changes in legislation, policies, or procedures. Also used by members of Congress or their staffs for resolution of constituent inquiries.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and/or microfilm.

RETRIEVABILITY:

Filed by name of requester.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Requests for information are destroyed when no longer needed; requests from access or amendment and appeals of denial are destroyed four years after final action or three years after adjudication by the courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

The Director of Administration, Headquarters United States Air Force, Washington DC 20330; or the Director of Administration of the major command or separate operating agency, or Chief Central Base Administration at the Air Force installation where the requested or disputed records are located.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Written requests should include the person's full name, grade (if applicable), and some other personal information which could be verified from the

person's file. For personal visits, the individual should present a valid identification card or driver's license and some verbal information which could be verified from the person's case file.

RECORD ACCESS PROCEDURES:

Written requests should be addressed to the office that processed the initial inquiry, access request, amendment request, or appeal; or individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual requester, Department of the Air Force organizations, other Department of Defense organizations, and agencies of Federal, state, and local governments, as applicable or appropriate for processing the case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AFIS A

SYSTEM NAME:

For Cause Discharge Program

SYSTEM LOCATION:

Directorate of Security and Communications Management, Air Force Intelligence Service (AFIS), Pentagon, Washington, DC 20330; HQ Electronic Systems Command, San Antonio, TX 78423; Office of Administrative Assistant to the Secretary of the Air Force, Pentagon, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel who are briefed into sensitive compartmented information (SCI) who are being considered for separation from service or employment for either punitive or administrative (nonvoluntary) reasons.

CATEGORIES OF RECORDS IN THE SYSTEM:

Initial submission and recommendations of the Air Force Major Command (MAJCOM) or Separate Operating Agency (SOA) concerned and all supporting documents for the proposed action; AFIS Directorate of Security and Communication

Management recommendations for disposition to the Assistant Chief of Staff for Intelligence Hq, US Air Force; if applicable, decisions and correspondence from Administrative Assistant to the Secretary of the Air Force.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation 205-32, USFA Personnel Security Program, USAFINTEL 201-1 (Chapter 13), Air Force Regulation 39-12, Separation for Unsuitability, Misconduct, Resignation or Request for Discharge for the Good of the Service, Air Force Regulation 39-10, Separation Upon Expiration of Term of Service for Convenience of the Government, Minority, Dependent and Hardship, Air Force Regulation 36-12, Administrative Separation of Commissioned Officers and Warrent Officers of the Air Force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by designated Air Force intelligence officials to recommend/determine propriety of proposed action in light of individual's SCI access. Substantive information is provided to responsible individual in the Secretary of the Air Force to evaluate the effectiveness of the program, to determine consistency of decisions and decision trends, and to provide program guidance to the System Manager.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and year of the For Cause Action.

SAFEGUARDS:

Records are accessed by custodian of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers within a vault.

RETENTION AND DISPOSAL:

Records maintained in active status until final disposition of each separate file. After final disposition of the case the record is placed in inactive status and maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security and Communications Management, Air Force Intelligence Service (AFIS/INS), Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Unclassified portions of the file are available upon request. Request must include full name, grade (where applicable), Social Security Number, date and place of birth, organization/activity to which assigned/employed at time of proposed For Cause Separation. Visits may be made to office of System Manager. Individuals not authorized access to Pentagon working areas should contact System Manager by mail beforehand. Include all of the above information in letter.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual's Personnel records and MAJCOM/SOA Commander's proposal and recommendations with all supporting documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AFIS B**SYSTEM NAME:**

Air Force Attache Personnel and Area Specialist System.

SYSTEM LOCATION:

Air Force Intelligence Service, Ft Belvoir, VA 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files are maintained on Air Force Attache personnel applicants, current and former Air Force Attache personnel, Area Specialist applicants, and current and former Area Specialists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Career Briefs, Officer Effectiveness Reports, Airman Performance Reports, Statements of Personal History, autobiographies, family photos, Defense Language Aptitude and Proficiency Test scores, finger print card, Medical Fitness Statements, Statements of Interview by

Commanders, Requests for National Agency Checks, College transcripts, and Graduate Record Examination scores.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation 36-16, USAF Area Specialist Program, and Air Force Regulation 36-20, Officer Assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by the Active Duty Military Staff Directorate involved with the selection and service of Air Force Attache personnel and applicants for the Area Specialist Program (ASP). The purpose of collecting the information is to evaluate the suitability of an individual for duty in the Attache system or as an Area Specialist. The purpose of maintaining records on current Attaches and Area Specialists is to provide service to them in their assignments. The purpose of maintaining material on prior Attache personnel and Area Specialists is to assist them in their applications for subsequent Attache or Area Specialist duty and for analysis and historical purposes. The records are retained within the Air Force Attache and Area Specialist System and are not disclosed to personnel outside the system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, or locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until no longer needed for reference, then offered to National Archives and Records Center for permanent retention, inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director Air Force Attache Affairs, Air Force Intelligence Service, Ft Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AF MP A**SYSTEM NAME:**

Personnel Data System (PDS).

SYSTEM LOCATION:

Headquarters United States Air Force, Washington DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Air Reserve Personnel Center, Denver, Co 80280. Headquarters of major commands and separate operating agencies and consolidated base personnel offices, central civilian personnel offices (CCPOs) and consolidated reserve personnel offices. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty and retired military personnel. Air Force Reserve and Air National Guard personnel. Air Force Academy cadets. Air Force Civilian employees. Certain surviving dependents of deceased members of the US Air Force and predecessor organizations; potential Air Force enlistees; candidates for commission enrolled in college level Air Force Reserve Officer Training Corps Programs; Deceased members of the Air Force and predecessor organizations; Separated members of the US Air Force, the Air National Guard (ANG) and Air Force Reserve (USAFR); ANG and USAFR Technicians; Prospective,

pending, current, and former Air Force civilian employees, except Air National Guard Technicians and nonappropriated fund employees-current and former civilian employees from other Government agencies that are serviced at CCPOs may be included at the option of servicing CCPO-.

CATEGORIES OF RECORDS IN THE SYSTEM:

The principal digital record maintained at each PDS operating level is the master personnel record, which contains the following categories of information: 1. Accession data pertaining to an individual's entry into the Air Force (place of enlistment source of commission, home of record, date of enlistment, place from which ordered to EAD). 2. Education and training data, describing the level and type of education and training, civilian or military (academic education level, major academic specialty, professional specialty courses completed, professional military education received). 3. Utilization data used in assigning and reassigning the individual, determining skill qualifications, awarding Air Force Specialty Codes, determining duty location and job assignment, screening/selecting individual for overseas assignment, performing strength accounting processes, etc. (Primary Air Force Specialty Code, Duty and Control Air Force Specialty Code, personnel accounting symbol, duty location, up to 24 previous duty assignments, aeronautical rating, date departed last duty assignments, aeronautical rating, date departed last duty station, short tour return date, reserve section, current/last oversea tour). 4. Evaluation Data on members of the Air Force during their career (Officer Effectiveness Report dates and ratings, Airman Performance Report dates and ratings, results of various qualification tests, an "Unfavorable Information" indicator, and Drug and Alcohol Abuse data). 5. Promotion Data including promotion history, current grade and/or selection for promotion (current grade, date of rank and effective date; up to 10 previous grades, dates of rank and effective dates; projected temporary grade, key "service dates"). 6. Compensation data although PDS does not deal directly with paying Air Force members military pay is largely predicated on personnel data maintained in PDS and provided to the Air Force Accounting and Finance Center (AFAFC) as described in ROUTINE USES below (pay date, Aviation Service Code, sex, grade, proficiency pay status). 7. Sustentation data—information dealing with

programs provided or action taken to improve the life, personal growth and morale of Air Force members (awards and decorations, marital status, number of dependents, religious denomination of member and spouse, race relations education). 8. Separation and retirements data, which identifies an individual's eligibility for and reason for separation (date of separation, mandatory retirement date, projected or actual separation program designator and character of discharge). At the central processing site (AFMPC), other subsidiary files or processes are operated which are integral parts of PDS: 1. Procurement Management Information System (PROMIS) is an automated system designed to enable the USAF to exercise effective management and control of the personnel procurement personnel required to meet the total scheduled manpower requirements necessary to accomplish the Air Force mission. The system provides the recruiter with job requirement data such as necessary test scores, Air Force Specialty Code, sex, date of enlistment; and the recruiter enters personal data on the applicant—SSN, name, date of birth, etc.—to reserve the job for him or her. 2. Career Airman Reenlistment Reservation System (CAREERS) is a selective reenlistment process that manages and controls the numbers by skill of first-term airmen that can enter the career force to meet established objectives for accomplishing the Air Force mission. A Centralized data bank contains the actual number, by quarter, for each Air Force Specialty Code (AFSC) that can be allowed to reenlist during that period. The individual requests reenlistment by stating his eligibility (AFSC, grade, active military service time, etc.). If a vacancy exists, a reservation—by name, SSN, etc.—will be made and issued to the CBPO processing the reenlistment. 3. Airman Accessions provides the process to capture a new enlistee's initial personal data (entire personnel record) to establish a personnel data record and gain it to the Master Personnel File of the Air Force. The initial record data is captured through the established interface with the Processing and Classification of Enlistees System (PACE) at Basic Military Training, Lackland Air Force Base, for non-prior service; for prior service enlistees the basic data (name, SSN, DOE, grade, etc.) is input directly by USAF Recruiting Service and updated and completed by the initial gaining CBPO. 4. Officer Accessions is the process whereby each of the various Air Force sources of commissioning (AF Academy, AFOTC,

Officer Training School, etc.) project their graduates in advance allowing management to select by skill, academic specialty, etc. which and how many will be called to active duty when, by entering into the record an initial assignment and projected entry onto Active Duty date. On that date the individual's record is accessed to the active Master Personnel File of the Air Force.

5. Technical Training Management Information System (TRAMIS) is a system dealing with the Technical Training activities controlled by Air Training Command. The purpose of the system is to integrate the training program, quota control and student accounting into the personnel data system. TRAMIS consists of numerous files which constitute "quota banks" of available training spaces, in specific courses, projected for future use based on estimated training requirements. Files include such data as: Course Identification Numbers, Class Start and Graduation Dates, Length of Training, Weapon System Identification, Training Priority Designators, Responsible Training Centers, Trainee Names, SSN (and other pertinent personnel data) on individuals scheduled to attend classes. 6. Training Pipeline Management Information System (TRAPMIS) is an automated quota allocating system which deals with specialized combat aircrew training and aircrew survival training. Its files constitute a "quota bank" against which training requirements are matched and satisfied and through which trainees are scheduled in "pipeline" fashion to accommodate the individual's schedule geographical movement from school to school to end assignment. Files contain data concerning the courses monitored as well as names, SSNs and other pertinent personnel data on members being trained. 7. Air Force Institute of Technology (AFIT) Quota Bank File reflects program quotas by academic specialty for each fiscal year (current plus two future fiscal years, plus the past fiscal year programs for historical purposes). Also, this file reflects the total number of quotas for each academic specialty. Officer assignment transactions process against the AFIT Quota Bank file to reflect the fill of AFIT Quota. Examples of data maintained are: Academic Specialty, Program Level, Fiscal Year, Name of Incumbent selected, projected, filing AFIT Quota. 8. Job File is derived from the Authorization Record and is accessible by Position number. Resource managers can use the Job File to validate authorizations by Position Number for

assignment actions and also to make job offers to individual officers. Internal suspending within the Job File occurs based upon Resource Managers update transactions. Data in the file includes: Position Number, Duty AFSC, Functional Account Code, Program Element, Location, and name of incumbent. 9. Casualty subsystem is composed of transactions which may be input at Headquarters Air Force and/or CBPOs to report death or serious illness of members from all components. A special file is maintained in the system to record information on individuals who have died. Basic identification data and unique data such as country of occurrence, date of incident, casualty group, aircraft involved in the incident and military status are recorded and maintained in this file. 10. Awards/Decorations are recorded and maintained on all component personnel in the headquarters Air Force master files. All approved decorations are input at CBPOs whereas disapproved decorations are input at MAJCOM/HAF. A decorations statistical file is built at AFMPC which reflects an aggregation of approvals/disapprovals by category of decoration. This file does not contain any individually identifiable data. All individually identifiable data on decorations is maintained in the Master Personnel File. Such information as the type of decoration, awarding authority, special order number and date of award are identified in an individual's record. Seven occurrences for all decorations are stored; however only specific data on the last decoration of a particular type is maintained. 11. Point Credit Accounting and Reporting System (PCARS). This system is an Air National Guard/Air Force Reserve Unique supported by PDS. Its basic purpose is to maintain and account for retirement/retention points accrued as a result of participating in Drills/Training. The system stores basic personal identification data which is associated with a calendar of points, earned by participation in the Reserve program. Each year an individual's record is closed and point totals are accumulated in history, and a point earning statement is provided the individual and various records custodians. 12. Human Reliability/Personnel Reliability File: This file is maintained at Headquarters Air Force in support of Air Force Regulation 35-99. It is not part of the Master Personnel Files but a free standing file which is updated by transactions from CBPOs. The file was established to specifically identify individuals who have become permanently disqualified under the

provisions of the above regulations. A record is maintained on each disqualified individual which includes basic identification data, service component, Personnel/Human reliability status and date, and reason for disqualifications. 13. Variable Incentive Pay (VIP) File for medical officers: Contains about 125 character record of all Air Force physicians and is specifically used to identify whether the individual is participating in the Continuation Pay or Variable Incentive Pay programs. Update to this file is provided by the Surgeon (AFMPC), the Air Force Accounting and Finance Center and directly from changes to the Master Personnel File. Besides basic identification data an individual's record includes source of appointment, graduate medical location status, amount of VIP or Continuation Pay and the dates of authorization and the dates and reason for separation.

15. Weighted Airman Promotion System: (a) The Test Scoring and Reporting Subsystem (TSRS) provides for: identifying at the CBPO individuals eligible for testing; providing output to the Base Test Control Officer and the CBPO to control, monitor, and operate WAPS testing functions; editing and scoring WAPS test answer cards at AFMPC; providing output for maintaining historical and analytical files at AFMPC and the Human Resources Laboratory (HRL) and includes the central identification at AFMPC of individuals eligible for testing. (b) The Personnel Data Reporting Subsystem (PDRS) provides for: identifying promotion eligibles at AFMPC; verifying these eligibles and selection promotion data; merging test and weighted promotion data at AFMPC to effect promotion scoring, assigning the promotion objective and aligning selectees in promotion priority sequence; maintaining projections on promotion selectees at AFMPC, MAJCOM, and the CBPO; updating these projections monthly; creating output products to monitor the flow of data in the system; maintaining promotion historical and analytical files and reports at AFMPC. (c) Basically, identification data along with time in grade, test scores, decoration information, time in service, and airman performance report history is used to support this program. 16. Retired Personnel Data System (RPDS) is made up of four files—Retired Officer Management File and Retired Airman Management File containing records on members in retired status and the Retired Officer and Airman Loss Files containing records on former retirees

who have been lost from rolls, usually through death. The RPDS is used to produce address listings for the Retired Newsletter and Policy letter, statistical reports for budgeting, to manage the Advancement Program, the Temporary Disability Retired List, Age 59 roster for ARPC, General Officer roster, and statistical digest data for management analysis functions. Data is extracted from the master files upon retirement from Active Duty or Reserves. Data includes: name, SSN, grade, data, service data, education data, retirement data and address. 17. Separated Officer File contains historical information on officers who leave the Air Force via separation, retirement, or death. Copies are sent to Human Resources Lab and Washington offices for research purposes. The data comprises the Master Personnel Record in its entirety and is captured 30 to 60 days after separation from the Air Force. 18. Airman Gain/loss File includes data extracted from the Airman Master file when accession and separation (gains and losses) occur. This file, like the Separated Officer File, is used for historical reports regarding strength changes. Data includes name, SSN, and other data that reflects strength, i.e., promotions, reassignment data, specialty codes, etc. 19. Officer and Airman Separation Subsystem is used to process, track, approve, disapprove and project separations from the Air Force and transfers between components of the Air Force. This subsystem uses the Active, Guard, and Reserve MPFs. Data includes that specifically related to separations, e.g., Date of Separation, Separation Program Designator, waivers, etc. 20. The Retirements Subsystem is used to process and track applications for and approval/disapproval and projections of retirements. This subsystem uses the Master Files for Active Duty and Reserve officers and airmen. Data specifically related to retirements includes application data, date of separation, waiver codes, disapproval reason codes, Separation Program Designator, Title 10 USC section, etc. 21. Retired Orders Log is a computer produced retirement orders routine. Orders are automatically produced when approval, verification of service dates, and physical clearance have been entered in system. The orders log contains data found in administrative orders for retirement, including name, SSN, grade, order number, effective dates, etc. The log is used to control assignment of order number, and as a cross-reference between orders, revocations, and amendments. 22.

General Officer Subsystem of PDS contains data extracted from the Master Personnel File and language qualification data and assignment history data maintained by the Assistant for General Officer matters. A record is maintained on each general officer and general officer selectee. The general officer files are updated monthly and is used to produce products used in the selection/identification of general officers for applicable assignments. 23. Officer Structure Simulation Model (OSSM) provides officer force descriptions in various formats for existing, predictive or manipulated structures. It functions as a planning tool against which policy options can be applied so as to determine the impact of such policy decisions. The OSSM input records contain individual identifiable data from the Master Personnel Record, but all output is statistical. 24. Widow's File is maintained on magnetic tape and updated by the office of primary Responsibility. When required, address labels and listings are produced by employing selected PDS utility programs. The address labels are used to forward the Retired Newsletter to widows of active duty and retired personnel. The listings are used for management control of the program. Contained in the file are the name, address, and SSN of the widow. Additionally, the deceased sponsor's name, SSN, date of death, and status at time of death are maintained. 25. Historical Files are files with a retention period of 365 days or more. They consist of copies of active master files, and are used primarily for aggregation and analysis of statistical data, although individual records may be accessed to meet ad hoc requirements. 26. Miscellaneous files, records, and processes are a number of work files, inactive files with a less-than-365 day retention period, intermediate records, and processes relating to statistical compilations, computer operation, quality control and problem diagnosis. Although they may contain individual-identifying data, they do so only as a function of system operation, and are not used in making decisions about people. 27. Civilian employment information including authorization for position, personnel data, suspense information; position control information; projected information and historical information; civilian education and training data; performance appraisal, ratings, evaluations of potential; civilian historical files covering job experience, training and transactions; civilian awards information; merit promotion plan work

files; career programs files for such functional areas as procurement, logistics, civilian personnel, etc., civilian separation and retirement data for reports and to determine eligibility; adverse and disciplinary data for statistical analysis and employee assistance; stand alone files, as for complaints, enrollee programs; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals; miscellaneous files, as described in item 26, above.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 265, policies and regulations: participation of reserve officers in preparation and administration; 269, Ready reserve: placement in; transfer from; 275, Personnel records; 278, Dissemination of information; 279, Training Reports; Chapter 31, Enlistments; 564, Warrant officers: effect of second failure of promotion; 593, Commissioned officers: appointment, how made; term; 651, Members required service; 671, Members not to be assigned outside US before completing training; 673, Ready reserve; Chapter 47, Uniform Code of Military Justice, Section 835, Art. 35, Service of Charges; 837, Art. 37, Unlawfully influencing action of court; 885, Art. 85, Desertion 886, Art. 86, Absence without leave; 887, Art. 87, Missing movement; 972, Enlisted members: required to make up time lost; 1005, Commissioned officers: retention until completion of required service; 1163, Reserve components: members; limitations on separation; 1164, Warrant officers: separation for age; 1166, Regular warrant officers: elimination for unfitness or unsatisfactory performance; Chapter 61, Retirement—Physical disability; Chapter 63, Retirement for Age, Section 1263—Age 62: Warrant officers; Chapter 65, Retirement for Length of Service; 1293, Twenty years or more: warrant officers; 1305 thirty years or more: regular warrant officers; Chapter 67, Retired pay; 1331, Computation of years of service in determining entitlement to retired pay; 1332, Age and service requirements; 1333, Computation of years of service in computing retired pay; Chapter 79, Correction of Military Records; Chapter 165, Accountability and responsibility, Section 2771, Final settlement of accounts: deceased members; 8012, Secretary of the Air Force: powers and duties; delegation by; Chapter 805, The Air Staff, Section 8032, General duties; and Section 8033, Reserve components of Air Force; policies and regulations for government for government of: functions of National Guard Bureau with respect

to Air National Guard; Chapter 831, Strength, Section 8224, Air National Guard of the United States; Chapter 833, Enlistments; 835, Appointments in the Regular Air Force, 8284, Commissioned officers: appointment, how made; 8285, Commissioned officers: original appointment; qualifications; 8396, Promotion lists: promotion-list officer defined; determination of place upon transfer or promotion; 8297, Selection boards; 8303, commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel; Chapter 837, Appointments as Reserve Officers; 8360, Commissioned officers: promotion service; 8362, Commissioned officers: selection boards; 8363, Commissioned officers: selection boards; general procedures; 8366, Commissioned officers: promotion to captain, major or lieutenant colonel; 8376, Commissioned officers: promotion when serving in temporary grade higher than reserve grade; Chapter 839, Temporary Appointments, 8442, Commissioned officers: regular and reserve components: appointment in higher grade 8447, Appointments in commissioned grade: how made; how terminated; Chapter 841, Active Duty, 8496, Air National Guard of United States: commissioned officers; duty in National Guard Bureau; Chapter 853, Rights and benefits, Section 8691, Flying officer rating: qualifications; Chapter 857, Decorations and Awards; Chapter 859, Separation, 8786, Officer considered for removal: voluntary retirement or honorable discharge; severance benefits; 8796, Officers considered for removal: retirement or discharge; Separation or Transfer to Retired Reserve 8846, Deferred Officers; 8848, 28 years: reserve first lieutenants, captains, majors, and lieutenant colonels; 8851, Thirty years or five years in grade: reserve colonels and brigadier generals; 8852, Thirty-five years or five years in grade: reserve major generals; 8853, Computation of years of service; Chapter 865, Retirement for Age, 8883, Age 60: regular commissioned officers below major general, 8884, Age 60: regular major generals whose retirement has been deferred; 8885, Age 62: regular major generals; 8886, regular major generals whose retirement has been deferred; Chapter 867, Retirement for Length of Service, 8911, Twenty years or more: regular or reserve commissioned officers; 8913, Twenty years or more deferred officers not recommended for promotion; 8914, twenty to thirty years: regular enlisted members; 8915, Twenty-five years: female major except those designated under section 8067(a)-(d) or (g)-(i) of this title; 8916, twenty-eight

years: promotion-list lieutenant colonels; 8917, Thirty years or more: regular enlisted members; 8918, Thirty years or more: regular commissioned officers; 8921, Thirty years or five years in grade: promotion-list colonels; 8922, Thirty years or five years in grade: regular brigadier generals; 8923, Thirty-five years or five years in grade: regular major generals; 8924, Forty years or more: Air Force officers; Chapter 901, Training generally, 9301, Members of Air Force: detail as students, observers and investigators at educational institutions, industrial plants, and hospitals; and 9302, Enlisted members of Air Force: schools; Chapter 903, United States Air Force Academy, 9342, Cadet: appointment; numbers, territorial distribution; 9344, Selection of persons from Canada and American Republics; 9345, Selection of Filipinos; Chapter 1, Organization, 102, General policy; and 104, units: location; organization; command; Chapter 3, Personnel, 307, Federal recognition of officers: examination, certification of eligibility; Chapter 7, Services, supplies, etc., 709, Caretakers and clerks; Chapter 3 Basic Pay, 308, Special pay: reenlistment bonus; 313, Special pay: medical officers who execute active duty agreements; Chapter 7, Allowances, 407 Travel and transportation allowances: dislocation allowance; Chapter 10; Air Force Manual 30-3, Vol. I-V, Mechanized Personnel Procedures, Air Force Manual 30-130, Base Level Military Personnel System, and Air Force Manual 300-4, Standard Data Elements and Codes.

ROUTING USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Air Force operates a centralized personnel management system in an environment that is widely dispersed geographically and encompasses a population that is diverse in terms of qualifications, experience, military status and needs. There are three major centers of Air Force personnel management: Washington, DC, where most major policy and long-range planning/programming decisions are made; the Air Force Manpower and Personnel Center at Randolph Air Force Base, TX, which performs most personnel operations-type functions for the active duty components of the force; and the Air Reserve Personnel Center at Denver, CO, which performs certain operational functions for the Reserve components of the force. Offices at Major Command Headquarters, State Adjutant General, and Air Force Bases perform operational tasks pertaining to the population for which they are responsible. The structure of the Air

Force and its personnel management system, the composition of the force, and the Air Force's stated objective of treating its people as individuals, i.e., giving due consideration to their desires, needs and goals, demand a dynamic data system that is capable of supporting the varying needs of the personnel managers at each echelon and operating locations. It is to this purpose that the data in the Personnel Data System is collected, maintained, and used. A. ROUTINE USES WITHIN THE AIR FORCE—INTERNAL TO THE PERSONNEL COMMUNITY: HQ USAF, WASHINGTON, DC: Deputy Chief of Staff, Personnel and his immediate staff; Director of Personnel Plans; Director of Personnel Programs; Assistant for General Officer Matters; Assistant for Colonel Assignments; Reserve Personnel Division; Air National Guard Personnel Division; and The Surgeon General, the Chief of AF Chaplains and the Staff Judge Advocate, each of which perform certain Personnel functions within their area of responsibility. Data from the central data base at the AFMPC is furnished Washington area agencies by retrieval from the computer at Randolph via remote access devices and by provision of recurring products containing required management information, including computer tape files which are used as input to unique systems with which PDS interfaces. Although most of the data is used by policy makers to develop long-term plans and programs and track progress toward established goals, some individual data is provided/retrieved to support actions taken on certain categories of persons managed by offices in the headquarters e.g., General Officers, Colonels, Air National Guard personnel, etc. AIR FORCE MANPOWER AND PERSONNEL CENTER (AFMPC), RANDOLPH AIR FORCE BASE, TX. Personnel managers at AFMPC use the data in PDS to make decisions on individual actions to be taken in areas such as personnel procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, casualty and personal affairs, separation and retirement. AIR RESERVE PERSONNEL CENTER (ARPC), DENVER, COLORADO. Personnel managers at ARPC perform many of the same functions for the Reserve components of the Air Force as the managers at AFMPC perform for the active duty force. As with the Washington area, ARPC obtains data from the central data base at AFMPC by retrieval through remote terminals and recurring output products containing

information necessary to their management processes. MAJOR COMMAND HEADQUARTERS. Major command headquarters personnel operations are supported by the standard content of PDS records provided them by AFMPC. In addition, there is provided in the PDS record an "add-on area" which the commands are authorized to use for the storage of data which will assist them in fulfilling unique personnel management requirements generated by their mission, structure, geographical location, etc. The standard functions performed fall generally under the same classifications as those in AFMPC, e.g., assignment, classification, separation, etc. Non-standard usages include provisions of unique aircrew data, production of specially-tailored name listing, control of theatre oriented training, etc. Some commands use PDS data—both standard and add-on as input to unique command systems, which are separately described in the Federal Register. CONSOLIDATED BASE PERSONNEL OFFICES (CBPO). CBPOs, which represent the base-level aspect of PDS, are the prime point of system-to-people interface. Supplied with a standard data base and system, CBPOs provide personnel management support to commanders and supervisors on a daily basis. Acting on receipt of data from higher headquarters, primarily by means of transactions processed through PDS, they notify people of selection for reassignment, promotion, approval/disapproval of requests for separation and retirement, and similar personnel actions. When certain events occur on an individual at the local level, e.g., volunteer for overseas duty, reduction in grade, change in marital status, application for retirement, etc., the CBPO enters transactions into the vertical system to transmit the requisite information to other management levels and update the automated records resident at those levels. CBPOs too are allotted an "add-on" area in the computer record which they use to support local management unique requirements such as local training scheduling, unique locator listing, urinalysis testing scheduling, etc. B. ROUTINE USES WITHIN THE AIR FORCE—EXTERNAL TO THE PERSONNEL COMMUNITY 1. HEADQUARTERS ASAF/AFMPC INTERFACES: Automated interfaces exist between the PDS central site files and the following systems of other functions: a. The Flight Records Data System (FRDS) maintained by the Air Force Inspection and Safety Center (AFISC) at Norton Air Force Base, CA. (1) Certain personnel identification data

on rated officers is transferred monthly to the FRDS. This data flow creates the basic identifying data in the FRDS, insures compatibility with the PDS, and precludes duplicative data collection and input generation by the AFISC. (2) Update of the personnel data to the FRDS generates return flow of flying hour data which is used at AFMPC for rated resource distribution management.

b. The Master Military Pay Account (MMPA), is the Joint Uniform Military Pay System (JUMPS) centralized pay file maintained by the Air Force Accounting and Finance Center (AFAFC) at Denver, CO. The PDS transfers certain pay related data as changes occur to update the MMPA, e.g., promotions, accessions, separations/retirements, name, SSN, grade. These data provide criteria for the AFAFC to determine specific pay entitlements.

c. The AFAFC maintains a separate pay system for Air National Guard and Air Force Reserve personnel called the Air Reserve Pay and Allowances System (ARPAS). (1) PDS outputs certain pay related data to ARPAS as changes occur, e.g., retirements/separations, promotions, name, SSN, grade. These data form the criteria for the AFAFC to determine specific Reserve pay entitlements. (2) ARPAS outputs data which affect accumulated point credits for Air National Guard/Reserve participation to AFMPC for update of the Point Credit Accounting and Reporting System (PCARS), a component of PDS. PCARS also receives monthly input from Hq Air University which updates point credits as a result of completing an Extension Courses Institute correspondence program.

d. AFAFC provides data on Variable Incentive Pay (VIP) for Medical Officers which is used to update a special control file within PDS and produce necessary reports for management of the VIP program.

e. Air Training Command operates a system called PACE (Processing and Classification of Enlistees) at Lackland Air Force Base, TX. From that system data is fed to AFMPC to initially establish the PDS record on an Air Force enlistee.

f. On a monthly basis, copies of the PDS master Personnel File are provided to the Human Resources Laboratory at Brooks Air Force Base, TX, where they are used as a statistical data base for research purposes.

g. On a quarterly basis, AFMPC provides the USAF School of Aerospace Medicine with data concerning name, SSN and changes in base and command of assignment of flying personnel. The data reflects significant medical problems in the flying population.

h. A complete printout of PDS data pertaining to an

individual is included in his Master Personnel Record when it is forwarded to National Personnel Records Center.

i. PDS data is provided to the Contingency Planning Support Capability (CPSC) at six major command headquarters: Tactical Air Command, Strategic Air Command, Military Airlift Command, Air Force Communications Command, United States Air Forces, Europe, and Pacific Air Forces. A record identifiable by individual's name and SSN provides contingency and/or manning assistance temporary duty (TDY) being performed by the individual. Record is destroyed upon completion of the TDY. Statistical records (gross statistics by skill and unit) are also generated for CPSC from PDS providing force availability estimates. CPSC is described separately in the **Federal Register**.

2. **BASE LEVEL (CBPO) INTERFACES:** Certain interfaces have been established at base level to pass data from one functional system to another. The particular mode of interface depends on the needs of the receiving function and the capabilities of the system to produce the necessary data:

a. The Flight Management Data System (FMDS) receives an automated flow of selected personnel data on flying personnel as changes occur. This data consists primarily of assignment data and service dates which the base flight manager uses to determine appropriate category of aviation duty which is reflected by designation of an Aviation Service Code. The FMDS outputs aviation service data as changes occur to the BLMPs. These data subsequently flow to the PDS central site files at AFMPC so it is available for resource management decisions.

b. The Medical Administration Management System (MAMS), currently being developed and tested, will receive flow of selected assignment data as changes occur for personnel assigned to medical activities. MAMS will use these data to align assigned personnel with various cost accounting work centers within the medical activity and thus be able to track manpower expenditure by sub-activities.

c. The Automated Vehicle Operator Record (AVOR) is being developed to support motor vehicle operator management. Approximately 115 characters of vehicle operator data will be incorporated into the BLMPs data base during FY76 for both military and civilian personnel authorized to operate government motor vehicles and selected personnel data items (basic identification data) will be authorized for access by the vehicle operator managers.

d. Monthly, a magnetic tape is extracted from BLMPs containing

selected assignment data on all assigned personnel. This tape is transferred to the base Accounting and Finance Office for input into the Accounting Operations System. This system uses these data to derive aggregate base manpower cost data.

e. A procedure is designed into BLMPs to output selected background data in a pre-defined printed format for personnel being administered military justice. This output is initiated upon notification by the base legal office. The data is forwarded to the major command where it is input into the Automated Military Justice Analysis and Management System (AMJAMS).

f. The BLMPs output (on an event-oriented basis) pay-affecting transactions such as certain promotions, accessions, and assignments/reassignments, to AFAFC, where the data is entered into the JUMPS.

C. **ROUTINE USES EXTERNAL TO THE AIR FORCE, TO THE OFFICE OF THE SECRETARY OF DEFENSE (OSD).**

1. Individual information is provided to offices in OSD on a recurring basis to support top-level management requirements within the Department of Defense. Examples are the DOD Recruiter File to the Assistant Secretary for Manpower and Reserve Affairs (M&RA), a magnetic tape extract of military personnel records (RCS: DDM(SA)1221) to M&RA, input to the Reserve Component Common Personnel Data System to M&RA, and the Post Career Data File to M&RA.

2. **TO OTHER DEFENSE AGENCIES.** PDS supports other components of DOD by provision of individual data in support of programs operated by those agencies. Examples are the Selected Officer List to the Defense Intelligence Agency for use in monitoring a classified training program and the Defense System Management School (DSMS) Track Record System to DSMS for use in evaluating the performance of graduates of that institution. An extract file on Air National Guard Technicians is provided to the National Guard Computer Center.

3. **OTHER GOVERNMENT/QUASI-GOVERNMENT AGENCIES.** Information used in analyzing officer/airman retention is provided RAND Corporation. Data on prior service personnel with military service obligations is forwarded to the National Security Agency. Lists of officers selected for promotion and/or appointment in the Regular Air Force are sent to the Office of the President and/or the Congress of the United States for review and confirmation. Certain other personnel information is provided these and other government agencies upon request when such data is

required in the performance of official duties. Selected personnel data is provided foreign governments, U.S. governmental agencies, and other Uniformed Services on USAF personnel assigned or attached to them for duty. Examples: the government of Canada, Federal Aviation Administration, U.S. Army, Navy, etc.) 4. LITIGATION. 5. MISCELLANEOUS. Lists of individuals selected for promotion or appointment, who are being reassigned, who die, or who are retiring are provided to unofficial publications such as the Air Force Times, along with other information of interest to the general Air Force public. Information from PDS support a world-wide locator system which responds to queries as to the location of individuals in the Air Force. Locator information pertinent to personnel on active duty may be furnished to a recognized welfare agency such as the American Red Cross or the Air Force Aid Society. For civilian personnel—to provide automated system support to Air Force officials at all levels from that part of the Office of Personnel Management required personnel management and records keeping system that pertains to evaluation, authorization and position control, position management, staffing skills inventory, career management, training, retirement, employee services, rights and benefits, merit promotion, demotions, reductions in force, complaints resolution, labor management relations, and the suspensions and processing of personnel actions; to provide for transmission of such records between employing activities within the Department of Defense—to provide individual records and reports to OPM; to provide information required by OPM for the transfer between federal activities; to provide reports of military reserve status to other armed services for contingency planning—to obtain statistical data on the work force to fulfill internal and external report requirements and to provide Air Force offices with information needed to plan for and evaluate manpower, budget and civilian personnel programs—to provide minority group designator codes to the Office of Personnel Management's automated data file—to provide the Office of the Assistant Secretary of Defense Manpower and Reserve Affairs with data to access the effectiveness of the program for employment of women in executive level positions—to obtain listings of employees by function or area for locator and inventory purposes by Air Force offices—to assess the effect or probable impact of personnel program

changes by simulation and modeling exercises—to obtain employee duty locations and other employee data for personnel program management purposes—to obtain employee duty locations and other information releasable under OPM rules and the Freedom of Information Act to respond to request from Air Force offices, other Federal agencies and the public—to provide individual records to other components of the Department of Defense in the conduct of their official personnel management program responsibilities—to provide records to OPM for file reconciliation and maintenance purposes—and to provide information to employee unions as required by negotiated contracts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, card files, on computer magnetic tapes, disks or computer paper printouts or microfiche.

RETRIEVABILITY:

Filed by name, or Social Security Number (SSN) The primary individual record identifier in PDS is SSN. Some files are sequenced and retrieved from by other identifiers; for instance, the assignment action record is identified by an assignment action number. Additionally, at each echelon there exists computer programs to permit extraction of data from the system by constructing an inquiry containing parameters against which to match and select records. As an example, an inquiry can be written to select all Captains who are F-15 pilots, married, stationed at Randolph AFB, who possess a master's degree in Business Administration; then display name, SSN, number of dependents and duty location. There is the added capability of selecting an individual's record or certain pre-formatted information by SSN on an immediate basis using a teletype or cathode ray tube display device. High-speed line printers located in the Washington DC area, at Major Command Headquarters, and at ARPC permit the tr volume products to and for the use of Personnel managers at those locations.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in the performance of their official duties where authorized, and properly screened and cleared for need-to-know, and by commanders of medical

centers and hospitals. Records are stored in security file containers/cabinets, safes, vaults and locked cabinets or rooms. Records are protected by guards. Records are controlled by personnel screening visitor registers and computer system software.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Preceding retention statement applies to Analog output products of the Personnel Data System. Data stored digitally within system is retained only for the period required to satisfy recurring processing requirements and/or historical requirements. Files with a retention period of 364 days or less are automatically released at the end of their specified retention period. "Permanent history" files are retained for 10 years. Files 365 or more days old are defined as "historical files" and are not automatically released. Retention periods for categories of PDS files are as follows: If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, then the retention will be not greater than 10 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next daily, which is also used for processing of weekly runs, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next weekly, then the retention will not be greater than 20 days. If cycle in which a program or series of programs creating output is daily, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, then the retention will be not greater than 20 days. If cycle in which a program or series of programs creating output is weekly, and the created magnetic tape file will be used for processing of next weekly, which is also used for processing of monthly runs, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created

magnetic tape file will be used for processing of next monthly, then the retention will be not greater than 30 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of quarterly runs, then the retention will be not greater than 90 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of Semi-Annual run, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is monthly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is monthly, and the created magnetic tape file will be used for processing of next monthly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, then the retention will be not greater than 90 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of semi-annual run, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of annual runs, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is quarterly, and the created magnetic tape file will be used for processing of next quarterly, which is also used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is semi-annual, and the created magnetic tape file will be used for processing of next semi-annual, then the retention will be not greater than 190 days. If cycle in which a program or series of programs creating output is semi-annual, and the created magnetic tape file will be used for processing of annual runs, then the retention will be not greater than 365

days. If created magnetic tape file will be used for processing of permanent history, then the retention will be not greater than 999 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of next annual, then the retention will be not greater than 365 days. If cycle in which a program or series of programs creating output is annual, and the created magnetic tape file will be used for processing of permanent history, then the retention will be not greater than 999 days. If the program or series of programs creating output is a one time run, and the file will be used for processing as required, then the retention will be lowest possible retention commensurate to job completion. If the program or series of programs creating output is compile card image or SOLT tapes, and the created magnetic tape file will be used for processing as required run, then the retention will be not greater than 90 days maximum. If cycle in which a program or series of programs creating output is as required runs, and the created magnetic tape file will be used for processing as required, the retention will be lowest possible retention commensurate to job completion. If the program or series of programs creating output is test files, and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 30 days. If the program or series of programs creating output is print/punch backup and the created magnetic tape file will be used for processing as required, then the retention will be not greater than 10 days. In addition, for civilian personnel at base level (CCPO), master personnel files for prospective employees are transferred to the active file upon appointment of the employee or in the event the employee is not appointed and will no longer be considered a candidate for appointment, are destroyed by degaussing—master personnel files for active employees are transferred to the separated employee history file where they are retained for three years subsequent to separation and then destroyed by degaussing. The notification of personnel action—Standard Form 50—is disposed of as directed by OPM—work files and records such as the employee career brief, position survey work sheet, retention register work sheet, alphabetic and Social Security Number locator files, and personnel and position control register are destroyed after use by

tearing into pieces, shredding, pulping, macerating, or burning—work sheets pertaining to qualification and retention registers are disposed of as directed by OPM—transitory files such as pending files, and recovery files are destroyed after use by degaussing—files and records retrieved through general retrieval systems are destroyed after use by tearing into pieces, shredding, pulping, macerating, or burning. Those records at AF Manpower and Personnel Center for the end of each fiscal year quarter are retained for five years before destroying by deletion—the separated employee file retains employee information at time of separation for five years after which the employee's record is destroyed by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force. Subordinate System Managers are: A. Director of Personnel Data Systems, Assistant Deputy Chief of Staff for Personnel for Military Personnel, Air Force Manpower and Personnel Center (AFMPC), Randolph Air Force Base, TX, 78150. He is responsible for overall PDS design, maintenance and operation, and is designated the Automated Data Processing System Manager for All Air Force personnel data system. B. The Director of Personnel Data Systems at each Major Command headquarters for systems operated at that level. C. The Chief, CBPO, at Air Force installations for systems operated at that level. D. The Civilian Personnel officer at Air Force installations for civilian systems operated at that level.

NOTIFICATION PROCEDURE:

Requests from individuals for notification as to whether the system contains a record on them should be addressed to the System Manager of the operating level with which they are concerned. Persons submitting such a request, either personally or in writing, must provide SSN, name, and military status (active, ANG/USAFR, retired, etc.). ANG members not on extended active duty may submit such requests to the appropriate State Adjutant General or the Chief of the servicing ANG CBPO. USAFR personnel not on extended active duty may submit such requests to ARPC, Denver, CO, 80280 or, if unit assigned, to the Chief of the servicing CBPO or Consolidated Reserve Personnel Office. Personal visits to obtain notification may be made to the Military Records Review Room Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150, the

Military Records Review Room, Air Reserve Personnel Center, Denver CO 80280; The Office of the Director, National Personnel Records Center (NPRC), 111 Winnebago St., St. Louis, MO, 63118; the office of the Director of Personnel Data Systems at the appropriate major command headquarters; or the office of the Chief of his servicing CBPO. Identification will be based on presentation of DD Form 2AF, Military Identification Card. Air Force civilian employees must provide SSN, full name, previous names if any, last date and location of Air force civilian employment if not currently employed by the Air Force—current employees should submit such requests to their CCPO—former employees of the Air Force should submit such requests to the CCPO for the last Air Force installation at which they were employed. Authorizations for a person other than the data subject to have access to an individual's records must be based on a notarized statement signed by the data subject.

RECORD ACCESS PROCEDURES:

Assistance in gaining access to his records will be provided the individual by the appropriate subordinate System Manager at AFMPC, ARPC, NPRC, major command or CBPO/CRPO/CCPO.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, medical institutions, automated system interfaces, police and investigating officers, the bureau of motor vehicles, a state or local government and source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AF MP B

SYSTEM NAME:

Drug/Alcohol Abuse Evaluation and Rehabilitation Case Files

SYSTEM LOCATION:

At servicing Air Force (AF) installation social actions office. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air force active duty military personnel and dependents, Air Force civilian employees, and Air Force Reserve personnel, who are enrolled in a drug/alcohol evaluation or rehabilitation program.

CATEGORIES OF RECORDS IN THE SYSTEM:

As a minimum, the file contains forms and commander's letters documenting entry into evaluation program, date and means of identification, categorizing type of chemical abuse and indicating whether a determination has been made as to entry into rehabilitation and, if entered, progress of individuals toward rehabilitation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. Chapter 16-Drug Abuse Prevention and Treatment, Section 1175, confidentiality of Patient Records; 42 U.S.C. Chapter 60, Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Program, Section 4582, Confidentiality of Patient Records; Air Force Regulation 30-2, Social Actions Program, June 21, 1981.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To determine whether an individual is to be entered in a rehabilitation program, and to document progress of individuals in a program. Those authorized to review, handle, or have access to the file are social actions and medical personnel directly engaged in rehabilitation of a person, Veterans Administration (VA) treatment personnel in cases of members transferred directly to VA in active duty status, official members of Rehabilitation Committee (RC) Commanders in member's chain of command, and persons authorized by Public Law 92-255, section 408(b) 21 U.S.C. 1175(b). The file is used to process members in the evaluation program, develop a treatment regimen, and to assist the RC in making decisions for rehabilitation program dispositions, and to prepare recurring reports. Records in this system which reveal the identity, diagnosis, prognosis or treatment of any individual for drug or alcohol abuse may only be disclosed in accordance with 21 U.S.C. 1175 for those records relating to drug abuse and 42 U.S.C. 4582 for those relating to alcohol abuse. The blanket routine uses published by the Department of the Air Force for its systems of records do not apply in these cases. Disclosure within the Air Force is limited to those

individuals who need the records in connection with programs relating to abuse treatment, rehabilitation, research, health, or assignment to duty. Disclosure is also authorized to other components of the Armed Forces and to the Veterans Administration when these provide health care to identified individuals whether present or former members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets safes and controlled by personnel screening.

RETENTION AND DISPOSAL:

Destroy one year after completion of follow on phase or other termination and after rehabilitation, or three months after determination is made not to enter the individual in rehabilitation by tearing into pieces, shredding, pulping, macerating, or burning, unless needed as background for case files supporting a separation action or other actions under directives, in which case, disposition will be the same as the file which they support.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Drug/Alcohol Abuse Control Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; and Directors or Assistants for Social Actions at Major Command Headquarters; and Chiefs, Social Actions Office at Air Force installations.

NOTIFICATION PROCEDURE:

Chief, Social Actions servicing AF installation. Requests to determine existence of a file should include full name, grade, and unit of assignment. Personal visit proof of identity requires full name and possession of Department of Defense (DD) Form, 2 AF, Armed Forces Identification Card; DD Form 1173, Uniformed Services Identification and Privilege Card; or driver's license and personal recognition of drug/alcohol specialist.

RECORD ACCESS PROCEDURE:

Chief Social Actions servicing AF installation. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, personnel records, individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AF MP C**SYSTEM NAME:**

Casualty Files.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center (AFMPC), Randolph Air Force Base, TX 78150. Bases of assignment of casualty or which provide casualty assistance to next of kin. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. At headquarters of major commands and at bases of assignment of casualty or which provide casualty assistance to next of kin.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any United States Air Force (USAF) member who is or might become a casualty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of Casualty. This pertains to all personnel on active duty, to Air Force Academy cadets, Air Force Reserve and Air National Guard personnel performing authorized inactive duty for training or traveling directly to or from such place of duty, and Air Force Reserve Officers Training Corps (AFROTC) applicants or members on annual training duty for 14 days or more or who are traveling to or from the designated place of such duty who become very seriously ill or injured (VSI), seriously ill or injured (SI), or suffer from an incapacitating illness or injury (III), or who become missing, missing in action, interned, captured or detained by a foreign power. These records pertain to certain civilian employees of the Air Force paid from appropriated funds who become missing, missing in action, interned, captured or detained by a foreign power

while assigned overseas or who are on temporary duty from the Continental United States (CONUS) to overseas or who are traveling to or from the designated place of such duty under competent authority, certain unique situations on civilian employees and dependents of military personnel who become missing, missing in action, interned, captured or detained by a foreign power in mishaps while traveling aboard Military Airlift Command (MAC) or MAC-chartered flights or by other means of MAC overseas travel, and certain civilian employees in the CONUS when their missing status was the proximate result of their employment. Casualty Case File. These files pertain to all officers and airmen on active duty or extended active duty (including personnel in absent without leave, desertion, or dropped from the rolls status). The files also pertain to Air Force Academy cadets, all Air Force Reserve and Air National Guard officers and airmen performing authorized inactive duty for training or traveling directly to or from such place of duty, all AFROTC applicants or members on annual training duty for 14 days or more or traveling to or from the designated place of such duty, and certain civilian employees of the Air Force paid from appropriated funds who become missing, missing in action, interned, captured or detained by a foreign power while assigned overseas or who are on temporary duty (TDY) from CONUS to overseas or who are traveling to or from the designated place of such duty under competent authority. They pertain to certain civilian employees and dependents of military personnel who become missing, missing in action, interned, captured or detained by a foreign power in mishaps while traveling aboard MAC or MAC-chartered flights or by other means of MAC overseas travel and certain foreign nationals and certain employees in the CONUS when their missing status was the proximate result of their employment. A casualty is defined as any member of the armed forces or certain civilians who are lost to their organization by reason of having been declared missing, missing in action, wounded, injured, or deceased. The casualty case file is comprised of messages pertaining to the member; a copy of the Record of Emergency Data, Department of Defense Form 93 or Air Force Form 246; Air Force Manpower and Personnel Center Form 238, CONUS Death/Missing, Report of Casualty, Department of Defense Form 1300; copy of assignment of assistance responsibility letter; Servicemen's Group

Life Insurance Election, Veterans Administration (VA) Form 29-8286; correspondence from the base/AFMPC to/from the next of kin (NOK); Acknowledgment and/or Transfer of Casualty Assistance Case, Air Force Form 92; Statement of Service, Department of Defense Form 13; copy of notification message; Western Union messages; AF Form 25, Facts and Circumstances Report; and other related correspondence and forms which pertain to the file. Record of Emergency Data being maintained on all Air Force personnel on extended active duty (EAD) and Air Force Academy cadets. Missing Persons Case Files. Reports submitted on United States Air Force (USAF) personnel who become missing as defined in 37 USC 551. Convenience rosters of those persons, copies of communications from and to next of kin, items received through news media, and some films.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2771, Armed Forces—Accountability and Responsibility; 37 U.S.C. 555 and 556, Pay and Allowances of the Uniformed Services, Payments to Missing Persons; implemented by Air Force Regulation 30-25, Casualty Services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Support of the Casualty Services Program. The information is used to assist the Air Force in effecting expeditious reporting, dignified and humane notifications, and efficient and thorough assistance to the next of kin of all casualties as previously defined. Primary user is the Office of the Assistant for Casualty Matters, bases of assignment and/or reporting installation and bases providing casualty assistance. Records created in the mortuary process, including the shipment of remains, details associated with the appointment of a summary court officer (SCO), and cases involving positive identification procedures. Records contain histories of all known data surrounding the missing statuses recording dealings with next of kin, and reflecting efforts to obtain all possible information through normal and intelligence channels as well as the results of those efforts. Contain record of personnel actions taken which involve the missing persons as well as actions taken in accordance with public law. Rosters are maintained for convenience of completing many actions. Primary users are personnel in

the Office of the Assistant for Casualty Matters At the Air Force Military Personnel Center. Decentralized segment is maintained for rapid response to queries by high-level personnel in the Washington, DC (DC) area. The Record of Emergency Data is used to show the names and addresses of service member's spouse, children, parents and other persons the member wants notified should he/she become a casualty. Serves as an official document required by law (10 U.S.C. 2771) for designating beneficiaries for death gratuity and unpaid pay and allowances. Also used to designate a person to receive an allotment of pay if the member becomes missing, captured or interned. Primary user is the Office of the Assistant for Casualty Matters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders, cabinets, film canisters, and microfilm.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Casualty records at AFMPC are accessible only to authorized personnel assigned to the Office of the Assistant for Casualty Matters. Personnel are on duty 7 days per week, 24 hours a day. Access to the building after duty hours is controlled by Security Police personnel.

RETENTION AND DISPOSAL:

Records may be temporary or permanent or supplemental in nature. They are retained in active file until the member's status is changed to decreased or returned to military control or no longer considered VSI, SI or III. One year after that time, selected temporary records are destroyed and all permanent records are retired to the National Personnel Records Center. Remaining temporary records are destroyed ten years after date of death or return to military control. Records of Casualty and casualty case files are permanent records. They are retained in active file until application or receipt of all allowable benefits, then forwarded to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132. Case files pertaining to civilians; foreign nationals; very seriously ill or seriously ill persons; and dependents of military personnel are destroyed 90 days after administrative closing of the case. Records of Emergency Data are retained until the member is relieved from active

duty, then retired to a history file. Destroyed by shredding, burning, or by tearing into pieces. Mortuary records are retired to the Washington National Records Center, 4205 Suitland Road, Suitland, MD 20409.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Air Force Manpower and Personnel Center/Office of the Assistant for Casualty Matters (AFMPC/MPCC), Randolph Air Force Base, TX 78150, or if records have been retired, the request will be forwarded to National Personnel Records Center (NPRC). Written requests should contain the full name and Social Security Account Number of the member as well as an identification as complete as possible of the desired material including, if known, its title, description, number, date and issuing authority. For personal visits, the individual must provide some acceptable identification; that is, drivers license, identification card, or give some verbal information that can be verified in the case folder.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information provided by next of kin, organization of assignment, information extracted from Master Personnel Records, documents generated within the Casualty Division, Air Force Manpower and Personnel Center, correspondence produced in providing casualty notification/assistance/processing.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AF MP D

SYSTEM NAME:

Contingency Planning Support Capability (CPSC)

SYSTEM LOCATION:

Headquarters Strategic Air Command, Offutt Air Force Base, NE 68113,

Headquarters Tactical Air Command, Langley Air Force Base, VA 23365, Headquarters Military Airlift Command, Scott Air Force Base, IL 62225, Headquarters Aerospace Defense Command, Ent Air Force Base, CO 80912, Headquarters Air Force Communications Command, Scott Air Force Base, IL 62225, Headquarters United States Air Forces Europe, Ramstein Air Base (AB), APO NY 09012, and Headquarters Pacific Air Forces, Hickam Air Force Base, HI 96853.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on officer and enlisted personnel that are projected or departed on Temporary Duty (TDY) in support of contingency deployment or manning assistance projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data maintained on individuals consists of 200 characters of data that fall into the following categories: Individual identification, skills, assigned organization, attached (TDY) organization and location, period and type of TDY, and projected completion date. Information is related only to the current performance of TDY of the individual on a specific project.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, General duties; implemented by Air Force Manual 30-130, Base Level Military Personnel System, and Air Force Manual 30-3, Mechanized Personnel Procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Data described in that portion of CPSC that contains individually identifiable data records. Other records in CPSC provide manpower authorizations to deploy personnel resources. The individual data provides the necessary information to insure that right numbers of personnel with the appropriate skills are projected/ deployed in support of a contingency plan. Standard output programs summarize the individual data records and perform comparative routines to monitor the deploying force in relationship to the CPSC deployment manning document. Individual data records are provided to the CPSC via a magnetic tape file interface with the Personnel Data System (PDS). This file is provided on an as required frequency basis with production permissible as often as the PDS files are updated at the Major Air Command.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer and computer output products. Maintained on disks or drums.

RETRIEVABILITY:

Individual data records are not accessed nor displayed reflecting name or SSN by standard CPSC programs. Retrieval programs available to Major Air Command personnel managers may be used to access individual data.

SAFEGUARDS:

By persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Records are maintained only for the duration of the TDY period then are programmatically deleted by computer.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, Director of Personnel Data Systems, Assistant Deputy Chief of staff for Personnel, Military Personnel, Randolph Air Force Base, TX, and Director of Personnel Data Systems at each Major Air Command Headquarters provided in the system location identification.

NOTIFICATION PROCEDURE:

Contact Director of Personnel Data Systems at each Major Air Command Headquarters provided in the system location identification.

RECORD ACCESS PROCEDURE:

Contact Director of Personnel Data Systems at each Major Air Command Headquarters provided in the system location identification.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AF SP A**SYSTEM NAME:**

Documentation for Identification and Entry Authority.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual is issued identification or entry authority credentials. Information copies of certain application forms for entry into certain restricted areas are also kept at an individual's duty assignment. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are issued identification credential for normal identity purposes or for entry into controlled or restricted areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation used to request identification or entry credential, information reports on the loss, theft, or destruction of these credentials, certain types of entry authority lists, and various accountability records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by the security police for issuing ID cards and these restricted or controlled area badges which authorize entry into certain areas. Some organizations may routinely keep copies of the above documentation in order to maintain control over persons authorized entry into certain areas. Accountability documents are used to insure proper control over the various forms utilized in these functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, note books/binders, card files and on computer and computer output products.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/

cabinets and in locked cabinets or rooms. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Accountability records are destroyed two years after issue of the last card or the last entry on a log, etc. Statements, certificates, and related correspondence reporting the loss, theft, or destruction of identification or entry credentials are destroyed one year after reported loss. Destruction of these items is by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

The appropriate installation Chief of Security Police should be contacted for information. When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter must be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 ATC A**SYSTEM NAME:**

Drug Abuse Control Case Files.

SYSTEM LOCATION:

Special Counseling Section, 3507 Airman Classification Squadron, Lackland Air Force Base, TX 78236.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel and reserve personnel referred to drug abuse office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various letters describing drug abuse information such as notification of disposition, recommendation for disposition, drug abuse determination of urinalysis cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; Air Force Regulation 39-12, Separation for Unsuitability, Misconduct, Resignation or Request for Discharge for the Good of the Service; and Procedures for Rehabilitation Program; and Air Force Regulations 30-2, Social Actions Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Discharge authority, Special Counseling Section, and squadron commanders determine extent of prior service drug abuse and make determinations of discharge or retention in the Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 3507 Airman Classification Squadron, Lackland Air Force Base, TX 78236.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System

Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from squadron commanders, base surgeons, classification interviewers, medical institutions and from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 ATC B**SYSTEM NAME:**

Enlistee Quality Control Monitoring System.

SYSTEM LOCATION:

USAF Recruiting Service (ATC) RSS, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Airmen trainee history records containing name, SSN, and other personnel data for assignment from basic military training, job preferences, security investigation, dependent data, education, test scores, grade and promotions, biographical history, physical information, drug abuse history, enlistment personal and guaranteed training enlistee program data, separation data, classification data, service dates, technical school eliminations, separations, honor graduates and article 15 and court-martial actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: recruiting campaigns; 505, Regular components: qualifications, term, grade; 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Training Command Regulation 33-2, Recruiting Procedures for the United States Air Force (Recruiting Service).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To evaluate the quality of airmen being enlisted in the USAF. Statistics

are developed to evaluate the impact of drug abuse, judicial punishment, technical school elimination and their interreaction on procurement policies. Feedback data is furnished to field operating personnel to assist them in evaluating their effectiveness as recruiters and managers and allow them to make necessary changes in their recruiting methods. Used by staff agencies at HQ USAF and Air Training Command to evaluate the effects of changes in procurement and classification changes. Used by recruiting agencies to evaluate recruiting methods based on review of basic military training discharges, technical school discharges, eliminations, and honor graduates, and judicial punishment actions. Statistical analysis by all levels of agencies to indicate recruiting and seasonal procurement trends, classification and assignment policy changes, and discharge and eliminee rates. Used to furnish statistics on females with minor dependents, on fast-pace students, and directed duty assignments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer magnetic tapes.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained indefinitely by fiscal year of enlistment.

SYSTEM MANAGER(S) AND ADDRESS:

Director of student resources, USAF Recruiting Service, Air Training Command, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and

appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces. Information obtained from financial institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 ATC C

SYSTEM NAME:

Processing and Classification of Enlistees (PACE)

SYSTEM LOCATION:

At Air Training Command, Randolph Air Force Base, TX 78150 and input/output remotes at 3507 Airman Classification Squadron (ATC) Lackland Air Force Base, TX 78236 and USAF Recruiting Service (ATC) Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel. Attached records for Air National Guard and Air Force reserve personnel attending basic military training and Officer training school. Active duty enlisted personnel attending Officer training school in TDY status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Airmen trainee records containing name, Social Security Number (SSN), and other personnel data for assignment from basic military training, security investigation, job preferences, dependent data, education, test scores, grade and promotions, biographical history, physical data, drug abuse history, enlistment personal and guaranteed training enlistee program data, separation information, classification data, service dates, and basic training flight, squadron, entry and graduation dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Regulation 30-1, Airman Classification Regulation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To create an initial record for the base level personnel data system (BLMPS); to provide AFMPC with initial accession information on non-prior service enlistees provide for improved classification and assignment procedures using computer processes;

provide necessary information to joint military pay system (JUMPS) and Lackland Entering Pay System (LEAPS) for establishment of military pay records; interface the data ring process to the maximum extent with other functional areas; and to standardize and simplify personnel processing for the 3700 personnel processing group (ATC). Lackland Air Force Base, TX 78236, so that they may more effectively control record preparation, processing, and classification actions necessary to transition civilian enlistees to military status. Aptitude tests are administered; biographical history and job and assignment preferences are collected; and personal data is collected from enlistment records to establish a mechanized record necessary to support classification and assignment of trainees. Accession and update data is furnished through automatic interface to the advanced personnel data system (PDS) at AFMPC and Air Training Command, Randolph Air Force Base, TX; to JUMPS at AFAFC, Denver, CO, and to LEAPS at accounting and finance, Lackland Air Force Base, TX. History records are furnished monthly to the human resources laboratory (HRLPRD), personnel research division, Brooks Air Force Base, TX, for statistical analysis and to USAF Recruiting Service/RSS, Randolph Air Force Base, TX, for use in the enlistee quality control monitoring system. Data is used to prepare forms, processing schedules, reassignment and promotion orders, classification actions, transaction and error rosters, autodid lists, and management products necessary to administer trainees while at Lackland Air Force Base, TX. Standard BLMPS products such as JUMPS transaction registers, strength balance reports, and suspense lists are prepared. Changes in basic data, promotions, reassignments, separations, and duty status changes are reported to PDS, JUMPS, and LEAPS as the action occurs. History records used at HRLPRD and the enlistee quality control monitoring system are augmented by additional data from PDS and technical training centers and are used to evaluate the quality of Airmen enlisted in the USAF and the effects of changes in procurement and classification policies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files and on computer magnetic media.

RETRIEVABILITY:

Filed by name. Filed by SSN. Filed by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Records for basic trainees are retained in active file until departure from basic military training is confirmed then transferred to history file on magnetic tape for one year. Records for Officer trainees are maintained in the active file until end of fiscal year in which they enter training and then transferred to history file on magnetic tape for one year.

SYSTEM MANAGER(S) AND ADDRESS:

USAF Recruiting Service (ATC), Randolph Air Force Base, TX 78150 and 3507 Airman Classification Squadron (ATC), Lackland Air Force Base, TX 78236.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces. Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth. Prepared from forms prepared during enlistment processing and completed during interviews and testing at 3507 Airman Classification Squadron, Lackland Air Force Base, TX 78236.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 MPC A

SYSTEM NAME:

Deceased Service Member's Dependent File.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Widow/Widowers or other next of kin.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Address, Social Security Number (SSN) of Widow/Widower: Name, Grade, SSN, Date of Death/Date of Retirement of Sponsor

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032, General duties; and Air Force Regulation 30-25

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used only to identify Air Force Widow/Widowers for purpose of mailing copies of the bimonthly United States Air Force News for Retired Personnel, The Afterburner. Verification for issuance of ID cards or obtaining benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Tape and card.

RETRIEVABILITY:

Filed by name

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and

appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Widow/Widower request, ID card application, casualty notices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 MPC B**SYSTEM NAME:**

Indebtedness, Nonsupport, Paternity.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired personnel who are the subject of complaints of indebtedness, nonsupport or paternity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondance files containing name, grade, Social Security Number (SSN), duty station, address, and financial status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by: Air Force Regulation 35-18, Financial Responsibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Wives, former wives, commercial institutions, welfare agencies, and members of Congress based on allegations of indebtedness or nonsupport.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for two years after end of year in which the case was closed, then destroyed by tearing in to pieces,

shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals, private concerns, and government agencies with interests pursuant to subject records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 TAC A**SYSTEM NAME:**

Base Automated Mobility System (BAMS) Personnel Extract Tape.

SYSTEM LOCATION:

Headquarters, Tactical Air Command, Langley Air Force Base, VA 23665.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel assigned to Tactical Air Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel data extracted on officers and airmen.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8074, Commands; territorial organization, TACRs 400-581 and 171-581.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The personnel extract tape is used as an input to produce BAMS output products to manage available personnel resources for mobility and deployment purposes at the CBPO.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer magnetic tapes.

RETRIEVABILITY:

Filed by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, not longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Tactical Air Command, Langley Air Force Base, VA.

NOTIFICATION PROCEDURE:

Individuals can obtain assistance from the wing/base mobility office where organized.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO34 ATC A**SYSTEM NAME:**

Kindergarten Student File.

SYSTEM LOCATION:

3380th Air Base Group/SSFK, Keesler Air Force Base, MS 39534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Children enrolled in kindergarten and their parents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration forms, enrollment contract, parent authorizations for testing/field trips/forwarding of school records, child/family background

questionnaire, test results, and student progress reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by kindergarten personnel to understand and determine special needs of children, to locate parents in case of emergency, to make progress reports to parents, to establish contractual obligations between kindergarten and parents and to set up car pool listings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records maintained in file folders.

RETRIEVABILITY:

Filed by student name.

SAFEGUARDS:

Records are accessed by the kindergarten principal and kindergarten counselor; maintained in locked desks or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year after child leaves program or until parent requests transfer of records to another school, whichever comes first. In the event the records are not transferred to another school, they are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Kindergarten Principal, 3380 ABGp/SSFK, Keesler Air Force Base, MS 39534.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. The full name of the student will be required to determine if the system contains a record about him or her. The requester may visit the kindergarten to obtain information on whether the system contains records pertaining to an individual. As proof of identity the requester must present either a current military identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from parents; test results; student evaluations by kindergarten personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO35 AFCC A

SYSTEM NAME:

Scope Leader Program.

SYSTEM LOCATION:

At Headquarters Air Force Communications Command (ACC/MP), Scott Air Force Base, IL 62225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, officer grade, assigned to Air Force Communications Command (AFCC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals currently serving as commanders in positions designated as "tough jobs," and personnel selected as potential candidates for "tough job" commander positions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Communications Command Regulation 500-16.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to monitor the assignment and replacement of unit Commanders in Air Force Communications Command (AFCC).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer and computer output products.

RETRIEVABILITY:

Retrievability based on presence of commander identification code. Computerized.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official

duties. Records are stored in locked cabinets or rooms and computer system requiring user codes and passwords for access.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, burning or degaussing. Also destroyed by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Assignments, Deputy Chief of Staff, Manpower and Personnel, Headquarters, AFCC, Scott Air Force Base, IL 62225.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager and include full name, rank and Social Security Number.

RECORD ACCESS PROCEDURES:

Record access can be obtained only through the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for contesting contents and appealing initial determinations by the individual concerned are in Air Force Regulation 12-35.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AFDSC A**SYSTEM NAME:**

Management Control System (MCS).

SYSTEM LOCATION:

Administrative/Personnel Support Office, Room 1D158, Air Force Data Services Center, AFDSC, Pentagon, Washington, DC 20330. Training Team, Office of Plans and Management, Room 1C1041, Air Force Data Services Center, AFDSC/XMT, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Types of records are those associated with a locator file, i.e., the individual's name, home address, home phone, etc. Also contained are records relating to the office the individual is assigned to; their authorized and assigned grade;

date they were assigned to this organization; for military personnel only, the date they will depart; who their supervisor is; and the individual's duty phone and his immediate supervisor's duty phone. This also contains training information for military and civilian personnel assigned to AFDSC. This information consists of course completions by date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The MCS system was established as a management tool to provide office managers with information concerning their overall manpower picture to aid them in scheduling workload requirements in support of this organization's assigned mission. This system also acts as a Central Locator File and also allows a variety of manpower reports to be produced. b. Anticipated users of the MCS system: (1) Commander, Air Force Data Services Center. (2) Directors and Divisions Chiefs, Air Force Data Services Center. (3) Administrative personnel assigned to the Office of Administrative/Personnel Support function, Air Force Data Services Center, and training personnel assigned to Training Team, Office of Plans and Management. (4) Civilian agencies and other government agencies. (Specific names and government branches cannot be identified since the system acts as a locator file for individuals assigned to AFDSC. Any civilian agency or government branch could request information concerning an individual in order to locate that individual at their place of duty or at home.) (5) Military and Civilian Personnel Offices assigned to the 1143rd Air Base Squadron, Pentagon, Washington, DC. c. Specific use of information by each of the users mentioned in paragraph 8b. (1) The Commander, AFDSC uses the information from the MCS system to keep informed of the current manpower authorizations within AFDSC and where individuals are assigned. This is also true for Directors and Division Chiefs in AFDSC. From this information the AFDSC workload is closely managed to meet requirements by customers that this organization supports. In addition, the Commander, Directors and Division Chiefs can request a variety of manpower information from this system when certain data fields are aligned. (2) The administrative personnel assigned

to the Administrative personnel support function mainly use the information supplied from MCS as a Central Locator file in order to assist outside callers in locating offices and individuals of this organization. Training Personnel use this file to provide cost estimates for input to the annual budget preparations for this organization. (3) The information provided to civilian and government agencies would be upon request to locate an individual assigned to AFDSC. (4) Civilian and Military personnel offices are provided information in report form. In most cases this information concerns number of personnel assigned against number authorized, or the number of personnel assigned in a particular grade. Each of these offices can request other inquiries concerning personnel for which the MCS can, in most cases, provide the answers to their questions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer and computer output products.

RETRIEVABILITY:

Filed by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative/Personnel Support Office, Air Force Data Services Center, Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the

individual concerned may be obtained from System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AFIS A

SYSTEM NAME:

Intelligence Reserve Information System (IRIS).

SYSTEM LOCATION:

Directorate, Intelligence Reserve Forces, Air Force Intelligence Service (HQ AFIS/RE), Ft Belvoir, VA 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel assigned or attached to the Directorate, Intelligence Reserve Forces (AFIS/RE); transferred or retired reservists from AFIS/RE; or reservists who have applied for assignment to AFIS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic information (personal and military), language information, education information, reserve tour duty information, home information, employment information, security information, personnel security access records, experience information (intelligence and civilian foreign area knowledge), scientific and technical information, specialty information, weight control information, Air Force attaché information, locator information, Officer Effectiveness Report (OER), and Reserve Noncommissioned Officer Performance Report (APR(R)) information, training information, professional military education information, specialty course information, military decorations, unit awards, special trophies and awards, outstanding mobilization augmentee of the year information, special trophies and awards information, deserving airman commissioning program information, quality force retention board information, officer and enlisted promotion information, statutory tour information, mobilization info.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275, Personnel Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To manage the career (training, promotions, command assignments, and mobilization) of reservists assigned to AFIS/RE during peacetime. The users of

this system include most USAF MAJCOMs/SOAs and various intelligence agencies. The IRIS enables this directorate to efficiently manage the reserve resources for the MAJCOMs/SOAs to insure the individual reservist is fully qualified for both his peacetime and wartime duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders. Maintained on computer paper printouts.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director Intelligence Reserve Forces (HQ AFIS/RE), Air Force Intelligence Service (AFIS), Ft. Belvoir, VA 22060.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual, Air Reserve Personnel Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP A

SYSTEM NAME:

Effectiveness/Performance Reporting Systems.

SYSTEM LOCATION:

Headquarters, United States Air Force, Washington DC 20330; Air Force

Manpower and Personnel Center, Randolph Air Force Base, TX 78150; headquarters of the major commands and separate operating agencies; consolidated base personnel offices; each State adjutant General Office; Reserve and Air National Guard units, and the Human Resources Laboratory, Brooks Air Force Base, TX. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military Personnel Only. Officer: applies to active duty/Air National Guard/Air Force Reserve Personnel serving in grades Warrant Officer (W-1) through Colonel (O-6). Airmen: applies to active duty personnel in grades Airman Basic (E-1) through Chief Master Sergeant (E-9), and to Air Force Reserve personnel in grades Staff Sergeant (E-5) through Chief Master Sergeant (E-9).

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Effectiveness Report; Education/Training Report; Lieutenant Colonel Promotion Recommendation Report; Colonel Promotion Recommendation Report; Airman Performance Report; Technical Sergeant (TSST), Staff Sergeant (SSST), and Sergeant (SGT) Performance Report; Chief Master Sergeant (CMSST), Senior Master Sergeant (SMSST), and Master Sergeant (MSGST) Performance Report; Description of Data Contained Therein: Name; Social Security Number (SSN); Active and Permanent Grades; Specialty Data; Organization location and Personnel Accounting Symbol (PAS); Period of Report; Number of days of supervision; Performance Evaluation Scales; Assessment of Potential; Comments Regarding Ratings;

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; Air Force Regulation 36-10, Officer Evaluations, and Air Force Regulations 39-62, Volume I, Performance Reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Uses Include: Documentation of effectiveness/duty performance history; Promotion selection; school selection; assignment selection; reduction-in-force; control roster; reenlistment; separation; research and statistical analyses; other

appropriate personnel actions. Users include: supervisor; commander; major command; Air Force Manpower and Personnel Center; Headquarters USAF; other Military Services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name or SSN.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Copies of performance reports are retained until separation or retirement. At separation or retirement, data subject is presented with field and command record copies of his or her reports. The Headquarters Air Force (HAF) copy is a permanent record that is forwarded to the National Personnel Records Center, Saint Louis, MO. In the event the member has a Reserve commitment, the HAF copy is sent to the Air Reserve Personnel Center (ARPC), York Street, Denver, CO. However, the following exceptions apply: Officers Field Record: Remove and give to individual when promoted to Colonel, when separated or retired. Destroy when voided by action of the Officer Personnel Records Review Board. When voided by action of the Air Force (AF) Board for Correction of Military Records, forward all copies of report to Headquarters United States Air Force (HQ USAF) when directed. Command Record: The command custodian will destroy the reports when voided by action of Officer Personnel Records Review Board. When voided by action of the AF Board for Correction of Military Records, forward all copies of report to HQ USAF when directed. HAF Record: Remove reports voided by action of the Officer Personnel Records Review Board from the selection folder and file in the board recorder's office until destroyed by tearing into pieces, shredding, pulping, macerating or burning. Remove reports voided by action of the AF Board for Correction of Military Records from selection folder and submit to Board's Secretariat with duplicate and triplicate copies, for custody and disposition. Lt Colonel and Colonel Promotion Recommendation Reports are temporary documents maintained only at HQ Air Force level

and are destroyed after their purpose has been served. Active duty airmen: Grades E-3 through E-8: On separation or retirement, Airman Performance Reports (APRs) are forwarded to the National Personnel Records center, Saint Louis, MO unless data subject holds a reserve obligation, in which case they are forwarded to ARPC. Grades E-7 through E-9: On separation or retirement, original copies, those retained in Senior NCO selection folders and those in field record closing before 1 January 1967, are forwarded to the National Personnel Records Center or to ARPC if data subject holds a reserve obligation. Duplicate copies closing 1 January 1967 or later (field record) are returned to the member at separation or retirement. Non-EAD USAFR airmen: Air Force Reserve Forces Non-commissioned Officers Performance Report; upon separation, retirement or assignment to a non-participating reserve status, they are forwarded to ARPC for file in the master personnel record and disposed of as a part of that record.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, Washington DC 20330, and Chief of Air Force Reserve, Headquarters United State Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The basis of the ratings is observed on-the-job or education/training performance progression of the individual. Further, evaluation reports may have as an additional source of information: Letters of Evaluation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 UCS 552(k)(7), as applicable. For additional information, contact the System Manager.

F035 AF MP B

SYSTEM NAME:

Geographically Separated Unit Copy Officer Effectiveness & Airman Performance Report.

SYSTEM LOCATION:

Headquarters of major subordinate commands and numbered Air Forces.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers (Lt Colonel and below) and Airmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Effectiveness Report; Education/Training Report; Airman Performance Report; Technical Sergeant (TSgt), Staff Sergeant (SSgt), and Sergeant (Sgt) Performance Report; and Chief Master Sergeant (CMSgt), Senior Master Sergeant (SMSgt), and Master Sergeant (MSgt) Performance Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; implemented by AFR 36-10, Officer Evaluations, and Air Force Regulation 39-62, Volume I, Active Duty Noncommissioned Officer and Airman Performance Reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of individual's past job performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

At Headquarters of Major Subordinate Commands and numbered Air Force official mailing addresses are in the Department of Defense Directory

in the appendix to the Air Force systems notices.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Officer and airman evaluation report data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP C

SYSTEM NAME:

Military Personnel Records System.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Air Reserve Personnel Center, Denver, CO 80280. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Headquarters of the major commands and separate operating agencies. At consolidated base personnel offices and other installation units. At State Adjutant General Office of each respective State, District of Columbia or Commonwealth of Puerto Rico. At Air Force Reserve and Air National Guard units. Official mailing addresses are in the Department of Defense Directory in the Appendix to the Air Force's Systems Notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer Correspondence and Miscellaneous Document Group (C&M) at Air Force Military Personnel Center (AFMPC); Headquarters United States Air Force (HQ USAF) Selection Record Group (SR) at HQ USAF Assistant for general Officer Matters; Retired Air Force general officers. Master Personnel Record Group (MPERGp) at AFMPC; active duty colonels at HQ USAF, Assistant for senior Officer

Management, C&M at AFMPC Air Force active duty officer personnel. MPerGp at AFMPC Officer Command Selection Record Group (OCSR) at the respective major command or separate operating agency. Field Record Group (FRGp) at the respective Air Force base of assignment/servicing Consolidated Base Personnel Office (CBP); Air Force active duty enlisted personnel MPerGp at AFMPC. FRGp at respective servicing CBPO, Senior Noncommissioned Officer (NCO) Selection Folder at the respective servicing CBPO; personnel in Temporary Disability Retired List (TDRL) status, Missing in Action (MIA), Prisoner of War (POW), Dropped From Rolls (DFR), MPerGp at AFMPC; Reserve officers MPerGp at Air Reserve Personnel Center (ARPC). OCSR at the respective Air Force (AF) major command (MAJCOM) when applicable, FRGp at the respective unit of assignment or servicing CBPO or Consolidated Reserve Personnel Office (CRFPO); Reserve airmen MPerGp at ARPC, FRGp at the respective unit of assignment or servicing CBPO/CRPO; Air National Guard (ANGUS) officers MPerGp at ARPC, OCSR at the respective State Adjutant General Office, FRGp at the respective unit of assignment, ANGUS airmen MPerGp at the respective State Adjutant General Office FRGp at the respective unit of assignment; Retired Air Force military personnel; discharged personnel MPerGp at National Personnel Records Center NPRC; Air Force Academy cadets MPerGp at unit of assignment CBPO. System contains substantiating documentation such as forms, certificates, administrative orders and correspondence pertaining to appointment as a commissioned officer, warrant officer, Regular AF, AF Reserve or ANGUS: enlistment/reenlistment/extension of enlistment; assignment Permanent Change of Station (PCS)/Temporary Duty (TDY); promotion/demotion; identification card requests; casualty; duty status changes—Absent Without Leave (AWOL)/MIA/POW/Missing/Deserter; military test administration/ results/service dates; separation; discharge; retirement; security; training, Precision Measurement Equipment (PME), On-The-Job Training (OJT), Technical, General Military Training (GMT), commissioning, driver; academic education; performance/effectiveness reports; records corrections—formal/informal; medical or dental treatment/examination; flying/rated status administration; extended active duty; emergency data; line of duty determinations; human/personnel reliability; career counseling; records transmittal; AF reserve administration;

Air National Guard administration; board proceedings; personnel history statements; Veterans Administration compensations; disciplinary actions; record extracts; locator information; personal clothing/equipment items; passport; classification; grade data; Carrer Reserve applications/cancellations; traffic safety; Unit Military Training; travel voucher for TDY to Republic of Vietnam; dependent data; professional achievements; Geneva Convention cards; drug abuse; Federal Insurance; travel and duty restrictions; Conscientious Objector status; decorations and awards; badges; Favorable Communications (colonels only); Inter-Service transfers; pay and allowances; combat duty; leave; photographs; Personnel Data System products.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; implemented by Air Force Regulation 35-55, Military Personnel Records System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Military Personnel Records are used at all levels of Air Force personnel management within the agency for actions/processes related to procurement, education and training, classification, assignment, career development, evaluation, promotion, compensation, sustenance, separation and retirement. Military Personnel Records are routinely used outside the Air Force for actions/processes related to assignment or transfer to other services or joint service organizations; compensation claims submitted to veterans Administration Regional Offices; dependents and survivors requesting issuance or determination of eligibility for identification card privileges; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) eligibility and benefits request—copies are provided to CHAMPUS, Denver, CO; Immigration and Naturalization—copies are provided to respective local Immigration Office; Unemployment Compensation Requests—verification of service related information provided to State Unemployment compensation (UCX) Office; Vietnam State Bonus—information provided to respective local State offices; Civil Service requests for verification of military service for benefits; leave or Reduction in Force (RIF) purposes—copies provided to local

Civilian Personnel Office; National Cemetery Burial/Headstone cases—copies provided to Superintendent National cemetery, Army Quartermaster Corps, Virginia; Worldwide locator inquiries—response provided to legitimate requests in accordance with the Freedom of Information Act; Dual compensation cases involving former officers—provided to establish Civil Service employee tenure and leave accrual rate; Social Security Retirement Credit Verification—verification of service data provided to substantiate applicant's credit for Social Security compensation; Soldiers and Sailors Civil Relief Act requests—verification of service—related information provided to State courts in civil actions; Litigation—in event the United States, its officers or employees are involved. Changes in member's official records regarding name, Social Security Number, date or place of birth or home of record—required information provided to Director of Selective Service, Federal Bureau of Investigation, and Personnel Research Division of the Air Force Human Resources Laboratory at Lackland Air Force Base, TX. Secretary of the Air Force Legislative Liaison releases when authorized by individual concerned. U. Department of Agriculture for investigative and audit procedures; U.S. Department of the Treasury for Secret Service investigations, Coast Guard Activities, Bureaus of Customs, Narcotics, Engraving and Printing and Internal Revenue Service for official activities; US State Department, Federal Aviation Agency for background investigations of employment applicants; Central Intelligence Agency for Investigations, US Postal Service for Official Postal Inspector Duties, General Services Administration for Investigation of Incumbent Employees; Department of Justice for Investigations conducted by the Federal Bureau of Investigation and Immigration and Naturalization; Small Business Administration for Investigations concerning loans, National Security Agency Review of Records for security Investigations, United States Information Agency for Review of Records for Background Investigations, United States Office of Personnel Management to conduct investigations either by personal investigations or written inquiry to determine suitability, eligibility, or qualifications of individuals for Federal employment, Federal contracts, or access to classified information or restricted areas. Separation information provided to the Veterans' Administration and Selective Service Agencies, American National

Red Cross—information to local Red Cross offices for emergency assistance to military members, dependents, relatives or other persons if conditions are compelling. Drug Enforcement Administration. Department of Labor: Bureau of Employees' compensation—medical information for claims of civilian employees formerly in military services; Employment and Training Administration—verification of service-related information for unemployment compensation claims; Labor Management Services Administration for investigations of possible violations of labor laws and pre-employment investigations; National Research Council—for medical research purposes; U.S. Soldiers' and Airman's Home—service information to determine eligibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, placed in metal file containers or on open shelves. Microfiche placed in rotary power files; computer disk resident data file consists of Social Security Number (SSN) and disk location of the associated image record which includes document data describing document type, date, location, and number of pages in each document.

RETRIEVABILITY:

Information in the system is retrieved by last name, first name, middle initial and Social Security Number (SSN). Records stored at National Personnel Records Center are retrieved by registry number, last name, first name, middle initial and SSN.

SAFEGUARDS:

The prescribing directive for the Military Personnel Records System requires those records to be stored (after duty hours) in a locked building, room or filing cabinets. Access is specifically limited to those personnel designated by the Consolidated Base Personnel Office (CBPO) Chief and those provisions for access and release of information contained in Air Force Regulation 12-35 and 31-4.

RETENTION AND DISPOSAL:

Users who are granted access to the microfiche files are screened by computer software. Those documents designated as Temporary in the prescribing directive remain in the records until their obsolescence (superceded, member terminates status, or retires) when they are removed and provided to the individual data subject.

Those documents designated as Permanent remain in the military personnel records system permanently and are retired with the master personnel record group.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff
Personnel for Military Personnel,
Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

The individual data subject may be notified that a record exists on him by submitting a request to or appearing in person at the responsible official's office or the respective repository for records for personnel in particular category during normal duty hours any day except Saturday, Sunday or national and local holidays. The Saturday and Sunday exception does not apply to Reserve and National Guard units during periods of training. Response to written requests will be provided not later than ten days following receipt of request. The System Manager has the right to waive these requirements for personnel located in areas designated as Hostile Fire Pay areas.

RECORD ACCESS PROCEDURES:

The same written notification or personal visit procedures which apply to notification also apply to access.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Sources of information contained in the system include data subject's applications, requests, personal history statements, supervisors' evaluations, correspondence generated within the agency in the conduct of official business, medical treatment records, educational institutions, civil authorities, other service departments, and interface with the Personnel Data System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP D

SYSTEM NAME:

Officer Effectiveness Report (OER)/
Airman Performance Report (APR)
Appeal Case Files.

SYSTEM LOCATION:

Air Force Manpower and Personnel
Center, Randolph Air Force Base, TX

78150. At consolidated base, reserve personnel offices (CBPOs/CRPOs). Headquarters of the major commands and separate operating agencies. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former officers and airmen of the regular Air Force, the Air Force Reserve and the Air National Guard who appeal for correction of records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of individual application, supporting documents, indorsements by the consolidated base, reserve personnel offices and the major command or separate operating agency when applicable, and correspondence reflecting the board's decision on the case, and other official records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; implemented by Air Force Regulation 31-11, Correction of Officer and Airmen Evaluation Reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To answer individual inquiries concerning a particular appeal and, at the Air Force Military Personnel Center (AFMPC) level, as a basis for consideration in preparation of Air Staff advisory opinions on OER/APR appeals.

POLICIES AND PRACTICES FOR SORTING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

File by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

At Air Force Manpower and Personnel Center (AFMPC) case files are maintained for three calendar years from date of last action as indicated in

the file, then destroyed. At consolidated base, reserve personnel offices (CBPOs/CRPOs) and major commands and separate operating agencies, files are maintained for two calendar years from date of last action as indicated in the file, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager or to the consolidated base personnel office (CBPO), consolidated reserve personnel office (CRPO) and, when applicable, to the major command or separate operating agency which processed the appeal.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager or any holder of a copy of the individual appeal.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager or the consolidated base personnel office (CBPO), consolidated reserve personnel office (CRPO), as appropriate.

RECORD SOURCE CATEGORIES:

Member's application, indorsements by CBPO/CRPO, official records and documents from other sources, indorsements, when applicable, from the major command or separate operating agency, and correspondence reflecting the appeal board's decision. Also, when applicable, Air Staff advisory opinions furnished the Board for Correction of Military Records (BCMR) under the provisions of Air Force Regulation 31-3."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP E

SYSTEM NAME:

United States Air Force (USAF) Airman Retraining Program.

SYSTEM LOCATION:

Headquarters United States Air Force, Air Force Manpower and Personnel Center (AFMPC), major command headquarters, and consolidated base personnel offices. Official mailing addresses are in the Department of

Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES IN INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel who apply for or are in retraining programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Retraining/Lateral Training 7301: This mechanized report contains a broad spectrum of retraining data to track retraining movement between specialties; it also identifies individuals and Major Commands (MAJCOMs) involved; this data can provide detailed identification of retrainees, type of training, type of specialties and other desired data on retraining movement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 901, Training Generally; implemented by Air Force Regulation 39-4, Airman Retraining Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by military personnel officials at base, major command, and Headquarters AFMPC to evaluate decisions on retraining applications.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are accessed by commanders of medical centers and hospitals.

RETENTION AND DISPOSAL:

Retention until training programs are completed or individual leave the Air Force.

SYSTEM MANAGERS(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Individuals may contact agency officials at the applicable records location in order to exercise their rights under the Act.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Individuals may contact agency officials at the applicable records location in order to exercise their rights under the Act.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual's application and official personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP F**SYSTEM NAME:**

Request for Selective Reenlistment Bonus (SRB) and/or Advance Payment of SRB.

SYSTEM LOCATION:

Consolidated base personnel offices at Air Force Installations. Official mailing addresses are in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted members who are receiving Selective Reenlistment Bonus payments in equal annual installments and request advance payment of one or more such remaining installments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Selective Reenlistment Bonus (SRB) and/or Advance Payment of SRB.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 308, Special pay; reenlistment bonus; implemented by Air Force Regulation 35-16, Volume I, USAF Reenlisted and Retention Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by immediate commander, major commander headquarters career motivation office, United States Air Force Deputy Chief of Staff/Personnel,

Reenlistments Branch, Randolph Air Force Base, TX 78150 to manage advance payment of Selective Reenlistment Bonus monies due in subsequent fiscal years.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for two years after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individual may contact agency officials at the respective servicing Consolidated Base Personnel Office to exercise his rights under the Act.

RECORD ACCESS PROCEDURES:

Individual may contact agency officials at the respective servicing Consolidated Base Personnel Office to exercise his rights under the Act.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP G**SYSTEM NAME:**

Selective Reenlistment Consideration.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX

78150 and consolidated base personnel offices at Air Force installations. Official mailing addresses are in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Initial enlistee within 15 months of original expiration term of service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of selective reenlistment consideration process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 833, Enlistments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by member's immediate supervisor, member's immediate commander, unit career advisor, base career advisor to determine member's reenlistment eligibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Filed temporarily in member's Unit Personnel Records prior to reenlistment; permanently filed in Master Personnel Records at time of reenlistment, separation, discharge or retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, Texas 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager or agency officials at the servicing Consolidated Base Personnel Office (CBPO).

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager or at the servicing CBPO.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Entries are made by the supervisor and commander, and acknowledged by the member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

F035 AF MP H

SYSTEM NAME

Air Force Enlistment/Commissioning Records System.

SYSTEM LOCATION

At recruiting offices and Military Entrance Processing Stations (MEPS), Armed Forces Examining and Entrance Stations (AFEES), Liaison Noncommissioned Officer (NCO) offices in all states.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Applicants for enlistment or commissioning programs.

CATEGORIES OF RECORDS IN THE SYSTEM

Individual's application, personal interview record (PIR) and supporting documents containing name, Social Security Number, finger prints, historical background, education, medical history, physical status, employment, religious preferences (optional), marital and dependency status, linguistic abilities, aptitude and mental test results, parental consent for minors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

10 U.S.C. Chapter 31, Enlistments; implemented by Air Force Regulation 33-3, Enlistment in the United States Air Force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

Information is collected by recruiters to determine enlistment/commissioning eligibility, and process qualified applicants. Personnel managers use as hard copy documentation of data entered in Personnel Data Systems (PDS). Personnel managers also use certain documents to determine classification and assignment actions after enlistment. All documents are source documents in determining benefits/entitlements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM**STORAGE**

Maintained in visible file binders/cabinets.

RETRIEVABILITY

Filed by name.

SAFEGUARDS

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL

Files of applicants not enlisted are retained in the local recruiting office and destroyed after two years. Records of enlistees that are not forwarded to Master and Unit Personnel Records files are destroyed after two years, by tearing into pieces, burning, shredding, macerating or pulping.

SYSTEM MANAGER(S) AND ADDRESS

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE

Individuals may contact agency officials at respective recruiting office locations.

RECORD ACCESS PROCEDURE

Same procedure as notification above.

CONTESTING RECORD PROCEDURES

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES

Individual provides through written application or personal interview.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT

None

F035 AF MP I

SYSTEM NAME:

Incoming Clearance Record.

SYSTEM LOCATION

Consolidated base personnel offices at Air Force installations. Official mailing addresses are in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Record is established for each active duty Air Force member projected for arrival at a new duty location.

CATEGORIES OF RECORDS IN THE SYSTEM

Record contains computer print-out, orders, documents received by the processing unit prior to members arrival.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; implemented by Air Force Regulation 35-17, Preparation of Personnel Selected for Relocation—Base level Procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

To provide a central location for retaining documents received prior to a members physical arrival at joining installation of assignment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM**STORAGE**

Maintained in visible file binders/cabinets.

RETRIEVABILITY

Filed by name.

SAFEGUARDS

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Record system is retained until arrival of the member, in-processing has been completed, all documents/components are accounted for. The record is then destroyed by tearing into small bits, pulping, shredding, burning, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager or directly to agency official at each duty location.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager

from agency official at each respective location.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Special Orders and information extracted from Personnel Data System (automated record system).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP J

SYSTEM NAME:

Absentee and Deserter Information Files.

SYSTEM LOCATION:

Absentee and deserter documents are maintained in the Unit Personnel Record Group at consolidated base personnel offices. Deserter information files are maintained at major commands of the parent unit of assignment. Official mailing addresses for consolidated base personnel offices and major commands are in the Department of Defense directory in the appendix to the Air Force's systems notices. Case files are maintained at the Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Permanently retained documents are located at the National Personnel Records Center, Military Personnel Branch, 9700 Page Boulevard, St. Louis, MO 63132 and the Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty and inactive duty Air Force personnel who are or have been reported absent without leave or who have been administratively classified as a deserter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Duty status change forms; Absentee Wanted by the Armed Forces forms; copy of unit commander's initial and follow-on Report of Inquiry. Includes information concerning circumstances surrounding the unauthorized absence and attempts to locate the individual; copy of notification letter to next of kin stating that member is considered in an administrative status of an unauthorized absentee or deserter; Federal Bureau of Investigation (FBI) and Office of Special Investigations (OSI) reports or extracts therefrom are included in some case files; correspondence administratively

classifying the individual as a deserter, if appropriate; Report of Return of Absentee Wanted by the Armed Forces forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 47, Uniform Code of Military Justice, Sections 885, Desertion, 886, Absence without leave and 887, Missing movement; implemented by Air Force Regulation 35-73, Desertion and Unauthorized Absence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Provides documentation and reference source for the administration of individuals administratively classified as deserters. Used as basis for preparing statistical reports required by DOD, managers of unauthorized absentee programs, e.g., Major Commanders, and for promptly reporting changes in individual's status to military federal and civil law enforcement agencies to facilitate apprehension.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Records are accessed by the custodian of the record system, and by persons responsible for servicing the records system in the performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in file cabinets in buildings that are either locked or have controlled access entry requirements.

RETENTION AND DISPOSAL:

Documents originated at base level are maintained in the Military Personnel Records System. Major command files are maintained as temporary general correspondence files and destroyed by shredding one year after the calendar year in which the member returned to military control. Case files maintained at the Air Force Manpower and Personnel Center (AFMPC/DPMAKE) are destroyed six months after the member is returned to military control; however, if additional accountable disclosures are made during that six month period the files are transferred to the Military Personnel Records System and retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff Manpower and Personnel for Military Personnel, Randolph Air Base, TX 78150.

NOTIFICATION PROCEDURE:

During the period of unauthorized absence, no procedures exist for notifying individuals that a Deserter file is maintained on them unless address provided by requester. Subsequent to the member's return to military control individuals can contact the System Manager or visit the locations identified above. Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Contact the System Manager or visit the locations identified above.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Unit Commanders, Consolidated Base Personnel Office representatives, military and civilian law enforcement officials, and anyone who may report information concerning an absentee wanted by the Armed Forces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP K

SYSTEM NAME:

Relocation Preparation Project Folders.

SYSTEM LOCATION:

At Consolidated Base Personnel Offices (CBPOs) only. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Maintained on all active duty Air Force personnel selected for relocation as the result of retirement, separation, release from extended active duty, Permanent Change of Station (PCS), or Temporary Duty (TDY).

CATEGORIES OF RECORDS IN THE SYSTEM:

Relocation records may consist of checklist, orders and amendments, letters from agencies outside the CBPO regarding the member's relocation, record of emergency data, Records Transmittal/Request, servicemen's request for compensation from the

Veterans Administration, PCS or TDY Levy Notification Letter/Brief, duplicates of correspondence directing/authorizing the relocation, Assignment Instruction Worksheet, Basic Assignment Eligibility Checklist, Assignment Preference Statement, Medical/Dental Clearance for Dependent Oversea Travel, Oversea Tour Election Statement, Cancellation/Diversion of Assignment or change of reporting month and components of the Field Records Group for consolidation and forwarding to new location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and 8032, General duties; implemented by Air Force Regulation 35-17, Preparation of Personnel Selected for Relocation—Base Level Procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Each type of relocation of Air Force personnel requires that specific actions. These actions are described either on a checklist or by sending a form letter to the applicable base activity having a responsibility for insuring accomplishment of the action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binder/cabinets.

RETRIEVABILITY:

Filed by name within departure month.

SAFEGUARDS:

Records are accessed by authorized personnel in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets/or rooms.

RETENTION AND DISPOSAL:

Records are maintained for a period of six months after departure of the member, then removed and destroyed by tearing into small bits, macerating, burning, shredding, or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager or

directly to agency officials at each respective location.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager. And individuals may deal directly with agency officials at each respective location.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Computer print-outs, information obtained from the unit personnel records, from the unit commander, the supervisor and from the member.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP L

SYSTEM NAME:

Unfavorable Information Files (UIFs)

SYSTEM LOCATION:

Complete UIF files are maintained at Consolidated Base Personnel Offices (CBPOs) only. However, UIF summary sheets, a part of the UIF, are also maintained at: individual's unit of assignment (commander's copy), geographically separated units not colocated with a servicing CBPO, and for officers only at the major command of assignment; and for colonels or colonel selectees only an additional copy is maintained at Headquarters, United States Air Force Manpower and Personnel Center (HQ AFMPC/MPCC), Randolph Air Force Base, TX 78150. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel who are the subject of UIFs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Derogatory correspondence determined as mandatory for file or as appropriate for file by an individual's commander. Examples include: Written admonitions or reprimands, drug abuse correspondence, court-martial orders, letters of indebtedness, control roster correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by: as implemented by Air Force Regulation 35-32, Unfavorable Information Files, Control Rosters, Administrative Reprimands and Admonitions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Reviewed by commanders and personnel officials to assure appropriate assignment, promotion and reenlistment considerations are made prior to effecting such actions. UIFs also provide information necessary to support administrative separation when further rehabilitation efforts would not be considered effective.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

UIFs are maintained for one year from the date of the most recent correspondence except when the file contains Article 15, Court-Martial or certain civil court conviction, correspondence in which case the retention period is for two years from the date of that correspondence, unless a year retention period for non-related Article 15/court-martial correspondence would post-date the two year retention period for the Article 15/court-martial correspondence, in which case all correspondence would be maintained a year from the most recent non-related Article 15/court-martial correspondence. Files are automatically destroyed upon separation, or retirement and on an individual basis when the individual's commander so determines. Destroy by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military

Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Personnel for whom optional UIFs exist are routinely notified of the existence of a file. In all cases personnel have had opportunity or are authorized to rebut the correspondence in the file.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager or agency officials at the servicing Consolidated Base Personnel Office.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Supervisory reports or censures and documented records of poor performance or conduct.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP M

SYSTEM NAME:

Officer Promotion and Appointment.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78159 and headquarters of the major commands and separate operating agencies. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Officers selected/nonselected for active duty promotion or appointment; officers projected as eligible for promotion or appointment consideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records is comprised of the following categories of information or subsystems: (1) Officer Selection Brief File. This file contains information extracted from the mechanized USAF Master Personnel File to include basic personnel, flying, and education data for each officer to be considered by a selection board for promotion or Regular Air Force appointment. The preselection brief is provided to each eligible officer in advance of presentation to the selection board. An updated selection brief is produced about 30 days prior to

board convening for actual board use. Copies of selection briefs are retained on microfilm. Additionally, a record copy of documentation accepted for manual posting of updates/corrections to the officer selection brief processed for board consideration is retained. (2) Officer Promotions and Appointments Administrative Files. At the Air Force Manpower and Personnel Center (AFMPC), this file includes copies of staff advisories provided to Secretary of the Air Force Board for Correction of Military Records containing promotion and appointment related information in response to specific points in an application. At AFMPC, this file includes background information and proposed responses to Congressional and high-level inquiries in the officer promotions and appointments area. This file further includes, at all levels, information and background relative to any propriety of promotion or appointment action (not qualified recommendation, removal action, delaying action, etc.) processed. This file further includes listings of officers eligible for promotion or appointment consideration. (3) Regular Officer History Card File. This file contains a history card on each active duty Regular Air Force Officer and contains Name, Social Security Number (SSN) Promotion List Service Date (10 U.S.C. 8287), Adjusted Promotion List Service Date (PLSD) (10 U.S.C. 8303 or any other provision of applicable), Date of Birth, Promotion Category (Line, Medical Corps, etc.) (10 U.S.C. 8296), Base Retirement Date (10 U.S.C. 8927), permanent grade history, temporary grade history to include dates of rank, effective dates and special orders announcing the promotion, Total Active Federal Commissioned Service, Date, date officer was placed on or recalled from the Temporary Disability Retired List (if applicable), Regular Air Force Lineal Position Number, Presidential Nomination Date, Total Active Federal Service as of date of Presidential nomination, any commissioned service held prior to Regular Air Force appointment (if applicable), former service numbers if member of other than the Air Force, Public Law under which officer was appointed in the Air Force, Remarks (Secretary of the Air Force Board for the Correction of Military Records correction to records, any adjustments to officer's record and reasons therefor). (4) Air Force Confirmed Nomination Lists. This file includes all Senate confirmed nomination lists for officer appointments and promotions through the grade of colonel. This file contains the only existing official signed document

reflecting Senate confirmation. (5) Regular Air Force Officer Promotion List. The Regular Officer Promotion List (Lineal List) is a historical computer-generated product maintained at AFMPC displaying the names of all Regular Air Force officers in lineal order (descending) by promotion category by permanent grade. (6) Active Duty Promotion Sequence File. This file includes a listing and work cards for any officer selected for active duty promotion, sequenced by seniority in grade (rank). (7) Reserve Promotion Administrative File. This file contains historical machine listings and names of officers meeting eligibility criteria for Reserve (permanent) promotion by promotion category, listings of names indicating overdue directed Officer Effectiveness Reports (OERs) and first-time deferred officers and digest files as applicable, board recorders roster, board proceedings listed by name and SSN, selected/not selected and published list of those selected/not selected for permanent (Reserve) promotion. (8) Regular Air Force Appointment Management File. This file includes individual locator cards reflecting a Regular officer selectee's progress from selection by a board of officers to either acceptance or declination; Regular Air Force declination statements; Regular Appointment Board work rosters. *Authority for maintenance of the system:* 10 U.S.C. Chapters 35 and 837, Appointments as Reserve Officers. Chapter 835, Appointments in the Regular Air Force, Chapter 839, Temporary Appointments, 37 U.S.C. Chapter 3, Basic Pay and Allowances of the Uniformed Services, 10 U.S.C. Chapter 79, Correction of Military Records, Section 828, Public Law 96-513, the Defense Officer Personnel Management Act, 12 December 1980; as implemented by Air Force Regulation 36-89, Promotion of Active Duty List Officers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Air Force operates basically a central selection process for an active duty promotion, of officers to grades O3-O6 and all Regular Air Force appointments. As part of the active duty promotion program, major commanders are tasked to conduct below-the-promotion zone screening boards to nominate a given number of officers from their command for central consideration. Selection briefs are retained as a historical record of data presented to an officer selection board

and, as such, are used to validate completeness, accuracy, or omission of data reviewed by boards. Administrative files are used for research, precedence, and reference purposes. Promotion/appointment propriety files are used to monitor completeness, legality, and processing timeliness of the actions. Generally, this records system contains information necessary to manage a diverse promotion and appointment program in a centralized environment. Board results to include names of selectees and statistical analysis of those results are made a matter of public record after appropriate approval of board proceedings. Results of the board are updated to the individual subject in the Personnel Data System. (PDS) after public release of the board proceedings. a computer tape used to produce the officer selection briefs is provided to a commercial contract source (ZYTRON) for production of duplicate copies of these selection briefs on microfiche by the computer-on-to-microfiche (COM) process. The names and Social Security Numbers (SSN) of officers selected by central selection board for an active duty promotion, to grades above captain, and Regular Air Force appointment as well as officers to receive appointments in the Air Force requiring confirmation of such appointments by the Senate of the United States, as provided to the Office of the President of the United States for nomination and to the United States Senate for confirmation. This information will be published in the Congressional Record. Benchmark records are five records of officers from the lowest score category selected by each board and five records of officers from the highest score category not selected by each board captured on microfilm. For boards held prior to 20 October 1975, the benchmark records will consist of only the record of five officers from the lowest score category selected by the board. Benchmark records are used as directed by the Assistant Secretary to the DCS/Personnel for Special Review Board considerations and for Special Selection Boards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, card files on computer paper printouts and microfiche.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and in locked cabinets or rooms. Records are protected by guards and records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

All data contained on the Officer Selection and Preselection Briefs and various selection board computer products is directly extracted from the Headquarters Air Force Master Personnel File. Selection brief documentation backup files in the form of official correspondence, letters, or messages, properly authenticated by an appropriate personnel official, is generated, normally at the officer's request from the servicing Consolidated Base Personnel Office (CBPO). Information is obtained from HQ USAF and major command officer selection folders from Special Orders, oath of office signed by data subject, memorandums from the Secretary of the Air Force Board for Correction of Military Records, selection board reports. Data is obtained from appointment applications from data subject and from the Master Record Group of the applicable Service Department as concerns data subject.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP N

SYSTEM NAME:

Individual Weight Management File.

SYSTEM LOCATION:

At Air Force (AF) unit of assignment of attachment; servicing medical facility. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and Air Force Reserve Personnel who are enrolled in the Weight Management Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains: individual weight management record; letters informing individual of overweight status, scheduling medical evaluation, and documenting medical progress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; as implemented by Air Force Regulation 35-11, Air Force Physical Fitness and Weight Control Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File purpose is to document a person's progress in Weight Management program. Those authorized access to the file are the individual, Unit Commander, Unit Monitor, medical personnel, MWR Fitness Instructor, Major Command (MAJCOM) Monitor, CBPO and legal personnel on a need to know basis in performing official duties. The file keeps individuals informed of weight loss in attaining maximum allowable weight, provides history of weight loss and counseling, provides an input for medical determinations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name by Social Security Number (SSN) and grade.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s)

responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

When a person achieves the prescribed weight standard, file is retained for one year and destroyed by unit; or destroyed upon retirement or separation by unit, whichever comes earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Commander, Unit of Assignment of attachment. Inquiries on existence of a file should include full name, grade, SSN, and should go to Unit of Assignment or attachment. Personal visit proof of identity requires possession of Armed Forces Identification Card.

RECORD ACCESS PROCEDURE:

Commander Unit of Assignment or attachment. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AF MP O

SYSTEM NAME:

Unit Assigned Personnel Information.

SYSTEM LOCATION:

Headquarters United States Air Force and major command headquarters. Headquarters of major commands and at all levels down to and including Air Force installations and Air Force units.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, and Air Force Reserve and Air National Guard personnel. Air Force civilian employees may be included when records are created which are identical to those on military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

File copies of separation actions, newcomers briefing letters, line of duty determinations, assignment actions, retirement actions, in and out processing checklists, promotion orders, credit union authorization, disciplinary actions, favorable/unfavorable communications, record of counselings, appointment notification letters, duty status changes, applications for off duty employment, applications and allocations for school training, professional military and civilian education data, private weapons storage records, locator information including names of dependents, home address, phone number, training and experience data, special recognition nominations, other personnel documents, and records of training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by: as implemented by Air Force Manual 30-3, Mechanized Personnel Procedures, and Air Force Manual 30-130, Base Level Military Personnel System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provides information to unit commanders/supervisors for required actions related to personnel administration and counseling, promotion, training, separation, retirement, reenlistment, medical examination, testing, assignment, sponsor program, duty rosters, and off duty activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, and card files.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation; most records are transient in nature and are maintained only as long as required to fulfill their management purpose or until

superseded, then given to the individual or destroyed by shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, Washington DC 20330.

NOTIFICATION PROCEDURE:

Inquiries from individuals should be addressed to the respective unit commander or supervisor who maintains the records in order to exercise their rights under the Act.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the respective unit commander or supervisor who maintains the records in order to exercise their rights under the Act. Mailing addresses are contained in the Department of Defense Director in the appendix to the Air Force's Systems Notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by individual concerned may be obtained from the System Managers.

RECORD SOURCE CATEGORIES:

Information obtained from the individual concerned, financial institutions, educational institution employees, medical institutions, police and investigating officers, bureau of motor vehicles, witnesses, reports prepared on behalf of the agency, standard Air Force forms, personnel management actions, extracts from the Personnel Data System (PDS) and records of personal actions submitted to or originated within the organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AFOSI A

SYSTEM NAME:

Internal Personnel Data System.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel assigned to the Air Force Office of Special Investigations (AFOSI) and all Air Force military personnel assigned to the Defense Investigative Service (DIS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records reflecting unit authorized positions and unit assigned personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To manage AFOSI and DIS personnel resources. Used by personnel specialists in all assignment and manning actions. Used to monitor special agent experience level at each operating installation. Used to publish strength accounting reports. Used by the Director of Fraud Investigations to manage fraud coded positions and personnel assigned to fraud operations. Also used to program personnel for advanced fraud training. Used by the Director of Criminal Investigations to manage criminal coded positions and to identify personnel for assignment as criminal specialists. Also used to program personnel for advanced criminal training. Used by the Director of Special Operations to manage counterintelligence and counterespionage positions and to identify personnel for assignment as specialists in these areas. Also used to program personnel for advanced training in these areas. Used by Budget and Accounting Specialists for tracking anticipated personnel travel funds associated with permanent change of station moves. Used by the Commander for locator purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer and on computer paper printouts.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN) or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in offices files until reassignment or separation, then

destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Data is extracted from individual military/civilian personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO35 AFOSI B**SYSTEM NAME:**

Career Development Folder.

SYSTEM LOCATION:

Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers on active duty and all reservists assigned to the Air Force Office of Special Investigations (AFOSI). Also includes those AFOSI officer special agents assigned to any Department of Defense (DOD) activity or DOD sponsored program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning officers on active duty include records of counseling, Office Career Objective Statements, career development patterns, military special orders, pertinent certificates of courses attended. Records concerning reservists include biographical information (personal and military), employment information, unique or

special skills, and applicable career correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275, Personnel Records, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To monitor and develop career progression. Used by career monitors to ascertain individual career objectives, to recommend job and school assignments, and to counsel personnel. Used by the Commander, supervisors, and personnel specialists in the assignment selection process based on individual eligibility, desires, and special qualifications. User determines if reservist is qualified to perform special reserve tour.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders and on computer output products.

RETRIEVABILITY:

Filed by name. Filed by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security filed containers/cabinets and in locked rooms. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until reassignment outside of AFOSI or separation/retirement; records are destroyed within 90 days after such actions by tearing into pieces, shredding, pulping, macerating, burning or erasing magnetic disk.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Data is extracted from individual training and military/civilian personnel records and voluntary data submissions by individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC B**SYSTEM NAME:**

Air Force Junior ROTC (AFJROTC) Applicant/Instructor System

SYSTEM LOCATION:

AFROTC/OTU, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFJROTC instructor applicants and instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for AFJROTC instructor duty, processing checklist, applicant evaluation forms, interview record, last 10 Airman Performance Reports or Officer Effectiveness Reports or summary of last 10 reports which includes period of supervision and overall evaluation, letter requesting Defense Central Index of Investigation (DCII) name check, photograph, Report of Separation from Active Duty, Retirement Order (if applicable), Commander's recommendation (for noncommissioned officers on active duty only), miscellaneous correspondence such as resumé and letter of recommendation, copy of AF retirement physical and Physical Evaluation Board Findings if applicant is retired with 30 percent or more disability awarded by VA, letter requesting medical evaluation of AFJROTC instructor applicants for personnel retired with 30 percent or more disability, letter verifying dependents, instructor preference card, instructor intent letter, contract data cards, termination letters, certification certificates, AFROTC Form 0-217, Change in AFJROTC Instructor Status,

AFROTC Form 0-214, AFJROTC Instructor Contract Card, AFROTC Form 98 or 0-218, Air Force Junior ROTC Instructor Evaluation Report, letters pertaining to appeals of ratings and/or comments on AFROTC Form 98 or 0.218 and instructor termination questionnaire.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 102, Junior Reserve Officers' Training Corps; and Air Force Regulation 45-39, Air Force Junior Reserve Officers' Training Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to evaluate applicant qualifications for employment as AFJROTC instructors. Also used to determine if instructor is meeting Air Force standards. Routine use includes the referral of any individual's records, if requested, to the Department of Defense, Department of Justice, law enforcement or investigatory authority for investigation of possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, and on computer magnetic tape and computer printouts

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

AFROTC/OTU, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Individuals who write must furnish name, grade, SSN, unit of assignment and address. Visitors must show armed forces identification card and some

additional source of positive identification.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, educational institutions, police and investigating officers, the bureau of motor vehicles, a state or local government, witnesses and from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC C**SYSTEM NAME:**

Air Force Reserve Officer Training Corps Qualifying Test Scoring System.

SYSTEM LOCATION:

AFROTC/RRUR, Maxwell Air Force Base, AL 36112, and portion pertaining to each AFROTC detachment located at the respective detachment. Official mailing addresses of the detachments are in the Department of Defense Directory in the appendix to the Air Force's system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force applicants testing at Air Force Detachments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, detachment, date of test, test scores, Social Security number, air science year, number of test administrations, institution category, race, sex, marital status, education level, and program applying for.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Chapter 103, Senior Reserve Officers' Training Corps; Military Selective Service Act of 1967, Section 6, (50 USC 456); 10 USC 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Regulation 45-48, Air Force Reserve Officers' Training Corps (AFROTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Scores are used against criteria for entrance into AFROTC, and as a measure of quality. Scores are entered in cadet records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets, and computer magnetic tapes and computer paper printouts.

RETRIEVABILITY:

Filed by name. Social Security Number (SSN), location of test administration and date of testing.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software. Buildings are secured after duty hours.

RETENTION AND DISPOSAL:

AFROTC/RRUR will maintain records of scores attained on tests administered at AFROTC detachments for a period of six years. Records are destroyed by tearing into pieces, maceration, burning or degaussing. Air Force Human Resources Laboratory, Brooks Air Force Base, TX 78235 is official repository for permanent record of all AFOQT scores.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Resource Systems and AFOQT Branch, AFROTC/RRUR, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Requests should include full name, SSN, location of test administration, and date of testing.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual's knowledge of subject being tested.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC D

SYSTEM NAME:

Basic Trainee Interview Record.

SYSTEM LOCATION:

United States Air Force Recruiting Service Liaison Office (RSL), Lackland Air Force Base, TX 78236.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Air Force Basic Trainees who register complaints concerning their enlistment in the United States Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records resulting from personal interviews with basic trainees who file complaints about their enlistment, including, but not limited to, investigations on each complaint, conclusions and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: recruiting campaigns; and Air Training Command Regulation 33.2, Recruiting Procedures for the United States Air Force (Recruiting Service).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Provides a written record of interviews with basic trainees who register complaints about the enlistment procedure. The data is used by the Recruiting Service Liaison Office to investigate the complaints and keep the Commander, United States Air Force Recruiting Service advised of the nature of complaints being received. It is also used as the basis for making procedural changes in the United States Air Force Recruiting Service when a trend develops in a specific area.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in the performance of their official duties and by those who are properly screened and cleared for need-to-know. As a physical safeguard these

records are stored in a secured building and locked office.

RETENTION AND DISPOSAL:

Records are cut off at the end of each calendar year, held for one additional year, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, United States Air Force Recruiting Service Liaison Office, Lackland Air Force Base, TX 78236.

NOTIFICATION PROCEDURE:

Individuals may contact the Superintendent, United States Air Force Recruiting Service Liaison Office, Lackland Air Force Base, TX 78236. Requests must contain full name, and current mailing address.

RECORD ACCESS PROCEDURES:

Same as procedures for notification.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Records contain specific complaints/allegations made by the individual and responses to the complaints/allegations by appropriate Air Force Recruiting Service personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC F

SYSTEM NAME:

Lead Management System (LMS).

SYSTEM LOCATION:

Air force Opportunity Center (AFOC) (Duties of this Center are performed by a civilian contractor who is engaged by the Air Force to provide lead fulfillment services to Headquarters, United States Air Force Recruiting Service, Randolph Air Force Base, TX 78150. Location depends on the contractor.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents to United States Air Force Recruiting Service advertisements and referrals made by active duty military personnel, retired military personnel and Air force civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Respondent's inquiry record containing name, SSN, address, date of birth, sex, telephone number, advertising medium, recruiting program

in which interested, and source of referral, including name and Air Force base assigned. Recruiter contact records containing success of contract efforts, reason for not contacting, how contact was made, confirmation of education level, qualification of individual and status of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments; recruiting campaigns; and Air Training Command Regulation 33-2, Recruiting Procedures for the United States Air Force (Recruiting Service).

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The contractor fulfills requests from respondents for information about the Air Force and notifies appropriate recruiting activities of respondent's interest. Contractor develops statistical summaries which are used by USAF Recruiting Service to evaluate the effectiveness of the advertising and referral programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer products.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian and by persons responsible for servicing the system.

RETENTION AND DISPOSAL:

Retained by contractor at the AFOC for two years, then destroyed. HQ USAF Recruiting Service computer paper printouts retained for 60 days, then destroyed. Subordinate recruiting activities files retained for one year after final follow up action is complete, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Advertising, USAF Recruiting Service, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual respondent and automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC G

SYSTEM NAME:

Recruiting Activities Management Support System (RAMSS).

SYSTEM LOCATION:

HQ United States Air Force Recruiting Service, Operations Directorate (RSO), Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force enlisted personnel entering active duty. Individuals tested and processed for Air Force enlistment. Potential Air Force enlistees qualified through the Armed Services Vocational Aptitude Battery (ASVAB) high school testing program. Other military services Delayed Enlistment Program (DEP) and active duty enlistees. Applicants for the Officer Training School (in-service commissioning program). Air Force enlisted personnel on recruiting duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Air Force enlistment processing records showing name, SSN, scores on all qualification tests, physical job qualifications, job preferences, jobs offered, jobs accepted, other personal data relevant to jobs offered, recruiting and processing locations, education data, and dates of processing. Airman trainee history records containing name, SSN, and other personnel data for assignment from basic military training, revised job preferences, security clearance investigations, dependent data, education, test scores, grade and promotions, biographical history, physical information, drug abuse history, enlistment personal and guaranteed training enlistee program data, separation data, classification data, service dates, technical school eliminations, separations, honor graduates, and Article 15/ courts-martial actions. Records for high school seniors who are ASVAB tested and meet the basic Air Force enlistment criteria showing name, mailing address, test scores, and high school where tested. Enlistment processing records for other

military services showing SSN, name, state and county of residence, test scores, educational level, physical profile, processing date and location, prior service, and other personal data such as age, sex, race, marital status, and number of dependents. Officer Training School (OTS) applicant records showing SSN, name, and other educational and personal data necessary for the determination and selection of attendees at OTS and subsequent commissioning as an Air Force officer. Air Force enlisted recruiter individual records showing such items as SSN, name, recruiting office assigned, and data assigned to Recruiting Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments; recruiting campaigns; and Air Training Command Regulation 33-2, Recruiting Procedures for the United States Air Force (Recruiting Service).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To furnish leads to the field recruiters derived from the high school ASVAB testing program, evaluate Air Force recruiters on effectiveness of screening out potential under/overweight applicants, evaluate recruiter's and job counselor's activity and efficiency levels, analyze pre-enlistment job cancellations for common reasons, analyze post-enlistment training pipeline attritions for common reasons, evaluate Air Force job reservation pool and past enlistments for effect of potential changes in enlistment policies in areas such as mental qualifications and physical qualifications, evaluate interservice recruiting performance, screen other service enlistees from Air Force advertising lead files, determine pass/fail rates for mental and physical testing, track training performance of Air Force enlistees, study the correlation of job held with performance on the job, study correlation of quality indicators with post-enlistment performance, feedback to field recruiters of individual records on all training attritions, and analyze advertising responses. Used by the personnel record maintenance activity to cross-check file completeness and accuracy. Individual records are aggregated into various statistical analyses for all levels to ascertain recruiting and seasonal procurement trends, to predict future potential developments, and to assist in the development of procurement.

classification, and assignment policies for Air Force military personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer magnetic tapes, computer magnetic disks and computer paper printouts.

RETRIEVABILITY:

Filed by name, SSN, or non-personal identifier.

SAFEGUARDS:

Records are accessed through computer run scheduling arrangements by persons responsible for servicing the system in performance of their official duties. Computer paper printouts are distributed only to authorized users. Records are physically safeguarded by controlled access to the computer facility, secured buildings and locked rooms.

RETENTION AND DISPOSAL:

Enlistment processing records and recruiter records are retained until no longer needed for recruiting purposes; potential enlistee records and high school test records are retained for two years; advertising lead records are retained for one year; interservice recruiting records are retained for six months. These retentions are built into the computer system program with automatic software controlled deletions from the machine-readable record.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Analysis Division, Directorate of Recruiting Operations, HQ United States Air Force Recruiting Service, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Request must contain full name, and current mailing address.

RECORD ACCESS PROCEDURES:

Same as procedures for notification.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The source of all records in the system are from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC H

SYSTEM NAME:

Recruiting Research and Analysis System.

SYSTEM LOCATION:

HQ United States Air Force Recruiting Service, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force enlisted personnel entering active duty. Individuals tested and processed for Air Force enlistment. Potential Air Force enlistees qualified through the Armed Services Vocational Aptitude Battery (ASVAB) high school testing program. Applicants for the Officer Training School. Air Force active duty officer and enlisted personnel. Air Force civilian personnel assigned to Recruiting Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survey analysis records containing such items as SSN, biographical and opinion survey data, supervisor's ratings, achievement, aptitude, reading, vocational interest and adjustment and temperament inventory scores, Air Force tech training class score, statistics and trend analysis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments: recruiting campaigns, and Air Training Command Regulation 33-2, Recruiting Procedures for the United States Air Force (Recruiting Service).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Research statistical reference file used by HQ United States Air Force Recruiting Service. Specific uses are to: (1) evaluate the quality of Air Force military personnel procured by Air Force Recruiting Service, (2) develop a more objective screening process for entry into recruiting duty, and (3) develop opinion-based recommendations for recruiting effort improvements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file folders, computer products, and written reports.

RETRIEVABILITY:

Information is retrieved by Social Security Number (SSN), study control number or name to build statistical files.

SAFEGUARDS:

File folders stored in file with lock. Computer records are physically safeguarded by controlled access to the computer facility, and/or stored in file with lock. Records are accessed through computer run scheduling arrangements by persons responsible for servicing the record system in performance of their official duties. Computer paper printouts and reports are distributed only to authorized users.

RETENTION AND DISPOSAL:

Records are retained until superseded, obsolete, no longer needed for reference, or on inactivation. They will then be destroyed by tearing into pieces, shredding, pulping, macerating, or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Marketing and Analysis, HQ United States Air Force Recruiting Service, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to the System Manager. Social Security Number and full name are required to determine if the system contains a record relative to any specific individual. Valid proof of identity is required.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals, supervisors, from Air Force Technical Training Centers and from the Recruiting Activities Management Support System (RAMSS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC I

SYSTEM NAME:

Status of Ineffective Recruiter.

SYSTEM LOCATION:

Headquarters Air Training Command (ATC) Deputy Chief of Staff for Personnel (DCS/P), Randolph Air Force Base, TX 78150. Official mailing addresses are in the Department of

Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty ATC enlisted recruiter personnel relieved from duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual military record containing active case data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, Enlistments; recruiting campaigns, and Air Training Command Regulation 33-2, Recruiting Procedures for the United States Air Force (Recruiting Service).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

DCS/P uses data to monitor relief actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Stored in locked building.

RETENTION AND DISPOSAL:

Retained in office files until discharge, separation, or reassignment of the individual, then returned to servicing consolidated base personnel office for disposition.

SYSTEM MANAGER(S) AND ADDRESS:

DCS/P, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ATC J

SYSTEM NAME:

Administrative Discharge Information Summary.

SYSTEM LOCATION:

Quality Control Section, Consolidated Base Personnel Office, 3345th Air Base Group Chanute Air Force Base, IL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel administratively discharged for cause at Chanute Air Force Base, IL.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by, and Air Force Manual 39-12, Separation for Unsuitability, Misconduct, Resignation or Request for Discharge for the Service; and Procedure for Rehabilitation Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To monitor and provide trend analysis on discharge actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are stored in locked cabinets or rooms and are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

One year from date of discharge. Destroy by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Consolidated Base Personnel Office, 3345th Air Base Group, Chanute Air Force Base, IL.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual military personnel records and completed discharge case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 HC A

SYSTEM NAME:

Chaplain Personnel Action Folder.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

A grouping of information for each United States Air Force (USAF) chaplain. Items of information in these folders included: correspondence between the chaplain and Headquarters USAF/Chief of Chaplains; copy of ecclesiastical endorsement; correspondence between the chaplain and the chaplain's office at the Air Force Military Personnel Center; summary of education; application for appointment as Reserve of the Air Force; application for extended active duty with the United States Air Force; copy of extended active duty orders; copy of appointment orders; student information sheets prepared while attending USAF Chaplain School courses; current Career Brief; Officer Career Objective Statement; chaplain services personnel evaluation; copies of letters to and from ecclesiastical endorsing agencies concerning their chaplain representative; copies of assignment actions documents; permanent change of station orders, temporary duty orders, request for extension/curtailment of tour, release from active duty orders, request for humanitarian reassignment; retirement orders; informal letters/memoranda of commendation/recommendation; letter of complaint against a chaplain from individuals; reports of investigation; letter/memoranda of favorable/unfavorable information; letters/memoranda

concerning non-professionalism of the chaplain; current photograph; computer printout of military history; copy of withdrawal of ecclesiastical endorsement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; and 8087(h). Designation: officers to perform certain professional functions; Defense Officer Personnel Act of 1980.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The documents maintained in these folders are utilized by the Resource Manager in Headquarters United States Air Force/Chief of Chaplains, Personnel Division for assignment selection of chaplains. Because of the necessity to insure an equitable denomination spread of chaplains on an installation and to insure the proper placement of specially qualified chaplains, it is necessary to maintain current information on each chaplain. Records may be disclosed to endorsing agents concerning the qualifications of their chaplains for continued duty as representatives of their denominations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for 2 years after separation then destroyed by macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Chaplains, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's personnel action requests/preferences and information retrieved from the Advanced Personnel Data System (ADPS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MP B

SYSTEM NAME:

Statutory Tour Program

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve Component Officers (United States Air Force Reserve/Air National Guard United States) on Extended Active Duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Approval/Disapproval on original correspondence relating to the application (Air Force Form 125). Department of the Air Force Orders, Comments Chief of Air Force Reserve (AF/RE) and Assistant Secretary of the Air Force for Manpower and Reserve Affairs, Deputy for Reserve Affairs SAF/MRR.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 11, Reserve Components; Chapter 805, The Air Staff; Chapter 841, Active Duty; 32 USC Chapter 7, Service, Supply and Procurement, Section 708-Regulatory Authority; implemented by Air Force Regulation 45-22, Reserve Component Representation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documentary support of tour applications; approval/disapproval; initiation, termination and extension of statutory tours; used as historical reference not to exceed 2 years after tour termination; used by Air Force Manpower and Personnel Center/Assistant for Personnel Plans, Programs and Organizational Requirements, Reserve Advisors Division (AFMPC/DPMYR); used AFMPC/DPMYR as

record of approval/disapproval, authority to issue Department of the Air Force Special Orders (DAFSOs); by AF/RE, Director Air National Guard, National Guard Bureau NGB/CF and SAF/MRR as record of approval/disapproval.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Controlled entry building.

RETENTION AND DISPOSAL:

Retained two years after completion of tour. Retained for two years after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Air Force Reserve, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's application and correspondence generated in transmission and consideration of the application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MP C

SYSTEM NAME:

Personnel Action File (Digest File).

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150 for active and Air Reserve Personnel Center, Denver CO 80280 for nonactive duty USAFR officers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officer personnel and nonactive duty USAFR officers who are the subject of a Digest File.

CATEGORIES OF RECORDS IN THE SYSTEM:

Composed largely of summaries/ extracts or notices of the Air Force Office of Special Investigations (AFOSI) Reports of Investigation (ROIs). The system may also contain other official records or documents which reflect relevant derogatory information about officers, e.g., notice of involuntary separation proceedings, notice of Special Security File, reports of AWOL/ Desertion status, administrative inquiries and investigations, Inspector General (IG) reports, and reports of violations of public trust in contract, procurement, and other matters. Additionally, a file will contain a statement regarding the subject matter from the officer if one is made, plus any comments and recommendations by the member's commander. Finally, a Digest File will contain copies of documentation used to notify the individual and a Decision Authority's decision to retain the file. The system of records also includes letters of notification when digest files are destroyed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by, and Air Force Regulation 36-25, Officer Digest Files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Digest Files are reviewed by career management officials and Central Selection Boards at HQ USAF, AFMPC, HQ AFRES or ARPC, as appropriate, to insure the propriety of personnel decisions finalized at those levels regarding promotion, assignment, mobilization, recall to extended active duty, selection, utilization and separation. The purpose of such review is to insure that individual career management decisions enhance the quality of professionalism in the Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Filed alphabetically by name or numerically by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by persons responsible for servicing the record system and by other personnel whose names appear on an authorized access list indicating they have a need to know in the performance of their official duties. Records are stored in locked cabinets.

RETENTION AND DISPOSAL:

Files are destroyed 2 years from date established, or 2 years from date new derogatory information is added. Decision authority, in certain justified instances, may destroy active digest files sooner than the specified retention. Active files are destroyed when member separates, retires, or dies, except files on officers who separate and are transferred to AFRES are forwarded to ARPC/DPAAS. Active files are normally destroyed after consideration by a promotion Selection Board and other related boards, except when the Selection Board recommends an officer for show cause action. If selected for show cause the Digest File will be maintained until this action is finalized. Active digest files may be destroyed following receipt of nonjudicial punishment under Article 15, UCMJ or conviction by court-martial, if either action is based upon facts and allegations contained in any investigation which caused creation of the file. Also, active digest files may be destroyed following acquittal by court-martial of the charged misconduct on which the file is based, provided a written determination is issued by the Staff Judge Advocate, AFMPC, that officer did not commit the alleged misconduct. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Special Control and Records Review Division (AFMPC/MPCAO), Randolph Air Force Base, TX 78150 for active duty officers and Commander, Air Reserve Personnel Center (ARPC), Denver CO 80280 for nonactive duty USAFR officers.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Written requests should contain the member's full name, rank, and SSN. Information may also be obtained by personal visit with the appropriate System Manager. Requests from individuals should be addressed to the Chief, Special Control and Records Review Division (AFMPC/DPMO), Randolph Air Force Base, TX 78150 for active duty officers or the Documentation Management Officer (ARPC/DAD), Denver, CO 80280 for nonactive duty USAFR officers. Nonactive duty USAFR officers should also include current address and the case (control) number shown on any correspondence received from the Center. Information may be obtained by active duty officers by personal visit with the System Manager upon verification of the identification data required for written requests. Nonactive duty USAFR officers may review records in Record Receptionist's Review Room (2-C20-1) ARPC, Denver, CO 80280, between 8:00 a.m. and 3:00 p.m. on normal workdays. For personal visits, the individual should provide current Reserve ID cards and/or drivers license and present some verbal information that could verify their identity from their record.

RECORD ACCESS PROCEDURES:

Individuals can obtain access to their own Digest Files by following the procedures described above.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Digest File information is obtained from AFOSI, Commanders, Consolidated Base Personnel Offices, FBI, MAJCOMs, HQ USAF/IG and from official records, reports or documents prepared on behalf of the Air Force by boards, committees, panels, and investigating officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC A**SYSTEM NAME:**

Application for Appointment and Extended Active Duty Files

SYSTEM LOCATION:

Air Force Manpower & Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian and United States (US) Armed Forces military members who are applying for appointment/reappointment to United States Air Force Reserve (USAFR) affiliation or Application for Extended Active Duty (AD) with the USAF; extended duty with the United States Air Force (USAF) Medical Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for Appointment and Extended Active Duty Files Report of Medical Examination; Statement of Personal History; Fingerprint Card; National Agency Check Request; State License/Registration (Current State License or State Registration is normally required on Medical Corps (MC), Nurse Corps (NC), and some Bio Medical Sciences Corps (BSC); Letters of Recommendation, Letters of Reference as directed or as required; Application for Appointment as Reserves of the AF or USAF without component; Conditional Release (Conditional release must be obtained for applicants from United States Army Reserve (USAR) or United States Naval Reserve (USNR)); Report of Separation from Active Duty; Transcripts/Diploma (All transcripts and diploma required to establish eligibility); Record of Personnel Security Investigation and Clearance; Record of Disenrollment from Officer Candidate Type Training; USAF Drug Abuse Certificate; Air Force Officer Qualifying Test (AFOQT), Required for Medical Service Corps (MSC) applicants only; Certificate of Citizenship (furnished by those persons not born in US); Statement of Degree Confirm (For those applicants who have not yet completed degree requirements, a letter/statement from the Dean of the college they are attending is required to confirm the fact that they are enrolled, type of degree they will attain, day, month and year of graduation followed up by submitting a final transcript and diploma); Education Council for Foreign Medical Graduates (ECFMG), (Required on those MC where applicable).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

AFR 36-5, Appointment of Officers in the Regular Air Force; as implemented by Air Force Regulation 36-15, Appointment in Commissioned Grades and Designation and Assignment in Professional Categories—Reserve of the

Air Force and United States Air Force (Temporary) (PA); and Air Force Regulation 45-26, Voluntary Entry on Extended Active Duty (EAD) of Commissioned Officers of the Air Reserve Forces (PA).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Medical Personnel Programs Branch for the following officer procurement purposes: To select and appoint or reappoint applicants to all corps (MC, DC, NC, BSC and MSC) of the USAF Medical Service; and to select and process officers of the USAF Medical Service of the Air National Guard of the United States (ANGUS) and United States Air Force Reserve (USAFR) for extended active duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

If selected for appointment or reappointment and Extended Active Duty (EAD), records become the Master Personnel Record and are forwarded to the applicable Utilization and Assignment Branch to send to Air Reserve Personnel Center (ARPC), Denver, CO for further dissemination as required. An abbreviated reference file of selected documents is maintained by the applicable utilization and assignments branch. If not selected, records are then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's application, letters of recommendation, results of National Agency Check and Military Personnel Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO35 MPC B**SYSTEM NAME:**

Civilian/Military Service Review Board Card

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Women's Air Force Service Pilots (a group of Federal Civilian employees attached to the United States Army Air Force during World War II), or any person in any other similarly situated group the members of which rendered service to the Armed Forces of the United States in a capacity considered civilian employment or contractual service (or their survivors).

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards containing individual's name and Social Security Number, date of application and summary of the case through final decision by the Service Review Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95-202, Women's Air Forces Service Pilots; as implemented by Air Force Regulation 31-3, Air Force Board for the Correction of Military Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Cards are used by Service Review Board personnel to manage the collection of information requested by the applicant, to monitor the processing

of each case through completion, and to respond to inquiries concerning the case.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Stored in secure building.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Members' applications, supporting documents and certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC C

SYSTEM NAME:

Chaplain Applicant Processing Folder.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Chaplaincy applicants and Reserve Chaplains applying for active duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms used by the Air Force Manpower and Personnel Center

(AFMPC) Command Chaplains Office in processing chaplains to active duty including: Application for Appointment as Reserve of the Air Force; Application for Extended Active Duty with the United States Air Force; United States Air Force (USAF) Drug Abuse Certificate; Statement of Personal History; National Agency Check Request; Report of Medical Examination; Report of Medical History; Fingerprint Card; Checklist for Chaplain Appointment; Ecclesiastical Endorsement; Certificate of Continuance of Ecclesiastical Endorsement; Certificate of Seminary Graduation and Ordination; Official Transcripts of College Education; Personal correspondence between resource manager and applicant regarding status of his application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8067, Designation: officers to perform certain professional functions, and 8293, Commissioned officers; chaplains: original appointment; examination; as implemented by Air Force Regulation 36-15, Appointment in Commissioned Grades and Designation and Assignment in Professional categories—Reserve of the Air Force and United States Air Force (Temporary).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The documents maintained in these transitory folders are used by the resource manager in processing chaplain applicants to active duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Once applicant is accessed, forms are entered into the Master Personnel Records Group. If applicant does not

qualify for appointment, file is destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual's application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC D

SYSTEM NAME:

Correction of Military Record Card.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and retired or discharged officers and airmen. Next of kin of deceased officers and airmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of correction of records request followed through to its final decision by the appropriate correction board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 79—Correction of Military Records; as implemented by Air Force Regulation 31-3, Air Force Board for the Correction of Military Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To manage collection of all information requested by member and completion of the case by the appropriate correction board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, card files, on computer magnetic tapes, disks, or computer paper printouts, or microfiche.

RETRIEVABILITY:

Filed by name, or Social Security Number (SSN)/Air Force Service Number (AFSN). The primary individual record identifier is SSN.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and computer system software.

RETENTION AND DISPOSAL:

Maintained in computer system for two years after case completion then transferred to microfiche and maintained until no longer needed. The microfiche are then destroyed by pulping, macerating, burning, or tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's application, Master Personnel Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC E

SYSTEM NAME:

Disability/Non-disability Retirements Records.

SYSTEM LOCATION:

At Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers and airmen processed through the disability system and on the Temporary Disability Retired List (TDRL); airmen and officers, active and retired, who inquire or who are the subject of an inquiry concerning disability/non-disability retirement status; and officers and airmen who have requested voluntary retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Duplicate copies of medical histories, Secretarial determinations, retirement forms, routine correspondence files, case files, disability retain folders, TDRL punch card data files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 59, Separation; Chapter 61, Retirement or Separation for Physical Disability; Chapter 865, Retirement for Age; Chapter 867, Retirement for Length of Service; as implemented by Air Force Regulation 35-4, Physical Evaluation for Retention, Retirement and Separation, and 35-7, Service Retirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information on retirement cases and to allow appropriate case processing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Stored in secure building.

RETENTION AND DISPOSAL:

Correspondence files are retained for two years after end of year was closed or inquiry responded to; disability retain files are retained for 90 days after case is finalized; case files are retired to Master Personnel Records Group when

service retirement action has been completed; TDRL punch cards destroyed when member is removed from TDRL. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Correspondence and forms generated in Retirements Division (HQ AFMPC/MPCAR), military hospitals, HQ USAF Surgeon General (HQ USAF/SG), HQ AFMPC Surgeon (SG), Consolidated Base Personnel Offices and Major Air Commands, by the members themselves, and by the general public on retirement-related matters.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC F

SYSTEM NAME:

Health Education Records.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All airmen and officers of the United States Air Force (USAF) Medical Service who have applied for training and are in training and applied for training to Air Force Manpower and Personnel Center/Medical Education Division (AFMPC/SGE).

CATEGORIES OF RECORDS IN THE SYSTEM:

Allied Health Selection Board Folders—Application for Officer School Training; Educational Transcripts; Chronological listings of work experience; Letters of recommendation; Specific test results; Scholastic Aptitude Test (SAT); Physician Extender Profile

Exam (PEPE); Manual dexterity test; Grade point averages; Microfiche; Officer Effectiveness Reports (OERs); Photo; Air Force Military Personnel Center (AFMPC) Rating Assessment Sheet for Physician Assistant Applicant; Consolidated Base Personnel Office (CBPO) letters; Prerequisite verifications; Counselings on Reenlistment limitations; Reenlistment/extension eligibility; Status of Unfavorable Information File (UIF) folder; Records Review Listing; Verification of Airman Qualifying Examination (AQE), Total Active Federal Military Service Data (TAFMSD), Date Eligible for Return from Overseas (DEROS), Projected assignment; Airman Performance Reports; Applicant Statements: Why training desired; Intent to extend/reenlist; Flying Class III Physical; General Information including Extended Active Duty Date; Date of Rank; Passovers; Command; Base of assignment; Arrived on station; Marital status; Undergraduate Education Selection Folders—Application; Medical College Admission Test (MCAT) scores; Letter of acceptance from an approved school; Dean's letter of recommendation; Transcript; Physical Examination reports; Air Force Institute of Technology (AFIT) Selection Folders—Officer career brief; Letter of recommendation; Transcripts; Graduate Records Examination (GRE) and Admission Test for Graduate Study in Business (ATGSB) scores; Application for AFIT training; Physician Deferment Folder DPM Form 116 (Medical Corps (MC) Appointment Checklist); Field Personnel Record (Duplicate Copy); Application for Appointment in Reserves; Personnel Security Clearance; (Armed Forces Security Questionnaire); DD Form 398 Personnel History Statement; Statement of Understanding for Appointment; Photograph; Request for delay for residency training; Record of computer input; General correspondence with physician/student; hospital agreement form; Transcripts (Pre-med and med school); Air Force Health Performance Scholarship Program (AFHPSP) Service Obligation Agreement; Notification of selection for AFHPSP; Air Reserve Personnel Center (ARPC) orders (45-day active duty tour); Air Force Manpower and Personnel Center (AFMPC) Form 155 (Application for deferment for graduate medical education); Selection/Non-selection for deferment letter; Certificate of medical school completion; Physical examination; Tendering of resignation; Medical disqualification correspondence; Graduate Medical

Education Records—Application for sponsored training; AFMPC Form 131; Photograph; Transcripts; Letter of recommendation/evaluation; Career motivation essay; Select/Non-select letters (acceptance/declination); Assignment letter to Major Command (MAJCOM); Training reports; Memos for record; General correspondence with applicant/trainee; Faculty board proceedings; Residency completion letter; Letters of resignation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 105—Armed Forces Health Professions Scholarship and 9301, Members of Air Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Medical Education Division, and Medical Education Selection Boards in selecting individuals of the medical service to attend undergraduate and graduate educational programs and technical training. Such programs include undergraduate and graduate nurse education, medical school, residencies and fellowships for physicians, and graduate education for Medical Service Corps (MSCs), BioMedical Service Corps (BSCs), residencies for dental officers, and Physician Assistant program for airmen. Another use of the system is to monitor the individuals progress in an educational program after selection until completion of their program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Allied Health Selection Board Folders and Undergraduate Education Selection Folders: Retained until selection board process is completed; Air Force Institute of Technology (AFIT) Selection Folders: Information in folders is maintained for

one year. Exception: Transcripts are used for period of two weeks then returned to AFIT. Physician Deferment Folders: Retained until the individual is called to active duty or separated from the Air Force (AF) Reserve. Graduate Medical Education Records: Retained until individual separates or retires from the Air Force.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff
Personnel for Military Personnel,
Randolph Air Force Base, TX.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's application, Supervisor's evaluation, master personnel records (board use only), Career Brief (board use only), transcripts, test scores, Deans' letters of recommendation, Standard Form (SF) 88 and SF 93.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC G

SYSTEM NAME:

Medical Officer Personnel Utilization Records.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force active duty medical service officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Utilization records containing: Career briefs; Print-outs; Letters from individuals; Letters from Utilization Branch to individuals; Special Orders; Letters concerning medical service education and training; Copy of application for Indefinite Reserve Status; Copy of request to join spouse; Copy of Specified Period of Time Contract (SPTC) requests; Copy

Air Force Manpower and Personnel Center (AFMPC) Form 8, Assignment/ Actions Worksheet; Air Force Manpower and Personnel Center (AFMPC) Form 138, Officer Reassignment; Memorandum of Official Contact, Officer Career Objective Statement; Personnel Action Request; Application for Appointment in the AF Reserve; Recall to Active Duty; Supplement to Application for Commission in the United States Air Force (US) Medical Services; Assignment Notification of Medical Service Officer; Constructive Credit Computation; Personal Interview—USAF Nurse Application; Air Force Institute of Technology (AFIT) Education Plan; Messages; Department of Defense Notification of change in service members official records; Master Personnel Record Fiche; Training/ Specialty Board Certification Records; Continuation Pay Contracts; Specialty Badge Award; Personnel Data Systems (PDS) transactions; Record of Office of Special Investigations (OSI) background checks; Resumes/special applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation 36-1, Officer Classification; Air Force Regulation 36-4, Special Pay for Medical Corps Officers; Air Force Regulation 36-5, Appointment of Officers in the Regular Air Force; Air Force Regulation 36-8, Continuation Pay for Dental Corps Officers; Air Force Regulation 36-20, Officer Assignments; Air Force Regulation 36-21, Selective Continuation Program; Air Force Regulation 36-51, Active Duty Service Commitments (PA); and Air Force Regulation 36-94, Specified Period of Time Contracts (SPTC) (PA).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Verify current assignment; verify history of application for: tour extension, tour curtailment, Specified Period of Time Contract, Indefinite Reserve Status, duty Air Force specialty code change, special duty application, formal school application, change of assignment reporting dates, join spouse application; Use AF Form 24 for obtaining date of birth and place of birth when processing assignment to academy or other highly sensitive area of assignment; to hold messages pertaining to assignment; to hold action notices and career briefs as a result of input from original office and any other office pertaining to an individual. This also

includes career briefs and action notices from automatic actions (i.e., available assignment); pay computation; grade computation; to provide background information to answer correspondence.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/ cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for six months after the individual terminates military service, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Applications for appointment, letters written by individual or on individuals by others. Computer print-outs, forms completed by individuals, Personnel Data Systems (PDS) transactions, other information pertinent to assignments or career development of the officer.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC H

SYSTEM NAME:

Medical Opinions on Board for Correction of Air Force Military Records Cases (BCMR).

SYSTEM LOCATION:

AFMPC/SG, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files are maintained on individuals making application to the Air Force Board for Correction of Military Records on which a medical opinion has been rendered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains a copy of the medical advisory opinion rendered on Air Force Board for Correction of Military Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and Chapter 79—Correction of Military Records; as implemented by Air Force Regulation 31-3, Air Force Board for Correction of Military Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

A historical reference, by name, to previous action taken regarding a specific BCMR application.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders in unlocked filing cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files for one year or until no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

AFMPC Surgeon, Randolph Air Force Base, TX 70148.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC I

SYSTEM NAME:

Office File.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty colonels (grade O-6) and former active duty colonels (grade O-6), who have retired, and who have been retired for 12 months or less.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official photograph; Air Force (AF) Form 620, Colonel Resume; Copies of correspondence generated by Assistant for Colonels' Assignments, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX (HQ AFMPC/MPCO) pertaining to the subject of the file, Memoranda of conversations with the subject of the file, Correspondence received by HQ AFMPC/MPCO pertaining to the subject of the file, Memoranda of assignment-related personnel actions contemplated/completed on the subject of the file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; as implemented by AFR 36-10 Officer Evaluations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Assignment considerations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets and rotary file bins (Lectriever).

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained until first anniversary of effective date of retirement/separation from USAF of the subject of the file, at which point the office file is destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, AFMPC/MPCO, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Subject of the file, AFMPC/MPCO personnel, other Air Force and outside agency originators of correspondence relating to subject of the file, any additional information which has/could have bearing on assignability of the subject.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC J

SYSTEM NAME:

Airmen Utilization Records System.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington DC 20330, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel on active duty who request reassignment or deferment from assignment under the Children Have A Potential (CHAP) humanitarian programs; or are nominated or volunteer for special assignment; or request information or action through high level channels; or are restricted, along with their dependents, from assignment to certain overseas areas; or are subject to special assignment procedures, such as: reassignment of airmen with known deficiencies; reassignment of threatened airmen; disposition of airmen involved in disciplinary/legal problems en route to permanent change of station (PCS) assignment; or reassignment for trial; Curtailment of Overseas Tour for Cause or are permanently decertified from the Personnel Reliability Program and Master, Senior Master and Chief Master Sergeants on active duty in the Air Force who are considered/selected for an assignment. Enlisted club stewards on active duty in the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of oral and written dialogue with airmen regarding assignment actions; notification to airmen of assignment; oral and written dialogue with commanders regarding assignment actions; projected assignment actions; oral and written dialogue with Air Force multi-level functional managers regarding assignment actions; medical, legal and financial factors related to humanitarian assignment actions; personal assignment preferences, assignment limitations; final and executed assignment actions; high level interest and official Air Force responses; legal and investigative information regarding assignment restrictions; reassignment of airmen with known deficiencies, or involved in disciplinary or legal problems, or for cause, or for personal safety, or for convenience of litigation actions; permanent decertification from the Personnel Reliability Program and extracts from the Personnel Data System (PDS); Airman Career Briefs; Airman Performance Reports and Education Data; senior NCO Academy selection files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; Air Force Regulation 35-99, Personnel Reliability Program, and Air Force Regulation 39-11, Airman Assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to provide senior noncommissioned officers (NCOs) with personalized assignment service and to provide tracking and background data with which to reply to queries from the NCOs. Information is used by the PALACE Nonappropriated Fund resource manager to develop the career and broaden the experience of club stewards and to staff club steward assignment actions. Also used to staff assignments on those airmen who have applied for humanitarian—Children Have A Potential (CHAP) assignments; Used to track-select airmen for special assignments, to document responses to high-level inquiries and to provide the rationale for approving or disapproving a request for assignment. UN, PALACE DRAGON. Used to document special assignment actions to certain overseas areas and in those actions involving disciplinary or legal problems, threatened airmen, airmen with known deficiencies, curtailment for cause and when reassignment is required for trial purposes. To monitor assignment restrictions on airmen decertified from Personnel Reliability Program duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening and by visitor registers.

RETENTION AND DISPOSAL:

Destroyed at the end of the calendar year or 18 months after final action on requests for humanitarian assignment, by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Access Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information generated by the Air Force office of primary responsibility; from PDS by inquiry or action notice; law enforcement agencies; investigative agencies; or Air Staff inputs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC K

SYSTEM NAME:

Airman Promotion Historical Records.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty airmen in grades E-4 through E-8 at time of promotion consideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Microfiche files reflecting individual historical promotion data (up to 1,200 characters) for a specific cycle which is no longer maintained within the automated personnel data system. Contains member identification, promotion eligibility status, select/nonselect status, and critical personnel data. Microfiche files for members in grades E-4 through E-8 contain relative standing and weighted factor scores. Contains worksheets used to manually compute individual promotion status (select/nonselect) for the Weighted Airman Promotion System for those members not considered during the computerized selection process; master listings for each specified promotion cycle reflecting all members in the applicable grade and their specific status: select, nonselect, nonweighable, or ineligible; and listing of promotion

sequence numbers assigned to all selections for a specific cycle.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by: as implemented by Air Force Manual 30-130, Base-Level Military Personnel System, and Air Force Manual 39-29, Promotion of Airmen.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Air Force Manpower Personnel Center/Airman Promotion Division (AFMPC/MPCAW) as the master record of promotion status for a specified cycle. Used to respond to inquiries (including congressional inquiries), for Air Staff advisories to the Air Force Board for Correction of Military Records, to manage the Airman Promotion Program, to recreate promotion status, and to provide statistical data for official use. Used to provide supplemental promotion consideration and to research and/or correct promotion status for a previous cycle. Data may be provided to Department of Defense components and are routinely provided to Air Staff agencies, Major Air Commands and consolidated base personnel offices (CBPO) for official use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, on computer paper printouts and on microfiche.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN). Accessed manually by cycle.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or secured building.

RETENTION AND DISPOSAL:

Maintained for 10 years, computed from the date of the original selection process. Manual computation worksheets are maintained for one year and then select/nonselect data are listed on a roster which is maintained for an additional nine years. After the specified retention period, the records

are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff,
Manpower and Personnel for Military
Personnel, Randolph Air Force Base, TX
78148.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. The request should specify the applicable promotion cycle(s).

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Data purged from the active interim eligible file (promotion file) which is a subsystem of the Personnel Data System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC L

SYSTEM NAME:

Historical Airman Promotion Master Test File (MTF).

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty airmen in grades E-4 through E-8, Air Force Reserve and Air National Guard airmen in grade E-7.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains historical Specialty Knowledge Test (SKT), Promotion Fitness Examination (PFE) and United States Air Force Supervisory Examination (USAFSE) data which is no longer maintained within the personnel data systems. Includes member identification, test identification, date tested, score and item responses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation

35-8, Air Force Military Personnel Testing System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by Air Force Manpower and Personnel Center/Airman Promotion Division (AFMPC/MPCAW) to research and/or correct promotion status for previous cycles. Data used to resolve inquiries, provide supplemental consideration, prepare Air Staff advisories to the Air Force Board for Correction of Military Records, and manage the Airman Promotion Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets and on microfiche.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are stored in vaults.

RETENTION AND DISPOSAL:

Maintained for 10 years computed from the date of the original selection process, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/
Manpower and Personnel for Military
Personnel, Randolph Air Force Base, TX
78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (k) (6). For additional information, contact the System Manager.

F035 MPC N

SYSTEM NAME:

Assignment Action File.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Chaplains.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms used by the Air Force Manpower and Personnel Center (AFMPC) Chaplain's Office for accession and assignments of chaplains on active duty and other chaplain personnel actions. They also contain information and actions pertaining to individuals in the areas of duty Air Force Specialty Code (AFSC) change requests, tour length change requests, humanitarian reassignments and copies of messages directing such actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and 8067, Designation: officers to perform certain professional functions. Section 8012 and Chapter 805, The Air Staff, Section 8032; as implemented by Air Force Regulation 36-20, Officer Assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records are used to answer requests for assignment changes, tour length changes, duty AFSC requests, special assignment consideration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then

destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/
Manpower and Personnel for Military
Personnel, Randolph Air Force Base, TX
78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's application and information retrieved from the Personnel Data System (PDS).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC P

SYSTEM NAME:

Recorder's Roster.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150, Washington National Records Center, Washington DC, 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on all Air Force officers who are eligible for promotion consideration and officers considered for Regular Air Force appointment and Reserve Officers considered for involuntary separation, E-9s considered for HYT and any other special board directed by the Secretary of the Air Force or the Chief of Staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing containing record number, name, Social Security Number, date of roster, program control number, component, promotion category, select/non-select status, FOR OFFICIAL USE ONLY statement and name and year of board. A numerical/chronological listing of all changes to promotion file data base after initial build. Listing of special follow items/OPR letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 531, Original appointment, and 611, Convening of selection boards; as implemented by Air Force Regulation 36-89, Promotion of Active Duty List Officers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records are used to determine whether individuals were considered by the convening board.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Records are accessed by identification of board of consideration and then by inverted Social Security Number of subject by promotion category.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

The records are retained in the Selection Board Secretariat for five calendar years and then retired to the National Archives, Washington, DC.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff,
Personnel for Military Personnel,
Randolph Air Force Base, TX 78148.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Request must include name, grade, Social Security Number, board identification, promotion category, and zone of consideration as applicable.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

The information in these records is extracted from the Selection Board Support File, and from data compiled from individual board member inputs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC Q

SYSTEM NAME:

Officer Utilization Records System.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington DC 20330, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150, National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer personnel on active duty who: are eliminated from flying or technical training; or apply for separation or retirement prior to completion of their active duty service commitment (ADSC); or apply for accelerated entry on extended active duty (EAD); or are available for active duty; or are identified for special career monitoring; or are selected or volunteer for Air Staff training (ASTRA); or are selected for below the zone promotion to major and lieutenant colonel; or are former ASTRA officers below the grade of major and selectees, designees and attendees of Intermediate Service Schools (ISS) and Senior Service Schools (SSS); or are volunteers or are selected for the Air Force Institute of Technology (AFIT); or are nominees, designees, attendees and graduates of Squadron Officers School (SOS), Academic Instructor Courses (AIC), ISS and SSS; or request reassignment or deferment from assignment under the Children Have A Potential (CHAP) Humanitarian Programs; or request information or action through Congressional sources; or apply or are being considered for Air Staff extensions; or possess or are candidates for PHD degrees; or are the subject of a request to change their Duty Air Force Specialty Code (DAFSC); or apply for early release; or have attended AFIT education programs; or are AFIT graduates and request or are identified for a directed duty assignment; or are attending or are recent graduates of Professional Military Education (PME) institutions; or apply for special duty per Chapter 8, Air Force Regulation 36-20; or apply for undergraduate pilot (UPT) or navigator training (UNT); or apply for or are attending test pilot school; or apply for Officer School Training; or are former prisoners of war (POW) as a result of the Southeast Asia (SEA) conflict; or file reclaims regarding flying time computations in support of the

aviation Career Incentive Act; or visit or write the Air Force Manpower and Personnel Center (AFMPC)/ Directorate of Personnel Resources and Distribution, Officer Career Management Division for career counselling; or are selected for assignment or reassignment; or are nominated for assignment or are currently assigned to agencies outside the Air Force; or are permanently disqualified from the Human/Personnel Reliability Programs (HRP/PRP); or are identified for special monitoring due to unique or special qualifications; or apply or are identified for levy exempt status; or Reserve officer personnel not on EAD who: apply for accelerated entry on active duty; or Reserve Officers and Air Force Reserve Officers Training Corps who apply for reserve duty in lieu of extended active duty (EAD); on assignment who received late assignment notification.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of: Actions related to entry, including accelerated; on active duty, special career monitoring; actions related Air Staff Training (ASTRA) selectees or volunteers; special assignments for individuals who demonstrate well above average performances; actions of the AFIT Selection Board and disposition of AFIT applications; Elimination actions accomplished by training activities; Reclassification actions following elimination from training; disposition of applications with justification for levy exempt status; Command comments regarding specific assignment actions; Recommendations regarding retirement or separation prior to ADSC; Disposition of applications for reserve duty in lieu and EAD; Individual career objectives, assignment preferences, limitations; Promotion board reports for major, lieutenant colonels and colonels; Medical, legal and financial factors related to humanitarian assignment actions; Oral and written dialogue with officers regarding assignment actions; High level interest and official Air Force responses; Disposition of applications for Air Staff tour extensions with summary of findings; Award of PHD or pursuit of PHD degree; Request for, staffing of, and disposition of DAFSC changes, Staffing, Early Release Board action summaries and disposition of early release requests; Assignments of personnel who have attained advanced AFIT degrees; Directed duty assignments (DDA) considered because of AFIT education; Assignment considerations of PME students and graduates; Staffing and other action related to consideration of requests for special duty or UPT or UNT or Test Pilot

School or Officer School Training; Assignment actions pertinent for former POW of the SEA conflict; Response to reclaims regarding flying time computations; Assignment and career development counselling actions; Assignment to Department of Defense and Joint Chiefs to Staff activities; Disqualification from HRP or PRP; Special monitoring actions of individuals with unique or special qualifications; and the following forms and documents: Air Force (AF) Form 112, Officer Counselling Data Card; AF Form 11, Officers Military Record; AF Form 11, Officers Military Record; AF Form 215, Application for Officer Training; AF Form 2095, Assignment—Personnel Action; AFMPC Form 93, Assignment for AFIT Graduate; PDS Extract related to flying or technical training, education, experience and other assignment factors; Assignment action cards; Assignment work sheets; Career Briefs; Officer Career Objective Statements; Tracking Log; Record of Assignment Action Number (AAN); Assignment Orders; Precision Measurement Equipment (PME) and special category summary forms; Background checks; Officer Palace Manning Report; Short Tour Return Date Roster; Eligible for Overseas Roster; Officer Effectiveness Report; PDS Action Notices Regarding Assignment Factors/Considerations on assignment who received late assignment notification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by AFR 36-20, Officer Assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To make a determination regarding the retention and/or reclassification of those officers eliminated from flying or technical training. To make a determination on requests for levy exempt status for officers who have been selected to perform duty on special projects and the individual or major command (MAJCOM) request that the individual be deferred from assignment selection. To make a determination regarding applications for accelerated active duty and on applications for duty with the Air Force Reserves in lieu of extended active duty (EAD). The basis on which to make a recommendation to the Air Force Military Personnel Center (AFMPC), Directorate of Personnel Program Actions (DPMA) regarding waiver of Active Duty Service

Commitment (ADSC) for those officers who have applied for separation or retirement. To monitor and staff the initial assignment for officer accessions. To track those officers identified for special career monitoring. To confirm that Air Staff Training (ASTRA) volunteer status has been updated in the Personnel Data System (PDS), also used by Resource Managers to staff extensions of tour, curtailment of tour, Duty Air Force Specialty Code (DAFSC) changes and follow-on assignments. Used by career and Resource Managers to insure that officers who have demonstrated above average performance are considered for challenging and responsible positions. Used by AFIT Selection Board to answer inquiries concerning the status of an application; to monitor officers currently in AFIT; and to work extensions or program changes. Used to nominate and monitor officers for attendance at Intermediate and or Senior Service Schools. Data is also used to track graduates of the Squadron Officer School (SOS) and Academic Instructor Courses (AIC). To staff assignments on those individuals who have applied for humanitarian—CHAP assignments. To fully document the response to an inquiry and to provide the rationale for approval or disapproval of a requested assignment. To staff and make a determination regarding tour extensions. To monitor holders of doctorate degrees and candidates thereof to insure proper utilization of those officers holding doctorate degrees. To staff DAFSC change requests and to make a determination regarding retraining. To make a determination by the Early Release Board regarding an officer's request for early release. To monitor and or assign those officers possessing advanced AFIT degrees; action is essential for proper utilization of advanced degree holders. To make a determination regarding a Directed Duty Assignment (DDA) change on those officers who incurred the DDA as a result of AFIT education. To monitor and staff assignments for Professional Military Education (PME) attendees and or graduates. To monitor and select officers for special duties. To monitor officers who have applied for undergraduate pilot and-or navigator training; used along with the master military personnel record in the selection process. To monitor officers who have applied for and-or are currently attending Test Pilot School. To monitor officers who have applied for Officers School Training. To monitor the utilization of former prisoners of war of the Southeast Asia conflict. Used as

backup reference for Aviation Career Incentive Act reclaims. To staff assignments and related actions. Used in the counselling of officers and as background reference documentation for visits of officers to the Air Force Manpower and Personnel Center (AFMPC) and for the response to correspondence between the officer and the AFMPC Resource Manager. Data are used in the assignment selection process to insure fair and equitable assignment selection. Additionally, the information and/or computer products are used to determine unique or specific qualifications for particular assignment. Used by resource teams to nominate officers for assignment to Department of Defense and Joint Chiefs of Staff activities outside the Air Force including release of military personnel records and data to those agencies. To monitor those officers disqualified from Human and/or Personnel Reliability Programs (HRP-PRP) duties. It is also used to insure these individuals are not placed in HRP-PRP positions. Officer assignment block records are used by the interested office to tract individual assignment actions. The blocks are also used in identifying individuals with unique or special qualifications. Used to determine if officers are receiving minimum assignment notification in accordance with established policy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Documentation records are destroyed after 12 months; or retained until officer leaves ASTRA program; or destroyed when superseded; or destroyed upon individual's completion of AFIT program or upon nonselection to AFIT whichever occurs first; or destroyed when officer is separated or retires; or destroyed 18 months after approval CHAP request or 12 months after disapproval; or destroyed when officer completes Air Staff tour extension or after 12 months whichever is longer; or destroyed after

completion of DDA; or destroyed 12 months after graduation from PME or Officer School Training; or destroyed when application for special duty is withdrawn; or destroyed after completion of UPT/UNT or when eligibility for training expires; or destroyed 3 months after graduation from Test Pilot School; or POW records will be retired to a permanent storage facility on 1 January 1977; or destroyed when Departmental or Joint activity tour is completed; or retained permanently if related to HRP/PRP disqualification but not after separation. Methods of destruction are burning, pulping, shredding, macerating, or tearing into small bits.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

PDS inquiries or action notices; Information generated by the Air Force multi-level offices of primary responsibility; Extracts or copies of military personnel records; Air Staff inputs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 MPC R

SYSTEM NAME:

Air Force Personnel Test 851, Test Answer Cards.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty airmen in grades E-4 through E-8. Air Force Reserve and Air National Guard airmen in grade E-7.

CATEGORIES OF RECORDS IN THE SYSTEM:

Item responses (answers) for Specialty Knowledge Tests (SKT), Promotion Fitness Examination (PFE) and United States Air Force Supervisory Examinations (USAFSE).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation 35-8, Air Force Military Personnel Testing System, Chapters 14, 15, and 16.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Air Force Manpower and Personnel Center/Airman Promotion Division (AFMPC/DPMW) to score tests. The percent correct score on the SKT, PFE, and USAFSE, are weighted factors in the Weighted Airman Promotion System (WAPS) to advance airmen (E-4 to E-8) to the next higher enlisted grade. The percentile score on the 9-level upgrade exam is used as an eligibility criterion for promotion to grade E-8 and award of the superintendent (9) Air Force Specialty Code (AFSC) skill level, for ANG and AFRES.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in vaults.

RETENTION AND DISPOSAL:

Maintained for 12 months following completion of promotion cycle for which member was tested, then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURE:

See Exemption.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (k)(6). For additional information, contact the System Manager.

F035 MPC S**SYSTEM NAME:**

Aviation Service Branch File

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and Inactive Officers and Airmen concerning any qualification/disqualification for aviation service action and determination of eligibility for aero badges.

CATEGORIES OF RECORDS IN THE SYSTEM:

Air Force members: Rated officers removed from or returned to flying status, Officers granted United States Air Force (USAF) aeronautical rating as a result of aeronautical rating boards; Nonrated members, officer and enlisted, who request action or consideration for flying status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8691; as implemented by Air Force Regulation 35-5, Parachutists, Air Force Regulation 35-13, Aviation Service, Aeronautical Ratings, and Badges, and 35-42, Missile Badge.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Response to inquiry by an individual or an intermediary; such as legal counsel through judicial action or the Secretary of the Air Force Board for Correction of Military Records (SAF/BCMR), Member of Congress, a high ranking official such as the Secretary of the Air Force, Chief of Staff, United States Air Force, Air Force Deputy Chief of Staff/Manpower and Personnel, Air Force Assistant Deputy Chief of Staff/Manpower and Personnel for Military

Personnel; wherein a rated officer is returned to or removed from flying status, the record is reviewed within Officer Career Management Division, Air Force Manpower and Personnel Center for assignment determination action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name. Each card lists the nature of the action and includes a cross reference showing the subject file containing the record of correspondence. The card file is a "finder" index used to facilitate/ expedite location of records pertaining to an individual and as source of statistical data.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in cabinets.

RETENTION AND DISPOSAL:

Retained in office files until no longer needed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/ Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Correspondence generated at base level, Major Air Command or Air Staff Level.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 TAC A**SYSTEM NAME:**

Informational Personnel Records (PA Personnel Background)

SYSTEM LOCATION:

Office of Public Affairs, HQ Tactical Air Command (PA) Langley Air Force Base, VA 23665.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel, Military and Civilian, assigned to the Public Affairs function within Tactical Air Command (TAC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Background record name, date of rank, date assigned, date of separation; Air Force specialty codes, photo, education, training, home address, telephone No., and assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of Air Force: powers and duties; delegation by, and Air Force Regulation 190-1, Public Affairs Policies and Procedures, TAC Sup 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Office of Public Affairs, Headquarters, Tactical Air Command to identify personnel for deployment in exercises, contingencies, and for intra-command reassignment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, card files, on computer paper printouts and on aperture cards.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs, HQ TAC/ PA, Langley Air Force Base, VA 23665.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Request must contain name and organization of assignment. ID card or drivers license required for identification.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From gaining/losing Major Command, Personnel Files, AFMPC Office of Public Affairs personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F040 AFLC A**SYSTEM NAME:**

Air Force Logistics Command (AFLC) Senior Civilian Information File.

SYSTEM LOCATION:

Directorate of Civilian Personnel, Headquarters AFLC, Wright-Patterson Air Force Base, OH.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFLC personnel grade GS-16 and Senior Executive Service members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Picture, biography, grade, series, organization, location, primary specification number (PSN), approval date, SCD, date of birth, date assigned, veterans status, education level, name, title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties, delegation by, and AFLC Supplement 1 to Air Force Regulation 40-300, Filling Positions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preclude gathering each time needed, justify retention of PSN, provide biographical information as needed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File binder.

RETRIEVABILITY:

Name, grade, organization.

SAFEGUARDS:

File cabinet.

RETENTION AND DISPOSAL:

One year after incumbent leaves position. Records are then destroyed by tearing into pieces, shredding, macerating, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civilian Personnel, Headquarters, AFLC Wright-Patterson Air Force Base, OH.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

HQ AFLC Office of Information, Civilian Personnel Statistical Accounting System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F045 ATC A**SYSTEM NAME:**

Air Force Junior ROTC (AFJROTC) Instructor/Applicant System.

SYSTEM LOCATION:

AFROTC/OTU Headquarters Air University, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFJROTC instructor/applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

AFJROTC Address Form; (two pages), Application for AFJROTC Instructor Duty; AFROTC Application Form, Processing Checklist; Applicant Evaluation Forms; Applicant Interview Record; last 10 Airmen Performance Reports or Officer Effectiveness Reports or summary of last 10 reports which includes periods of supervision and overall evaluation; letter requesting Defense Central Index of Investigation (DCII) name check; photograph; Report of Separation from Active Duty; Retirement Order; Commander's

Recommendation (for noncommissioned officers on active duty only); miscellaneous correspondence such as resume and letter of recommendation, copy of Air Force retirement physical and Physical Evaluation Board Findings if applicant is retired with 30% or more disability; copy of Veterans Administration (VA) Form Letter, Medical Forms from VA, if applicant is retired with 30% or more disability awarded by Veterans Administration; letter requesting medical evaluation of AFJROTC instructor applicants for personnel retired with 30% or more disability; Letter Verifying Dependents; Instructor Preference Card; Instructor Intent Letter; Contract Data Cards; Termination Letters; Outstanding Instructor Certificate; Certification Certificates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2031, Chapter 102—Junior Reserve Officers' Training Corps.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to evaluate applicant qualifications for employment as AFJROTC instructors. Name, rank and address of applicant furnished to school when nominated for employment. Information is furnished the authority performing the DCII name check.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, and on computers and computer products.

RETRIEVABILITY:

Filed by name. Social Security Number (SSN), and grade.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software. Building locked after duty hours.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Instructor Management
Division, AFROTC/OTU, Maxwell Air
Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Individuals who write for information must furnish name, grade, Social Security Number and address. Visitors must show armed forces identification card and an additional source of positive identification.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, educational institutions, police and investigating officers, the bureau of motor vehicles, a state or local government, witnesses, source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F045 ATC B**SYSTEM NAME:**

Air Force Reserve Officer Training Corps (AFROTC) Membership System.

SYSTEM LOCATION:

AFROTC/XRSZ, Maxwell Air Force Base, AL 36112. Copies pertaining to each AFROTC detachment are located at the respective detachment. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFROTC cadets (all contract and noncontract students).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number (SSN), AFROTC Detachment number, AFROTC Detachment assignment. Area crosstown/consortium student identification. Reason for AFROTC member given, type AFROTC program, AFROTC Aerospace studies course,

AFROTC membership, status, initial AFROTC category when first enrolled, current AFROTC category, reason for change, Air Force officer qualifying test scores, established graduation date, current established commissioning date, field training status, AFROTC member field training rating academic specialty, date entered professional officer course training, prior service, date of enlistment in the Air Force Reserve, sex, race, date of birth, AFROTC college scholarship status, AFROTC Aerospace studies course when scholarship was activated, length of AFROTC scholarship entitlement, date of scholarship activation, estimated date of scholarship completion, Junior Reserve Officer Training Corps/Civil Air Patrol progression level, Air Force Junior ROTC Corps identifier, year completed Air Force Junior ROTC, cumulative grade point average, type academic credit, Flight Instruction Program Status, category eligibility, service component, personnel accounting symbol, first assignment, additional scholarship information is proposed for future use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 103—Senior Reserve Officers' Training Corps; and Air Force Regulation 45-48, Air Force Reserve Officers' Training Corps (AFROTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cadet personnel data used by detachments, staff, and AFROTC Commandant to manage the program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer magnetic tapes and computer paper printouts.

RETRIEVABILITY:

Filed by name or SSN.

SAFEGUARDS:

Records are accessed by custodian of the record system and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer history tapes are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Systems Design and Operations
Branch, AFROTC/XRSZ, Maxwell Air
Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Requests should include name, SSN, detachment, and date enrolled.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports and from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F045 ATC C**SYSTEM NAME:**

Cadet Records.

SYSTEM LOCATION:

AFROTC/SDA, Maxwell Air Force Base, AL 36112 and AFROTC detachments. Official mailing addresses of the detachments are in the Department of Defense directory in the appendix to the Air Force's system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFROTC cadets applying for, or enrolled or previously enrolled within the past three years in the professional officers course or the general military course, if the latter participation was in a scholarship status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for enrollment in the Air Force Reserve Officers' Training Corps (AFROTC) courses, applications for the AFROTC scholarship program, substantiation documents of qualification for the courses or programs, acceptances of applications, awards of scholarships, documents attesting to medical, academic, moral and civic qualifications, documents recording progress in flying instruction, academic curriculum and leadership training, counseling summaries, records of disenrollment from other officer

candidate training; records of separation or discharge from officer candidate training; records of separation or discharge of prior servicemen; financial record data, certification of degree requirements; documents tendering and accepting Commissions, documents verifying national agency checks or background investigations, documents required or proffered during investigations for disenrollment, legal opinions, letters of recommendations, corroboration by civil authorities, awards, citations; and allied papers. Field training administration records consist of student assignment/orders, in-processing checklist, counseling records, drill evaluation, weekly quarters inspection, discrepancy reports, student performance reports. Flight instruction program records consist of student eligibility, grade sheets and performance records, training certificates, waiver and elimination actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C. Chapter 103—Senior Reserve Officers' Training Corps; and Air Force Regulation 45-48, Air Force Reserve Officers' Training Corps (AFROTC).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used for recruiting and qualifying a candidate for acceptance as an AFROTC cadet, continuing the cadet in the program and awarding an Air Force commission. Each detachment, located at its host institution, is the routine user for the members in its particular program. AFROTC, Maxwell Air Force Base, AL, is a user by exception, that is, data is requested from the routine user if there is an aberration in the qualification of an individual for acceptance, continuation or graduation from the ROTC program. AFROTC exercises waiver authority that enables deserving individuals to remain in the program on a conditional basis if they perform below standards. AFROTC also requests data for disenrollments, changes in categories and graduation dates. Additionally, AFROTC requests data from the routine user for congressional inquiries, special projects, awards, honors and inter-service ROTC transfers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The life cycle of the records begins with the application and testing of the candidate. Documents establishing

qualification and satisfaction of criteria along with contracts and allied documents establish the cadet record. Progress documents, counseling sheets and performance records are maintained until graduation and commissioning. Finally, the records are destroyed one year after commissioning. An exception to the one year retention is the record of a disenrollee, one who does not complete the program nor receive a commission. Under these circumstances, the cadet record is maintained for three years. Further disposal of records is by burning, pulping or tearing into pieces.

RETRIEVABILITY:

Records are retrieved by name, Social Security Number and detachment number as paper records in file folders.

SAFEGUARDS:

Storage in file cabinets that are accessible to the detachment staff and the individual concerned. AFROTC employs a locked rotary diebold power file and file cabinets accessible to the staff.

RETENTION AND DISPOSAL:

Records are destroyed by standard means one year after a cadet is commissioned. Disenrolled cadets: records are retained for three years and then destroyed by tearing into pieces, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of senior program, Air Force Reserve Officer Training Corps Maxwell Air Force Base, AL 36112; and detachment Commander of the appropriate AFROTC detachment.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the detachment Commanders of their particular AFROTC detachment indicating their name and Social Security Number. However, if their request for information involves an investigation for disenrollment, the addressee is AFROTC/SDA, Maxwell Air Force Base, AL 36112, both addresses may be visited by the requester.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the detachment Commanders of their particular AFROTC detachment, indicating their name and Social Security Number. However, if their request for information involves an investigation for disenrollment, the addressee is AFROTC/SDA, Maxwell Air Force Base, AL 36112, both addresses may be visited by the requester.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Sources of records in the system are educational institutions, secondary and higher learning; government agencies; civilian authorities; financial institutions; previous employers; individual recommendations, interviewing officers; and civilian medical authorities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(k). For additional information, contact the System Manager.

FO45 ATC D

SYSTEM NAME:

AFROTC Field Training Assignment System.

SYSTEM LOCATION:

AFROTC/OTDF Headquarters Air University, Maxwell Air Force Base, AL 36112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFROTC cadet and active duty military personnel assigned to AFROTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel assignment request, availability, and actual assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 103, Senior Reserve Officers' Training Corps, and Air Force Regulation 45-3, Air Force ROTC Field Training Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to assign staff and students to field training locations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders and on computer and computer output products.

RETRIEVABILITY:

Filed by name of Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by computer system software.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Program Manager, Field Training, AFOTC/OTDF, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Individuals must provide name, SSN and unit of assignment.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

AFOTC detachment personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F045 MPC A**SYSTEM NAME:**

Educational Delay Board Findings.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve Officers' Training Corps (AFOTC) Cadets and/or AFOTC graduates (officers)

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for delay in entering extended active duty status to pursue advanced degrees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 31, Enlistments; as implemented by Air Force Regulation 33-3, Enlistment in the United States Air Force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to inform applicants of results of Board action on their request for delay.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Disapproved applications are destroyed after 6 months; approved applications are destroyed on completion of delay.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Member's application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AFCC A**SYSTEM NAME:**

USAF Air Traffic Control (ATC) Certification and Rating Documentation.

SYSTEM LOCATION:

Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, and Air Force Reserve and Air National Guard personnel assigned ATC duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on individuals by name and Social Security Number (SSN), certificate number, military status (active duty, reserve, or air guard), requested action (issue, reissue, or cancellation of certificate), and justification. Contains documentation compiled by requesting unit to justify withdrawal of certification. May include evaluation by medical authorities, legal, Office of Special Investigation results, and statements by supervisory personnel and co-workers. Contains copies of performance reports and unfavorable information files. Includes headquarters staff evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by, as implemented by Air Force Communications Command Regulation (AFCCR), 50-20, USAF Air Traffic Control Certification and Rating.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Documentation used to evaluate request for withdrawal of ATC certification. Permits immediate access to name, SSN, certificate number, date of issuance, and category of service. A master roster is maintained at Headquarters AFCC and the units maintain individual certificate information in the individual's training record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders note books/binders and on computer paper printouts.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Retained for one year after end of year in which the case was closed, transferred to a staging area for one additional year, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Air Traffic Services, HQ AFCC, Scott Air Force Base, IL 62225 and Air Traffic Operations at unit level.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports, and from medical institutions, trade associations, police and investigating officers, state and local governments, and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AFCC B**SYSTEM NAME:**

USAF Air Traffic Control (ATC) Training Program.

SYSTEM LOCATION:

Air Force installations, Air National Guard activities, and Air Force Reserve units. Addresses are in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and Air Force Reserve and Air National Guard personnel assigned ATC duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Air Traffic Controller evaluation record; Air Traffic Control (ATC)/weather certification and rating record; special task certification and recurring training record; on-the-job training record-continuation sheet.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by, as implemented by Air Force Communications Command Regulation (AFCCR) 50-23, USAF Air Traffic Control and Training Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to document progression of individuals in the upgrade training program, provide data base for determining program revisions, identify fast/slow progressors, and identify deficient areas in previous technical training which impacted on individual's performance during upgrade training. Record of position certifications and facility ratings and weather certifications, documenting special ATC training, and training problems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in AF Form 623.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Maintained in work area under surveillance of personnel on duty.

RETENTION AND DISPOSAL:

Given to the individual concerned when no longer valid or the individual is no longer performing ATC duties, or torn into pieces, pulped, burned, shredded or macerated.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Air Traffic Services, Scott Air Force Base, IL 62225; Air Traffic operations Officers at all other levels.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can request access to records through the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from witnesses and source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AFFCC C**SYSTEM NAME:**

Individual Academic Training Record.

SYSTEM LOCATION:

AFCC System Evaluation school, 1815 Test and Evaluation Squadron (AFCC), Wright-Patterson Air Force Base, OH 45433; AFCC Radar Evaluation School, Hill Air Force Base, UT 84058.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military, Air Force Reserve, Air National Guard, Army National Guard, and Department of Defense civilian personnel who are electronics engineers, Communications engineers, radio relay equipment maintenance specialists, technical control specialists, foreign Air Force students, and others who apply for this training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel index; absentee report; class pre-graduation/graduation roster; attendance record; record of individual training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record emergency data and course completion information and report student absences to the school commandant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders and card files.

RETRIEVABILITY:

Filed by student name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Stored in file cabinet.

RETENTION AND DISPOSAL:

Retained for ten years after individual completes or discontinues training course, then destroyed by tearing into

pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, AFCC Systems Evaluation school, 1815 Test and Evaluation Squadron, Wright Patterson Air Force Base, OH 45433; Commandant AFCC Radar Evaluation School, Hill Air Force Base, UT 84056.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from instructor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AFCC D

SYSTEM NAME:

Student Record.

SYSTEM LOCATION:

AFCC NCO Professional Military Education Center, Air Force Communications Command (AFCC), Keesler Air Force Base, MS 39534.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Air Force enlisted personnel and Air National Guard personnel assigned to AFCC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student record including individual's academic standing; student evaluation; reading laboratory progress record; record of individual counseling; student roster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Regulation 50-39/AFCC Supplement 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

This form is the record of student's attendance at AFCC Academy or NCO Leadership School. Used to record vital information on each student including

examination grades, class standing, and completion of or elimination from course. Serves as locator card. Used to provide data for statistical reports submitted to higher headquarters.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in files folders.

RETRIEVABILITY:

Filed by student name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

After the end of the year in which the individual completes or discontinues a training course, the record is transferred to a staging area for nine additional years, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, Academic Services, AFCC NCO Professional Military Education Center, Keesler Air Force Base, MS 39534.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions and Chief Training and Education Division Directorate of Personnel Programs, Deputy Chief of Staff for Personnel, Headquarters AFCC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AF MP A

SYSTEM NAME:

Education Services Program Records (Individual).

SYSTEM LOCATION:

Base Level Education Services Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All officers and airmen who participate in the Education Services Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pertinent education data maintained in an educational file folder may be Air Force (AF) form 118, Notice of Student Withdrawal/Noncompletion (copy) (cy); AF Form 186, Individual Record-Education Services Program (cy); AF Form 204, Permissive Temporary Duty (TDY) Request—Operation Bootstrap (cy); AF Form 1033, Academic Education Data (cy); AF Form 1227, Authority for Tuition Assistance—Education Services Program (cy); DD Form 114, Military Pay Order (cy) or Department of Defense (DD) Form 1131, Cash Collection for Voucher (cy); DD Form 295, Application for the Evaluation of Educational Experiences During Military Service (cy); Veterans Administration (VA) Form 22-8821, Application for Educational Assistance (cy); VA Form 22-1990p, Service person's Application for Educational Benefits (cy); Academic evaluations and/or transcripts from schools; and Educational test results from testing agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation 213-1, Operation and Administration of the Air Force Education Services Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Counseling/Advisement Guide and Educational Registration Record used by Education Services Center staff personnel, Promotion and/or classification boards, and other authorized personnel such as military service schools, civilian schools, and supervisors of military personnel. The principle purpose is to provide a record of educational endeavors and progress of Air Force personnel participating in Education Services programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file folders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Given to individual when released from EAD, discharged, or retired. servicing CBPO will destroy in case of death by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Manpower and Personnel, headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Individuals may contact agency officials at the respective installation education center in order to exercise their rights under the Act.

RECORD ACCESS PROCEDURES:

Individuals may contact agency officials at the respective installation education center in order to exercise their rights under the Act.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Data gathered from the individual, data gathered from other personnel records, transcripts and/or evaluations from schools and test results from testing agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AFOSI A**SYSTEM NAME:**

United States Air Force Special Investigations Academy Individual Academic Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USAF, US Coast Guard enlisted, Defense Investigative Service and foreign national students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of individual training and education of each student indicating final grade or rating of proficiency obtained in each subject and/or the reason for noncompletion of the course of study.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Verification of attendance and completion or noncompletion of training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are held for 25 years after course is completed and are then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Data is obtained from student testing and performance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AF SP A**SYSTEM NAME:**

Unit Training Program.

SYSTEM LOCATION:

Air Force Security Police units at all Air Force installations and Air National Guard activities. Air Force Reserve units. Official mailing addresses are in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian Security Police personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade, and dates of training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To document required training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. open storage

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police,
Kirtland Air Force Base, NM 87117.

NOTIFICATION PROCEDURE:

Contact Base System Manager.

RECORD ACCESS PROCEDURES:

Contact Base System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Completion of training subjects.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ATC B**SYSTEM NAME:**

Community College of the Air Force Student Record System.

SYSTEM LOCATION:

The system is centrally administered by the Community College of the Air Force (ATC/ED), Maxwell Air Force Base, L 36112. Computer processing for the system is furnished by the Air University Director of Data Automation (AU/ACD), Maxwell Air Force Base, AL using the computer system at Gunter Air Force Base, AL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system may have a record for any person who since 1 January 1968 has completed a formal course of instruction conducted by one of the Air Force schools identified in the current Community College of the Air Force General Catalog. Such courses do not include precommissioning courses and courses conducted exclusively for officers or their civilian counterparts. The system includes records reflecting Air Force courses completed before 1968 and other educational accomplishments for persons who as enlisted members of the Air Force registered in programs of study leading to credentials awarded by the college. Both here and where appropriate below, the general term Air Force includes the regular Air Force, the Air Force Reserve, and the National Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual academic records and, where necessary to serve airmen registered in study programs leading to credentials awarded by the college, a variety of source or substantiating

records such as copies of registration applications and document control records derived from such applications, civilian college transcripts, college level examination program score reports; copies of educational records originated by other Air Force and non-Air Force agencies external to the college (such as the Federal Aviation Agency, the United States Armed Forces Institute, and the Defense Activity for Non-traditional Education Support), copies of a variety of Air Force personnel records (such as documents derived from master records maintained by the Air Force Manpower and Personnel Center and microfiche records of locator data); and records of credentials awarded to graduates. The college also maintains copies and related records of communications from, to, or regarding persons interested in the college, its educational programs, its student record system, and related matters. Copies of and statistical records derived from individual responses to surveys, questionnaires, and similar instruments authorized by HQ USAF may also be maintained as needed for managerial evaluation and planning by officers of the college.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9315, Community College of the Air Force; associate degree; and Air Force Regulation 53-29, Community College of the Air Force Mission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records originated in the system document, in terms of credit awarded or accepted in transfer by the college, individual educational accomplishments which satisfy curricular requirements of study programs leading to credentials offered by the college. Transcripts of records originated in the college are at the written request of persons concerned furnished to any recipient(s) designated in such requests. Such recipients typically include Air Force Education Services Centers, other offices where Air Force personnel are stationed, educational institutions, and potential or current employers. CCAF transcripts and copies of other records originated in the college are also used to support educational and occupational counselling, planning, and development; admission to other colleges; and related individual affairs. Disclosures of information recorded in the system may be made to employees of civilian contractors engaged by the Air Force to provide services which directly or indirectly support the record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Permanent student computer records are maintained on and as necessary reproduced from magnetic media. Paper records are maintained in file folders, card files, and special binders/cabinets designed for computer listings.

RETRIEVABILITY:

Computer records are retrievable by a combination of Social Security Number (SSN) and certain letters of last name. Paper records are retrievable by either SSN or name.

SAFEGUARDS:

Records maintained in the college are normally disclosed only upon written request from the subject of the records or upon written request from an Air Force officer or employee responsible to provide educational or related services to Air Force personnel. Disclosures to non-Air Force agencies not requested by the subject of the records require approval of an officer of the college. Except for disclosures within the college as may be necessary to its operations, requests by telephone and other unwritten means will not be honored unless in the judgment of a responsible member of the college staff the requester is a member or employee of the Air Force acting on behalf of, or is, the person whose record is requested. Special care is exercised to ensure complete identification of the requester, the person whose record is to be disclosed, and intended use. Other systematic safeguards to ensure integrity of records include secure storage of successive generations of computer master files, existence and long-term retention in other Air Force facilities of records needed to rebuild the entire system in the event of catastrophe, and traditional measures to ensure the security of Air Force facilities. All records in the system are attended by responsible Air Force personnel during duty hours and stored in locked facilities under constant or periodic surveillance by Air Force security policy during non-duty hours.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Specific rules for retention of permanent microfiche and corresponding magnetic tape records have not yet been determined. It is

anticipated that such records may need to be retained for not less than 30 and not more than 50 years beyond the latest entries on each such record. Active master file records on the computer are by their nature evolutionary and will be maintained permanently. Paper records maintained to serve students registered in study programs are retained so long as a registrant remains active in his or her program. Such records are destroyed 1 year after a registrant completes his or her study program or 5 years after the most recent communication from an airman whose program has not been completed. Other records are typically retained only so long as they may serve a useful purpose, which is typically between 30 and 90 days. No rule has yet been defined for retaining records which verify awards of credentials by the college, but it is expected that such records will need to be archival.

SYSTEM MANAGER(S) AND ADDRESS:

Senior official responsible for policies and procedures which govern the system: Deputy Chief of Staff/Manpower and Personnel, Headquarters United States Air Force, System Manager: President, Community College of the Air Force (CCAF/CC) Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Persons who have not registered in the college should address inquiries regarding records maintained by the college to Chief, Student Records Branch (CCAF/RRR), Maxwell Air Force Base, AL 36112. Persons who have registered in the college may address inquiries as above or to Chief, Academic Programs Division (CCAF/AY), also at Maxwell Air Force Base. Such inquiries will need to include the full name (and former names if appropriate), SSN, and birthdate of the inquirer, and should include a full return address (including ZIP Code). Visits to the college are welcomed, and visitors seeking information about personal records should first visit the Office of the Registrar.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager and from addresses listed above.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, automated

system interfaces and from source documents submitted to the college by or at the request of individuals concerned, or by other Air Force agencies acting on behalf of individuals concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ATC C

SYSTEM NAME:

Faculty Board Ledger.

SYSTEM LOCATION:

Headquarters Air Training Command (ATC) Deputy Chief of Staff for Personnel (DCSP), Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Officers who meet a faculty board for elimination from undergraduate navigator or pilot training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Composite listing containing board documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Training Command Regulation 53-1, Faculty Boards and Administrative Withdrawals and Losses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

DCS/P uses ledger to monitor case timeliness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in note books/binders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Stored in locked building.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters Air Training Command, Deputy Chief of Staff/Manpower and Personnel Randolph Air Force Base, TX, 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ATC D

SYSTEM NAME:

Individual Academic Records—Survival Training Students.

SYSTEM LOCATION:

Fairchild Air Force Base, WA 99011.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted aircrew members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survival training students performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Regulation 50-3, Survival Training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Document and evaluate students performance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for two years after annual cut-off then forwarded to the Washington National Records

Center, where records will be held an additional 28 years, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff Operations,
Headquarters Air Training Command,
Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the 3636 CCTW/DOOS, Fairchild Air Force Base, WA 99011. Requests should include name, rank, Social Security Number, course(s) attended and graduation date, if known.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access by contacting 3636 CCTW/DAD, Fairchild Air Force Base, WA 99011 or by contacting the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Survival training supervisors and staff officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ATC E

SYSTEM NAME:

Maintenance Management Automated Training System (MMATS).

SYSTEM LOCATION:

At all Air Training Command bases that utilize MMATS. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned to organizations involved in the maintenance of aircraft, trainers, and associated equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Maintenance training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; and Air Training Command Manual 66-420, Maintenance Management Automated Training System (MMATS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to establish and maintain data pertaining to a specific individual assigned to a maintenance organization; used by work center supervisors, maintenance training and administrative personnel, and other members of the Deputy Commander for Maintenance or Chief of Maintenance staff to maintain basic data relating to an individual; and to monitor the overall training status of an organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic tapes.

RETRIEVABILITY:

Filed by name and by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and controlled by computer system software.

RETENTION AND DISPOSAL:

Maintained until purpose has been served or for 1 month whichever is sooner. It is then destroyed by tearing into pieces, pulping, burning, shredding, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Noncommissioned officer or civilian in charge of the training management section at each unit utilizing MMATS.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual training source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ATCF

SYSTEM NAME:

Air University Academic Records.

SYSTEM LOCATION:

Air University, Maxwell Air Force Base, AL 36112. Subsystems are located and maintained at the Air Force Institute of Technology/RR, Wright-Patterson Air Force Base, OH 45433; 3825 Academic Services Group/RR, Maxwell Air Force Base, AL 36112; Extension Course Institute/EDOR, Gunter Air Force Station, AL 36118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Graduates, students currently or previously enrolled in AFTT, AU PME schools or ECI.

CATEGORIES OF RECORDS IN THE SYSTEM:

Education records which includes transcripts; test scores; completion/noncompletion status; training reports; rating of distinguished, outstanding or excellent graduate as appropriate and other documents associated with academic records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; Air Force Regulation 50-12, Extension Course Program; and Air Force Regulation 53-8, USAF Officer Professional Military Education System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individuals seeking academic or certification credit for courses completed may request applicable Registrar to send a record of courses completed to school or activity desired.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders at Air Institute of Technology. Maintained in visible file binders/cabinets and on roll microfilm at 3825 Academic Services Group. Maintained on roll microfilm and on microfiche at Extension Course Institute.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official

duties who are properly screened and cleared for need-to-know. Records are stored in vaults and locked cabinets or rooms and are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained for 30 years except masters transcripts of resident schools which are kept 50 years (at AFTT permanent) at 3825 Academic Services Group retained in office files for two years after the individual completes or discontinues a training course, then retired to Washington National Records Center, Washington DC 20409, and, after 28 additional years, they are then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Plus copy retained for 30 years then destroyed (at Extension Course Institute).

SYSTEM MANAGER(S) AND ADDRESS:

Registrar, Air Force Institute of Technology, Wright-Patterson Air Force Base, OH 45433; Registrar, 3825 Academic Services Group, Maxwell Air Force Base, AL 36112; Registrar, Extension Course Institute, Gunter Air Force Station, AL 36118.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Include full name, SSN and class designation. Individuals may visit Office of the Registrar. Identification is required.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, source documents such as reports, testing agencies, student, and on-the-job training officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ATC G

SYSTEM NAME:

Student Record Folder.

SYSTEM LOCATION:

Air University, Maxwell Air Force Base, AL 36112 and at each Air University Professional Military School/ Course at Maxwell Air Force Base, and Gunter Air Force Base, AL 36118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual student folder containing test results, speech and writing critiques, interview/counseling record, faculty rating, and other documents pertaining to student administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Regulation 53-8, USAF Officer Professional Military Education System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by faculty and staff of applicable school/course to evaluate and record performance/progress of student, and to determine suitability for future faculty position.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until graduation or elimination from training, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Curriculum.
Submanagers: Director of Administration (DA) at each school/course.

NOTIFICATION PROCEDURE:

Requests should be addressed to the Director of Administration at the applicable school. Provide name, SSN. May visit the office of the Director of

Administration and present acceptable identification.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from appropriate Director of Administration. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual student, instructor and source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ATC H

SYSTEM NAME:

Student Record of Training.

SYSTEM LOCATION:

All Technical Training Centers of Air Training Command (ATC): Field Training Detachments of ATC and the 3750 Technical Training Group/TTS, Sheppard Air Force Base, TX 76311; Basic Military Training School, Lackland Air Force Base, TX 78238; Officer Training School, Lackland Air Force Base, TX 78236; Community College of the Air Force, Maxwell Air Force Base, AL 36112; United States Air Force Technical Training School, Goodfellow Air Force Base, TX 76908; and the Washington National Records Center, Washington, DC 20409. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel and civilian employees, Air Force Reserve and Air National Guard personnel, foreign nationals, and retired Air Force military personnel who have attended a training course conducted by an ATC activity. Employees of Air Force contractors receiving training at USAF schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of individual training and education, subjects studied, reading proficiency training, hours, final grades, and graduation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Training Command Regulation 52-11, Student Training Records and Recognition Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record individual attendance, achievement and special training progress, and evaluate student's potential for commissioning and need for remedial teaching. Used by FTDs to determine student eligibility to receive certificate of training, and by the Community College of the Air Force to grant college credits for successful completion of the course.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name, SSN, course number, and graduation month and year.

SAFEGUARDS:

Records are accessed by the custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets and rooms.

RETENTION AND DISPOSAL:

Record of individual hours and final grades—retained one year, then destroyed; source, support, and control data basic trainee records and special training records—retained for six months after monthly cutoff, then destroyed; Nelson Denny Reading Test Answer Sheets—retained for the class duration, then destroyed; Officer Training School Student Training Summaries maintained for two years after cutoff, then destroyed; Field Training Student Attendance and Rating Records—retained at Sheppard Air Force Base, TX 78311 for two years then retired to the Washington National Records Center for an additional 28 years, then destroyed; Student Record of Training—retained at the local ATC Center or 3480 Technical Training Wing for two years then retired to the Washington National Records Center for an additional 28 years, then destroyed; Training Progress Reading Proficiency Case Files—destroyed three months after class/course completion. All of the above records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Technical Training, Standards and Evaluation Directorate, Randolph Air Force Base, TX 78150 (for other than classes/courses completed at ATC Field Training Detachments & Officer Training School). The 3750 Technical Training Group/TTS for classes/courses conducted by ATC Field Training Detachments and the Commander, Officer Training School for OTS student records; and the 3480 Technical Training Group/TTR for classes/courses conducted at Goodfellow Air Force Base, TX 76908. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

NOTIFICATION PROCEDURE:

Contact Training Department at the Air Force base where the training was conducted for ATC technical training center courses; 3750 Technical Training Group/TTS, Sheppard Air Force Base, TX 78311, for classes/courses completed at an ATC Field Training Detachment; Basic Military Training School/CC, Lackland Air Force Base, TX 78236; and Officer Training School/CC, Lackland Air Force Base, TX 78236, for OTS student records and 3480 Technical Training Group/TTR, Goodfellow Air Force Base, TX 76908 for courses taught at that base. Full Name, Social Security Number, Course Number or Title and Dates of Attendance is required. For personal visits, identification card or driver's license is acceptable proof of identity.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager for OTS student records and classes/courses completed at an ATC Field Training Detachment or from the System Manager in the training department at the Air Force base in ATC where training was conducted.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Training Center Organizational Directory; Enlistment Records; Basic Military Training Records; Score from Nelson Denny Reading Test; Internal Testing and Instructor/Peer Observation; and source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO50 ATC I**SYSTEM NAME:**

Technical Training Course Management Information System

SYSTEM LOCATION:

Headquarter Air Training Command, Randolph Air Force Base, TX 78150 and Technical Training Centers of Air Training Command. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices. Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army, Navy and Marine Corps active duty personnel and retired Air Force personnel. Air Force civilian employees and former employees. Air Force Reserve and Air National Guard Personnel. Foreign Nationals residing in the United States. Exchange Officers. Personnel entered into or attending technical courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual training status records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Training Command Regulation 52-3, Student Measurement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain status of students and prepare training statistics.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer and computer paper printouts.

RETRIEVABILITY:

Filed by Social Security Number (SSN) and course identification.

SAFEGUARDS:

Records are stored in locked cabinets or rooms and controlled by computer system software.

RETENTION AND DISPOSAL:

Deleted from files within two years after termination of study, destroyed by degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Training Management
Information Branch at each Center.

NOTIFICATION PROCEDURE:

Requests from individuals should be
addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in
gaining access from the System
Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to
records and for contesting and
appealing initial determinations by the
individual concerned may be obtained
from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated
system interfaces.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

None.

FO50 ATC J**SYSTEM NAME:**

Student Questionnaire.

SYSTEM LOCATION:

Air University, Maxwell Air Force
Base, AL 36112. Subsystems are located
at the Air War College (AWC), Air
Command and Staff College (ACSC),
Squadron Officers School (SOS),
Maxwell Air Force Base, AL 36112.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

All students attending AWC, ACSC,
and SOS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaire including military data
such as name, SSN, grade, age, flying
data, education data, personal data and
locator data.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

10 U.S.C. 8012, Secretary of the Air
Force: powers and duties; delegation by;
and Air Force Regulation 53-8, USAF
Officer Professional Military Education
System.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

Primary use is to gather statistical
data for analysis by management
analysis personnel, subsequent
publication of data in AU quarterly
program summary. Used by applicable
PME school for locator and other
administrative purposes.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Class designator and filed by name.

SAFEGUARDS:

Records are accessed by custodian of
the record system and by person(s)
responsible for servicing the record
system in performance of their official
duties who are properly screened and
cleared for need-to-know. Records are
stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until
graduation or elimination from training,
then destroyed by tearing into pieces,
shredding, pulping, macerating, or
burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Management Analysis at
HQ USAF Submanager at each
applicable school, AWC, ACSC, and
SOS.

NOTIFICATION PROCEDURE:

Requests should be addressed to the
Director of Administration at the
applicable school. Provide name, SSN
and class. Individuals may visit the
office of the Director of Administration
at the applicable school.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in
gaining access from the System
Manager. Mailing addresses are in the
Department of Defense directory in the
appendix to the Air Force's systems
notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to
records and for contesting and
appealing initial determinations by the
individual concerned may be obtained
from the System Manager.

RECORD SOURCE CATEGORIES:

Individual student.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

None.

FO51 ATC A**SYSTEM NAME:**

Flying Training Records.

SYSTEM LOCATION:

Deputy For Flight Operations, Officer
Training School USAF Lackland Air
Force Base TX 78236.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

All students entered in T41 training at
Lackland Air Force Base, TX 78236.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flying training grades continuity
summary analysis.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

10 U.S.C. 8012, Secretary of the Air
Force: powers and duties; delegation by;
and Air Training Command Regulation
52-3, Administration of the Officer
Training School. (OTS) Program.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSE OF SUCH USES:**

Determine flying training potential.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders and wall
charts.

RETRIEVABILITY:

Filed by name or Social Security
Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of
the record system and by person(s)
responsible for servicing the record
system in performance of their official
duties who are properly screened and
cleared for need-to-know. Records are
stored in security file containers/
cabinets.

RETENTION AND DISPOSAL:

Retained in office files until
superseded, obsolete, no longer needed
for reference, or on inactivation, then
destroyed by tearing into pieces,
shredding, pulping, macerating, or
burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy for Flight Operations Officer
Training School.

NOTIFICATION PROCEDURE:

Requests from individuals should be
addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in
gaining access from the System
Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to
records and for contesting and
appealing initial determination by the
individual concerned may be obtained
from the System Manager.

RECORD SOURCE CATEGORIES:

Internally generated.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO51 ATC B**SYSTEM NAME:**

Flying Training Records-Nonstudent.

SYSTEM LOCATION:

Columbus Air Force Base, MS, 39701;
Lackland Air Force Base, TX 78236;
Laughlin Air Force Base, TX 78840;
Mather Air Force Base CA 95655;
Randolph Air Force Base, TX 78150;
Reese Air Force Base TX 79489;
Sheppard Air Force Base, TX 79720; and
Williams Air Force Base, AZ 85244.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aircrew personnel of Air Training Command, academic instructors in flying training courses and Trainer Instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record and document aircrew training, evaluations, performance, accomplishments and taped radio transmissions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Training Command Regulation 51-27, Instructor Qualification and Training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Document the training, performance, and qualifications of aircrew and synthetic trainer personnel. Taped radio communications are used to investigate aircraft accidents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, computer printouts, and on magnetic tape.

RETRIEVABILITY:

Filed by name or Social Security Number.

SAFEGUARDS:

Access by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened.

RETENTION AND DISPOSAL:

Aircrew evaluation documents, training and qualification records on synthetic training instructors and academic instructors are maintained for the duration of an individual's assignment in Air Training Command. Out-of-date material is returned to the individual. Radio tapes are retained of file for one week unless circumstances dictate otherwise; initial training records are maintained for one year following completion of the training and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff Operations, Air Training Command, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from source documents prepared by personnel administering training or evaluation performance; voice radio communications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO51 ATC C**SYSTEM NAME:**

Flying Training Records—Student.

SYSTEM LOCATION:

Headquarters Air Training Command, Randolph Air Force Base, TX; Washington National Records Center, Washington DC 20409; ATC Pilot and Navigator Training Wings; Official mailing addresses are in Department of Defense directory in the appendix to the USAF systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students entered into Undergraduate Pilot and Navigator training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete record of training including class number, flying and academic

course completed, flying hours, whether graduated or eliminated and data, reasons for elimination, Faculty Board Proceedings, student's performance in each category of training, including grades, evaluations and performance documentation; background information including name, grade, Social Security Number (SSN), source of commission, college, subject matter, etc; past training unit of assignment; class standing prior to 31 Dec 74; progress records on minority students.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; Air Training Command Manual 51-4, Primary Flying, Jet; and Air Training Command Regulation 51-8, Flying Training Student Accounting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Document and record student performance; provide background information; report to Air National Guard/Air Force Reserve and other Air Force training units on qualifications of graduates; analyze student performance in following training for the purpose of evaluating training and revising course content; also used to monitor student performance by source of entry, education level, and minority status; record and document Faculty Board proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, note books/binders, card files and on computer and computer products.

RETRIEVABILITY:

Filed by name or SSN.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Student grade books are destroyed three months after completion of training; Summary Training Records are retained in office files for two years, then retired to Washington National Records Center, Washington, DC, for eight years; other records are retained in office files until superseded, obsolete, no

inactivation. Faculty Board Records are retained for one year. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff Operations, Air Training Command, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information comes from source documents such as grade sheets, written examinations, and flight examinations; from reports by instructors and students, and from the individual, automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F051 TAC A

SYSTEM NAME:

Tactical Air Command Automated Flying Training Management System.

SYSTEM LOCATION:

All Tactical Air Command Wings, Squadrons, Numbered Air Forces, and Headquarters, Tactical Air Command/ DOTP. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aircrew members in Tactical Air Command maintaining qualification in command assigned aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

Continuation training items directed by Air Force and Tactical Air Command directives. Includes flying times for current month, training cycle, and cumulative career totals, currencies as required by weapons system, flying and simulator sorties and events, and various ground training items, and other information such as social security account number, ratings, Air Force Specialty Codes, date of birth, unit

assigned, availability data, assignment dates, training phase and qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and 8074, Command: Territorial organization and TACM 51-365.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to monitor the status of continuation training by individuals and unit. Data is available at the unit, wing, numbered Air Force, Headquarters of Tactical Air Command.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer and computer output products.

RETRIEVABILITY:

Filed by crew member's first letter of last name and last four digits of the Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software and stored in secure areas with controlled access.

RETENTION AND DISPOSAL:

Retained in units for six months after training cycle. History files are retained at Headquarters Tactical Air Command for analysis purposes. Information is destroyed by tearing into pieces, pulping, burning, shredding, or macerating, or in the case of computer tape, degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Operations, Headquarters, Tactical Air Command, Langley Air Force Base, VA 23065.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual concerned and other source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F060 AF A

SYSTEM NAME:

Air Force Operations Resource Management Systems (AFORMS).

SYSTEM LOCATION:

Headquarters United States Air Force and major command headquarters. Air Force Inspection and Safety Center, Norton Air Force Base, CA 92409. Host, tenant and squadron Operations System Management offices at Air Force installations. Official mailing address are contained in the Air Force Address Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, Air Force civilian employees, Air Force Reserve and Air National Guard personnel, Army, Navy and Marine Corps active duty military personnel and those foreign military personnel who are assigned to aviation duties by competent authority and attached to the USAF for flying support or who have been suspended from flying duties for a period of not more than 5 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

The base-level AFORMS data base contains a master file of flying records for each individual in categories listed above, a month-to-date transaction file and a twelve month history file. A centralized file of selected information from each individual's master record is also maintained at HQ USAF, and flying history information is maintained at Norton Air Force Base, CA. In addition to automated data files, this system uses manual files for maintaining historical data files, this system uses manual files for maintaining historical data and important source documents. An Individual Flight Record Folder (IFFR) is established for each category of fliers listed above and is the prime repository for a computer listing which itemizes each individual's flight accomplishments as well as various source documents which serve to validate information entered into the computer data base for the system. Each Host Operations System Management office maintains a file of Aeronautical Orders and Military Pay Orders to provide source

documentation of flying pay actions initiated by the flight manager. Information which is maintained in the automated files is derived directly from the AFORMS master file of from subsequent processing of information entered into the master file. Categories of information maintained in the master file are: **IDENTIFICATION DATA**—provides individual identifiers and other information directly related to each individual in the file. **DUTY ASSIGNMENT DATA**—Includes information such as the major command of assignment for the individual, the Air Force Specialty Code indicating professional, duties, the unit, the responsible Operations System Manager, base of assignment, etc. **AIRCRAFT TRAINING AND QUALIFICATION DATA**—includes information such as flight and ground professional flying training accomplishments, aircrew qualification status, physical status for flight duties, types of aircraft assigned, etc. **UTILIZATION MANAGEMENT DATA**—Includes flying experience information, professional qualifications, aviation duties assigned, etc. **FLYING PAY ENTITLEMENT DATA**—Includes information needed to administer the payment of flying incentive pay for each individual. **LOCAL USE DATA**—contains information used by major or local command to supplement general system information as needed to meet unique unit requirements within the categories of information listed herein. **SYSTEM CONTROL DATA**—Contains computer data used to automatically control internal system functions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 301a, Incentive pay: Public Law 92-204 (Appropriations Act For 1973), Section 715; Public Law 93-570 (Appropriations Act For 1974); Public Law 93-294 (Aviation Career Incentive Act of 1974; DOD Directive 7730.57 (Aviation Career Incentive Act and Required Annual Report); Air Force Regulation 60-1, Flight Management; and Air Force Regulation 60-190, Air Force Operations Resource Management System (AFORMS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The AFORMS provides information and automated data processing capabilities used to manage and administer Air Force operations such as aircrew training and evaluation, flight scheduling functions, flying safety and related functions needed to attain and maintain combat or mission readiness.

All information is entered into the system at the airbase level. This information is then processed for use by flying resource managers at all levels through periodic computer product reports or automated systems interfaces. The specific uses of information and user categories for this system are: **BASE LEVEL ACTIVITIES**—(1) to establish each member's flying pay entitlement status and to monitor continuing entitlement in accordance with existing directions; (2) to record each individual's flying activities, both hours and specific events, and provide indications of successful attainment of standards or deficiencies; (3) to establish each individual's Aviation Service code for use in indicating type of flying activity or reason for inactive status if applicable; (4) to determine each rated member's eligibility to perform operational flying in accordance with existing USAF directives; (5) to provide an indication of each rated member's total operational flying time in terms of total aviation career duties as required by the Aviation Career Incentive Act of 1974; (6) to establish "suspense lists" for use in scheduling flying personnel for flights, schools, tests and similar events directly related to their duties as professional airmen; (7) to provide each applicable individual and manager with all aviation career profile information needed to monitor flying career development, professional qualifications and training deficiencies; (8) to provide information requested by Operations, or other base functions, which relates to the flying duties and accomplishments of all personnel in the file; (9) to provide statistical data for management analysis and review of all aspects of each base's flying programs, including flying safety data involving AFORMS flying hour/individual information stored in the Norton Air Force Base, flying safety data bank maintained by the USAF Inspection and Safety Center. **OTHER BASE USERS:** **CONSOLIDATED BASE PERSONNEL OFFICE**—uses information provided by this system, through an automated data interface, to report the flying status of all individuals in the files; provides flying career background information used for assignment actions. **ACCOUNTING AND FINANCE OFFICE**—uses Military Pay Orders, prepared by flight management offices, to start and stop flying incentive pay in accordance with each individual's flying status and eligibility as reflected by the information in the system; uses the files to perform payment audits to identify individuals being paid improperly. **BASE SUPPLY**—uses flying status information to determine which individuals are

qualified to draw all authorized flying equipment. **BASE MEDICAL FACILITY**—uses system data to determine projected workloads associated with scheduled flight physical examinations. **MAJOR COMMANDS**—use all system data to measure the effectiveness of subordinate unit training programs and to check command-wide flying effectiveness. **AIR FORCE MANPOWER AND PERSONNEL CENTER**—uses AFORMS information to establish assignment objectives and career development programs for USAF military personnel in the system. **USAF INSPECTION AND SAFETY CENTER**—uses flying hour data for each individual to establish historical files for reconstruction of lost or damaged records and to augment the Flying Safety statistical data bank. **HQ USAF**—uses various identification and flying data to establish statistical data needed to verify the effectiveness of standard procedures, determine the need for policy modification, provide a timely and accurate census of various types of flyers and provide a centralized point for collection and collation of data used by all levels of management. **Air Force Accounting Finance Center**—uses AFORMS information to validate all flying payments in the JUMPS system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, on computer magnetic tapes and on magnetic disks.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties and individuals in files. Access is specifically controlled by Host Operations System Management office. Records are stored in locked cabinets or rooms. Computer terminals are locked when not in use or kept under surveillance.

RETENTION AND DISPOSAL:

Magnetic tape and hardcopy records are maintained in files for five years following removal of an individual from flying status. The magnetic tape records are then destroyed by degaussing or overwriting and the hardcopy files turned over to the individual. Personnel

leaving military service are provided their hardcopy files and all disk and tape records are routinely erased except for historical records files maintained by AFISC. For deceased personnel, disk and tape records are routinely erased and hardcopy folders are provided to the survivors as part of the individual's personal effects.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff/Plans and Operations, Headquarters United States Air Force, Washington, DC.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Operations System Manager. Include name and SSN. Make base level inquiries to base flight manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Operations System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals, aircrew managers, automated system interfaces and from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F066 AF A

SYSTEM NAME:

Maintenance Management Information and Control System MMICS.

SYSTEM LOCATION:

At all Air Force bases that utilize MMICS. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned to organizations involved in the maintenance of aircraft missiles, communications electronics and associated equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Maintenance personnel records and on-the-job training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and Air Force Regulation 66-1, Maintenance Management Policy and 66-5, Production Oriented Maintenance Organization.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to establish and maintain data and on-the-job training records pertaining to a specific individual assigned to a maintenance organization. Used by work center supervisors maintenance training and administrative personnel and other members of the chief of maintenance staff to maintain basic data relating to an individual and to monitor the overall manning status of an organization.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on disks or tapes.

RETRIEVABILITY:

Filed by name or Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Maintained until purpose has been served or for 1 month whichever is sooner. Then destroyed by tearing into pieces, pulping, burning, shredding, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Non-commissioned officer in charge of the maintenance documentation or files maintenance section at each unit utilizing MMICS.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces and source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F067 AFSC A

SYSTEM NAME:

Equipment Maintenance Management Program (EMMP).

SYSTEM LOCATION:

Aeronautical Systems Division, Computer Center, Wright-Patterson Air Force Base, OH.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel in Aeronautical Systems Division, Air Force Avionics Laboratory, Air Force Flight Dynamics Laboratory, Air Force Aero Propulsion Laboratory, Air Force Material Laboratory, Air Force Human Resources Laboratory and Aerospace Medical Research Laboratory at Wright-Patterson Air Force Base, having custody of high value precision measurement equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Equipment maintenance management data on equipment signed out to individuals by equipment item number, model number, date checked out, office symbol, calibration due date, user Social Security Number and name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Maintain maintenance and management control of high value equipment including issuance, security and storage, and recalibration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Records may be retrieved by custodian name and Social Security Number or by equipment ID number and manufacturer.

SAFEGUARDS:

Computer records are maintained under systems software with password control. Printouts are kept in locked cabinets and desks. Offices and buildings are locked after duty hours.

RETENTION AND DISPOSAL:

Printouts are kept up to a two weeks maximum and then destroyed by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Wright Aeronautical Laboratory, Logistics Office, Assistant for Operations, Wright-Patterson Air Force Base, OH 45433.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the system manager. Requesting individuals will be required to supply full name and office symbol or name of immediate supervisor for telephone requests; full name, driver's license or base ID card for personal visits.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager, telephone area code (513) 255-4522.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals and automated systems interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F080 AFSC A**SYSTEM NAME:**

Aeromedical Research Data.

SYSTEM LOCATION:

Aerospace Medical Division (AMD), Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel receiving medical evaluation from Department of Defense medical facilities. Participants in epidemiologic studies sponsored by agencies of the Department of Defense, Federal Aviation Administration, Veterans Administration, The National Institutes of Health, National Research Council, and Occupational Safety and Health Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical evaluations, demographic and mortality data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Individually identifiable records are used by medical authorities and consultants of the Department of Defense and Federal Aviation Administration to determine that individual's fitness for duty. Data on foreign personnel are used by the corresponding authority in that individual's country to determine their fitness for duty. An individual's record is used by medical personnel to deliver medical care to that patient. Aeromedical research data are used by scientists working with agencies of the Department of Defense, Federal Aviation Administration, Veterans Administration, The National Institutes of Health, National Research Council, and Occupational Safety and Health Administration to determine medical criteria for duty and to develop methods to prevent disease and disability.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in microfilm jackets and microfilm rolls, in paper files, and on computer.

RETRIEVABILITY:

Filed by name, or Social Security Number (SSN).

SAFEGUARDS:

Computerized patient records retrievable from remote terminals are protected from unauthorized access or alteration by a data management system which requires a password for access to an authorized subset of data. When appropriate for research purposes, the data base management system permits scientists to examine patient records without revealing the unique patient identifiers. All of the data is accessed only by the custodian of the record system, and released only to medical personnel and scientists who are properly screened for need to know.

RETENTION AND DISPOSAL:

Destroy paper and microfilm files when no longer needed or after 25 years by tearing, shredding, pulping, macerating or magnetically stored data is destroyed by erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Aerospace Medical Division, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from military personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F100 AFSC A**SYSTEM NAME:**

Military Affiliate Radio System (MARS) Member Records.

SYSTEM LOCATION:

At Headquarters Air Force Communications Command (AFCC). Subordinate headquarters, and Air Force installations. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Force systems notice. At MARS member stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Amateur Radio Operators licensed by United States Air Force (USAF) MARS.

CATEGORIES OF RECORDS IN THE SYSTEM:

MARS Personnel Action Notification and Registration; MARS Station Questionnaire; Application for Membership in Military Affiliate Radio System. Information includes individuals name, MARS call sign, amateur call sign, mailing address, Federal Communications Commission (FCC) license class, MARS assignment, communications capability, MARS position, military status, and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of Air Force, powers and duties; delegation by; as implemented by Air Force Regulation

(AFR) 100-15, Military Affiliate Radio System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To identify MARS members, to describe and update information concerning members, station capability, MARS assignment and position status, to assign call signs and designators, to specify operational parameters and constraints, mailing address, amateur license, telephone number, and responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and/or aperture cards.

RETRIEVABILITY:

Filed by name, by call sign or designator and geographic location.

SAFEGUARDS:

By authorized personnel in the course of their duties who are properly screened and cleared for need-to-know. Stored in file cabinets.

RETENTION AND DISPOSAL:

At HQ AFCC, retained until termination of membership or alteration of information and then destroyed by tearing to pieces, shredding, pulping, macerating or burning. At MARS stations, retained in office files until reassignment or termination of membership and then destroyed by tearing to pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations, Plans and Readiness, HQ AFCC, Scott Air Force Base, IL 62225 and Director of Operations at all other levels.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Systems Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual members and MARS officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F120 AF MP A

SYSTEM NAME:

Investigation/Complaint Files.

SYSTEM LOCATION:

At Headquarters United States Air Force and at headquarters of major commands and all levels down to and including Air Force Installations. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual specified in a formal complaint action.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained provide circumstances of a Service member's allegation of discriminatory treatment and the results of any inquiry/investigation related to the allegation. Such complaints may originate as Congressional/White House inquiries, Inspector General complaints, letters to the Air Force or Office of the Secretary of Defense (OSD) authorities, or complaints presented through equal opportunity channels. Records are manual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation 30-2, Social Actions Program, 22 June 1981.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To provide information to commanders on complaints in the resolution of complainant's grievances. Principal purpose of the information is to document the circumstances and resolution of a particular allegation handled by Equal Opportunity personnel. Portions of the information in the files, which pertain to specific individuals, may be disclosed to them upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by code designator.

SAFEGUARDS:

Records are accessed by custodian of the record system and person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes, locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for two years after end of year in which the case was closed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Equal Opportunity and Treatment/Human Relations Education Branch, Human Resources Development Division, Directorate of Personnel Plans, HQ USAF; and Director of Social Actions at major command headquarters down to and including Chiefs of Social Actions on Air Force installations.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Systems Manager at the appropriate level. Individuals should identify full name, military status, dates of service, unit of last or present assignment, Social Security Number (SSN), and type of record involved. For personnel visits, the requester may present proof of identity to include full name from driver's license or military identification card.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager. Requests for information regarding individual persons should identify full name, military status, dates of service, unit of last or present assignment, Social Security Number (SSN), and type of record involved. For personnel visits, the requester may present proof of identity to include full name from driver's license or military identification card.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Records are manually compiled from complaints filed, Congressional correspondence, OSD correspondence and chief of Staff, United States Air Force correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F124 AF A**SYSTEM NAME:**

Counterintelligence Operations and Collection Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332. Headquarters of major commands and at all levels down to and including Air Force installations. Air Force Office of Special Investigations (AFOSI) field units. Washington National Records Center, Washington, DC 20409. Mailing addresses are in the Department of Defense directory which follows the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, civilian contracting officers and their representatives, employees of the Peace Corp, State Department and the American Red Cross and other Department of Defense employees and contractors. Foreign Nationals residing in the US and abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, collection reports, statements of individuals, affidavits, correspondence, and other documentation pertaining to investigative effort spent in identifying and countering foreign intelligence and terrorist threat to the United States and the US military. This includes activities and suspected activities intended to convince US military and others to illegally engage in such activities. Also includes indicators of foreign military and political actions directed against the United States, its installations, personnel, and allies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by, and Air Force Regulation 23-18, Air Force of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Compiled for use in determining the hostile threat against the United States, its allies, their military and government. Used by USAF, other military commanders, representatives of the US Department of State, the Central Intelligence Agency (CIA), the staff of the National Security Council, and the Executive Branch. Used by civilian authorities in assessing the threat against the US, its installations, and personnel as well as its allies. Used by USAF, other military commanders, and other responsible authorities in taking actions to counter these threats. Used by USAF Commanders to initiate other investigative, judicial, or administrative actions when appropriate. Furnished to the CIA, FBI, and other intelligence/counterintelligence agencies for use in matters pertaining to hostile intelligence and terrorist activities directed against the US or its allies, their installations, or personnel. Furnished to the Department of Justice for use in litigation and in the initiation of action against individuals in Federal courts. Used in conjunction with other law enforcement investigations conducted by AFOSI, the FBI, and other Federal, state, and local law enforcement agencies. Used in immigration and naturalization inquiries conducted by the US Immigration and Naturalization Service. Used by appropriate Medical and Forensic Laboratory personnel to assist in making laboratory tests and medical examinations in support of the investigative, judicial, and administrative process. Furnished to Defense and Trial Counsels for use in judicial and administrative actions. Used by HQ USAF activities in promotion, reassignment, and similar personnel actions. Provided to the US Secret Service for use in conjunction with protecting the President, Vice President, and other high ranking officials. Used in conjunction with Joint Counterintelligence Operations conducted by AFOSI and other intelligence/counterintelligence services. Provided to the USAF Board for the Correction of Military Records for use in correcting individual military records. Furnished for use by the Defense Investigative Service, FBI, CIA, Office of Personnel Management, and other Federal investigative agencies for use in investigations conducted relative to granting individuals access to classified material or to US military installations. Information concerning hijacking or suspected hijacking or aircraft is furnished to the Federal Aviation Agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders and card files, and on microfilm aperture cards.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN) or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, vaults and in locked cabinets or rooms. Records are protected by security alarm systems.

RETENTION AND DISPOSAL:

At AFOSI field units, counterintelligence (CI) and counterespionage operations reports are retained for one year after AFOSI is notified of command actions; collection reports are destroyed after one year. At HQ AFOSI, files pertaining to CI or counterespionage investigations are retained permanently. Files pertaining to defectors or refugees are retained for 25 years. Files pertaining to CI briefings are retained for 15 years. Record paper copies of CI collection reports are placed on microfilm aperture cards and the paper copy destroyed when aperture cards are determined adequate substitute. Microfilm aperture cards are destroyed after six years, or 25 years if they pertain to counterintelligence activities. CI investigations conducted for other agencies are retained for one year. Destruction is by pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigation, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of

Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (j)(2). For additional information, contact the System Manager.

F124 AF B

SYSTEM NAME:

Security and Related Investigative Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332; Headquarters of major commands and at all levels down to and including Air Force installations; and at Air Force Office of Special Investigations (AFOSI) field units. Washington National Records Center, Washington, DC 20409. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, civilian contracting officers and their representatives, employees of the Peace Corps, State Department and the American Red Cross and other Department of Defense employees and contractors. Foreign Nationals residing the US and abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, statements of individuals affidavits, correspondence, and other documentation pertaining to granting, continuing, or denying individual access to classified information or to US military installations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, security requirements for government employment, and 10 USC 8012, Secretary of the Air Force: powers and duties; delegation by, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Compiled for the use of military security access granting authorities to grant, deny, or continue individual access to classified material. Also compiled for military commanders to use in granting access to military installations and to use in granting or denying enlistment, appointment, or employment. Since October 1972 and the establishment of the Defense Investigative Service (DIS), AFOSI has not conducted routine background investigations except in certain overseas areas in support of DIS. AFOSI conducts special security investigations on personnel requiring regular access to US military installations, on the prospective alien spouses of military personnel overseas and on USAF military and civilian employees as a result of complaints or referrals from other agencies. While these complaints may be short of actual criminality, they are of security interest to the USAF and they raise questions as to the suitability and risks of permitting continued access to classified material. Furnished to DIS, Office of Personnel Management, Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), and other federal agencies for inclusion in background investigations for use in granting access to classified material and determining suitability for employment. Used in immigration and naturalization inquiries conducted by the US Immigration and Naturalization Service. Furnished to the US Secret Service in conjunction with the protection of the President and Vice President, and other high ranking officials. Furnished to USAF and other military commanders for use in granting, denying, or continuing access to classified material. Also used by commanders in related administrative and judicial actions. Provided to the Veterans Administration for verification and settlement of individual claims. Furnished to the CIA, FBI, and other US intelligence/counterintelligence agencies in matters pertaining to hostile intelligence and terrorist activities directed against the US, its installations, or personnel. Used in conjunction with joint law enforcement investigations

conducted by AFOSI and foreign law enforcement agencies. Investigations regarding aliens overseas are furnished to the US Department of State and US embassies and consulates for use in immigration and employment actions. Furnished to defense and trial counsels for use in judicial and administrative actions. Provided to the USAF Board for the Correction of Military Records for use in correcting military records. Furnished to the US Department of Justice for use in litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Filled by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes and vaults. Records are controlled by personnel screening and protected by Security Alarms Systems.

RETENTION AND DISPOSAL:

At AFOSI field units, all files are retained for 90 days. At HQ AFOSI files pertaining to Security Violations are retained permanently. Files containing Personnel Security Investigations conducted for DIS and other Federal agencies are retained for 90 days. Protective Service (PS) investigations including PS data provided to other agencies are retained for five years or when no longer needed, whichever occurs first. Files pertaining to terrorist activities are retained for 15 years. Premartial investigations which are unfavorable and the marriage takes place are retained for five years; premarital investigations which are unfavorable and the marriage does not take place are retained one year. All other premarital investigations are retained for one year. Destruction is by pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5). For additional information, contact the System Manager.

F124 AF C

SYSTEM NAME:

Criminal Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332. Headquarters of major commands and at all levels down to and including Air Force installations. Air Force Office of Special Investigations (AFOSI) districts, AFOSI detachments, Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, civilian contracting officers and their representatives, employees of the Peace Corp, State Department and the American Red Cross. Foreign Nationals residing in the US and abroad. Other Department of Defense employees and contractors, both current and former.

CATEGORIES OF RECORDS IN THE SYSTEM:**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. Chapter 47, Uniform Code of Military Justice and 8012, Secretary of the Air Force: powers and duties; delegation by, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Complied for use by USAF and other military commanders and the US Department of Justice in taking judicial and administrative actions involving suspected criminal activity concerning DOD personnel, property, and procurement/disposal activities. Used by USAF and other military commanders to determine if legal or administrative action is warranted. Used by the Department of Justice to initiate judicial action in Federal courts and for litigation. Used in conjunction with joint law enforcement investigations conducted by AFOSI and foreign law enforcement agencies. Provided to the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and other counterintelligence/intelligence agencies in matters pertaining to hostile intelligence and terrorist activities directed against the US, its installations, or personnel. Used in immigration and naturalization inquiries conducted by the US Immigration and Naturalization Service. Furnished to appropriate medical and forensic laboratory personnel to assist in making laboratory tests and medical examinations conducted in support of the investigative judicial, and administrative process. Furnished to defense and trial counsels for use in judicial and administrative actions. Used by HQ USAF activities in promotion, reassignment, and similar personnel actions for Air Force personnel only. Provided to the US Secret Service in conjunction with the protection of the President, Vice President, and other designated high ranking officials. Provided to the Veterans Administration for verification and settlement of individual claims. Provided to the USAF Board for the Correction of Military Records for use in correcting individual military records. Furnished for use in investigations conducted by the Defense Investigative Service, Office of Personnel Management and other federal investigative agencies for use in granting access to classified information. Criminal information affecting US diplomatic relations with foreign nations

is provided to the Department of State and US embassies overseas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN) or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes, vaults and locked cabinets or rooms. Records are controlled by personnel screening and protected by security alarm system.

RETENTION AND DISPOSAL:

Record copy at HQ AFOSI is retained for 15 years and for 90 days at AFOSI field units. Destruction is by pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (j)(2). For additional information, contact the System Manager.

F124 AF D

SYSTEM NAME:

Investigative Support Records.

SYSTEM LOCATION:

Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332. Headquarters of major commands and at all levels down to and including Air Force installations. Air Force Office of Special Investigations (AFOSI) Field Units. Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired or former military personnel. Current, retired and former Air Force civilian employees. Applicants for enlistment or appointment. Air Force Academy Cadets, applicants and nominees. Dependents of military personnel. Current and former Armed Forces Exchange employees, union or association personnel, civilian contracting officers and their representatives, employees of the Peace Corps, State Department and the American Red Cross and other Department of Defense employees and contractors. Foreign Nationals residing in the US and abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation, collection reports, statements of individuals, affidavits, correspondence, and other documentation pertaining to criminal collection activities investigative surveys, technical, forensic, and other investigative support to criminal and counterintelligence investigations to include source control documentation and district indices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 47, Uniform Code of Military Justice and 8012, Secretary of the Air Force: powers and duties; delegation by, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compiled for use by AFOSI and other military commanders in directing and supporting their criminal investigative, law enforcement, counterintelligence, and distinguished visitor protection programs. Used to assist in managing the AFOSI criminal and counterintelligence investigative program at the various USAF and US military installations worldwide. Furnished to USAF and other military commanders to assist in identifying areas of possible criminality and to assist in developing and managing the installation law enforcement program. Used to assist in managing the AFOSI

source program. Used by USAF and other military commanders in managing installation crime prevention programs. Used by AFOSI to determine if, in fact, possible criminal activity requiring further specialized investigation is occurring in a specific area. Used as a basis for USAF and other authorized individuals to request AFOSI investigations. Used by USAF and other military commanders as well as Department of Justice officials to determine if judicial or administrative action is warranted. Used in joint investigations by AFOSI and foreign law enforcement agencies. Used by the Department of Justice in litigation and to initiate action in federal courts. Furnished to the US Secret Service in conjunction with protection of the President, Vice President, and other high ranking officials. Used to develop and manage the AFOSI Distinguished Visitor Protection Program. Used to develop and manage the AFOSI Investigative Survey Program for both appropriated and non-appropriated fund activities. Used to record technical investigative support provided to other investigative activities. Used to report forensic and polygraph support to other investigative activities. Used by HQ USAF activities in promotion, reassignment, and similar personnel actions for Air Force personnel only. Used in immigration and naturalization investigations conducted by the US Immigration and Naturalization Service. Furnished to medical and forensic laboratory personnel to assist in making laboratory tests and medical examinations in support of the investigative, judicial, and administrative process. Provided to the Central Intelligence Agency (CIA), FBI, and other counterintelligence/intelligence agencies in matters pertaining to hostile intelligence activities and terrorism directed against the US, its installations, personnel, and allies. Provided to the Veterans Administration for verification and settlement of individual claims. Provided to the USAF Board for the Correction of Military Records for use in correcting individual military records. Furnished for inclusion in investigations conducted by the Defense Investigative Service, Office of Personnel Management and other federal investigative agencies. Criminal information affecting US diplomatic relations with foreign nations is provided to the Department of State and US embassies overseas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, video and audio tape.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN), or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, safes and vaults. Records are protected by security alarm system and controlled by personnel screening.

RETENTION AND DISPOSAL:

Record paper copies at HQ AFOSI are retained under the same criteria assigned to the substantive case supported (criminal—15 years; counterintelligence—permanent). At AFOSI field units, documentation is destroyed after 90 days for criminal or one year for counterintelligence cases, after command action is reported to HQ AFOSI or when no longer needed, whichever is sooner. Source control documentation at HQ AFOSI is destroyed after 15 years. At AFOSI field units, source documentation is destroyed one year after termination of source use. Copies furnished USAF Commanders are destroyed when all actions are completed and reported to AFOSI or when no longer needed. At HQ AFOSI, copies of reciprocal investigations conducted on request of a local, state or federal investigative agency in the US, or host country investigative agencies overseas, are destroyed after one year. Copies retained by AFOSI field units are destroyed after 90 days.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force of Special Investigations, Washington, DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release

Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 551a(j)(2). For additional information, contact the System Manager.

F124 AFOSI A

SYSTEM NAME:

Badge and Credentials.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332 and at Air Force Office of Special Investigations (AFOSI) District Offices. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All accredited AFOSI special agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of authorization to issue badge and credentials, badge and credential receipts, badge listings, badge and credential inspection reports, punch card used to prepare badge listings and badge and credential number assigned to each AFOSI Special Agent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 499, Military naval or official passes; 506, Seals of departments or agencies; 701, Official badges, identification cards, other insignia, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To issue and control the badge and credential assigned each AFOSI special agent. Used only by AFOSI to identify specifically to which special agent each badge and credentials is assigned, to provide for orderly five year update of credentials and to insure turn in of badge and credentials whenever accreditation is terminated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in filed folders and card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Receipts are maintained at district level only during assignment of accredited special agent. When badge and credentials are turned in, records are then destroyed. At HQ AFOSI the receipts are retained for the entire period badge and credentials are issued to a specific special agent and destroyed when badge and credentials are returned to that unit. Badge listings and punch cards are destroyed when superseded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief, Information Release Division (XPU), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to Chief, Freedom of Information/Privacy Acts Release Branch (DADF), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from personnel records and issued badge.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F124 AFOSI B

SYSTEM NAME:

Investigative Applicant Processing Records.

SYSTEM LOCATION:

HQ Air Force Office of Special Investigations (AFOSI), Bolling Air Force Base, DC 20332 and Air Force Office of Special Investigations (AFOSI) District Offices, Detachment Offices, and Resident Agencies. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AFOSI personnel, allocations and applicants for AFOSI duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application documentation, School and College Ability Test results, results of the AFOSI applicant inquiry, and the personnel security investigation concerning the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by, and Air Force Regulation 23-18, Air Force Office of Special Investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Compiled to assist in the selection and retention of AFOSI personnel. Used by the AFOSI Applicant Review Board and the Director of Personnel Management to select AFOSI investigative trainees and support personnel. Used by the Commander, AFOSI to reassign or retain AFOSI personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN), or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and are protected by security alarm systems.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Files on nonselected personnel, and destroyed six months after selection process is terminated. Destruction is by pulping, macerating, or burning. Files at AFOSI field units are destroyed 90 days after completed action is forwarded to HQ AFOSI. Destruction is by pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Plans, Programs and Resources (XP), HQ Air Force Office of Special Investigations, Bolling Air Force Base, DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to Chief Information Release Division (XPU), HQ Air Force Office of Special Investigation, Bolling Air Force Base, DC 20332.

RECORD ACCESS PROCEDURES:

REQUESTS FROM INDIVIDUALS SHOULD BE ADDRESSED TO CHIEF, FREEDOM OF INFORMATION/PRIVACY ACTS RELEASE BRANCH (DADF), HQ AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS, BOLLING AIR FORCE BASE, DC 20332. MAILING ADDRESSES ARE IN THE DEPARTMENT OF DEFENSE DIRECTORY IN THE APPENDIX TO THE AIR FORCE'S SYSTEMS NOTICES.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, educational institutions, medical institutions, police and investigating officers, the bureau of motor vehicles, a state or local government, an international organization, a corporation, witnesses, or source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth. Data is extracted from individual military or civilian personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(5). For additional information, contact the System Manager.

F125 AF SP A**SYSTEM NAME:**

Air Force Policy Statement—Firearms Safety and Use of Force.

SYSTEM LOCATION:

Kept by Commanders at each Air Force or military installation where Air Force personnel (including civilians) are or may be armed in performance of their duties. Some portions of this system may be kept in individual training records, employment records, firearm issue points, or by the individuals authorized to bear arms. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force active duty military personnel. Air Force civilian employees. Air Force Reserve personnel. Air National Guard personnel. Who are authorized to bear firearms in performance of duties and personnel who store firearms in Air Force armories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation of authority for Air Force military personnel, civilian employees, contract security police and foreign nationals to bear firearms on an Air Force installation and contains personal identification data and documentation of authorization to bear firearms. Also includes a record of understanding and certification of same by individual regarding the constraints on the application of deadly force and the weapons safety requirements that must be adhered to by all personnel who bear firearms in the performance of duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose is to provide certification of an individual's understanding of the constraints regarding the application of deadly force and the weapons safety requirements that must be adhered to by anyone who bears firearms in the performance of duties. Used by commanders as evidence that the individual has certified his knowledge of constraint on the application of deadly force and necessary firearms safety requirements. Copies could be given to other law enforcement agencies. Purpose of the system is to identify

civilian employees who can legally bear firearms on Air Force installations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders. Posted on bulletin boards to be seen by personnel issuing firearms.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

May be retained in office files for two years after annual cutoff, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police. At decentralized locations, commanders of the appropriate installation.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Civilian Personnel Manager at any Air Force installation. When requesting information, the requester should include full name, and some proof of identity such as date of birth. During a visit, identity must be proven by means of a valid drivers license or identification card.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports or from military and civilian Personnel Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP B**SYSTEM NAME:**

Complaint/Incident Reports.

SYSTEM LOCATION:

Kept by the Chief of Security Police at the installation where an individual becomes involved in an incident or complaint, and by the Chief of Security Police at the installation where an individual is assigned if the incident occurs at a different location. Information copies of a report are kept at the individual's organization and other organizations which have an interest in a particular incident. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in complaints or incidents on Air Force installations or Air Force active duty personnel who become involved in incidents regardless of the location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes the incident or complaint report, statements by the subject or witness, information on seized or acquired property, if applicable, copies of forms referring cases to other agencies for final disposition, and other forms or reports required to complete basic report. Also includes an individual incident reference record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record information on individual involvement in incidents or criminal activity. Reports are used to provide information to the appropriate individual within an organization who insures corrective action is taken.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders and card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly

screened and cleared for need-to-know. Records are stored in security file containers/cabinets. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Individual incident records are retained in the office of the Chief of Security Police and destroyed three years after close of year in which last entry was made. Destroyed by tearing into pieces. Incident and complaint reports and parts thereto are retained in office files for one year after annual cutoff, transferred to a staging area for two years, and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Information copies at interested agencies are destroyed one year after annual cutoff by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

The appropriate installation Chief of Security Police should be contacted for information. When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter must be notarized. For a personal visit, individual must have a military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Forces rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, witnesses and from persons registering complaints or who become victims of a crime.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP C**SYSTEM NAME:**

Correction Records.

SYSTEM LOCATION:

Headquarters Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Air Force Accounting and Finance Center, Denver, CO 80279. Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Washington National Records Center, Washington D.C. 20409. Maintained by the Chief of Security Police and Staff Judge Advocate at the installation where the individual was last assigned, Commander 3320th Retraining Group, Lowry Air Force Base, CO. Commandant United States Disciplinary Barracks (USDB), Leavenworth, KS and the Office of the Secretary of the Air Force Personnel Council, Pentagon, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on any individual who was placed in confinement at an installation, assigned to the 3320th Retraining Group or the USDB for purposes of retraining or confinement, placed in a federal prison system as the result of criminal conviction, or spent time in the correctional custody program at any Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

System includes prisoner personnel records consisting of confinement order, release orders, personal history records, medical examiners report, request and receipts for health and comfort supplies, recommendations for disciplinary action, inspection records, requests for interview and evaluation reports; corrections officers records including personal deposit fund records and related documents, disciplinary books, correction facility blotters and visitor registers; prisoner records consisting of daily strength records, and reports of escaped and returned from escaped prisoners; prisoner classification summaries; retrainee test records and correctional custody case files consisting of disciplinary punishment letters, evaluation of individual and personal history, and records pertaining to any clemency/parole actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of these records is to maintain a life file on the individual as a prisoner or correctional custodian on an installation, or as a retrainee at the 3320th Retraining Group or when an Air Force prisoner serving a sentence in a federal prison. Routine uses of the records are to establish background for either disciplinary or good conduct action as well as general administration uses of the records concerning health and welfare of the individual, as well as clemency and parole actions. Any individual record or part thereof can be transferred to any component of the Department of Defense or the Department of Justice, as well as civilian agencies such as law enforcement agencies, or law firms as a basis for consideration of civil action either against or on behalf of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, in note books/binders, in card files, on computer paper printouts, on roll microfilm and on microfiche and as photographs.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN) and fingerprint classification.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by visitor registers.

RETENTION AND DISPOSAL:

Depending on the type of record within the system, it is either destroyed after release of the prisoner/custodian/retrainee, maintained for one year after the release of the individual, or retained in the files at the facility in which the individual was confined for two years, after which time the record is either destroyed or transferred to a staging area for two additional years, then either retired to the Washington National Records Center, Washington D.C. 20409, for permanent retention or destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Records pertaining to clemency/parole actions are retained for 5 years after final action, then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. The Judge Advocate General, Headquarters United States Air Force. Unit commander at the individual's last assignment; the commander of the 3320th Retraining Group, Lowry Air Force Base, CO; Installation Chief of Security Policy, Commandant USDB, Chairman Air Force Clemency and Parole Board.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager, Installation Chief of Security Police, Installation Staff Judge Advocate Commander of unit to which individual was last assigned, or the Commander, 3320th Retraining Group. Records of clemency and parole actions are maintained by the Office of the Secretary of the Air Force Personnel Council and the Commandant USDB. Requesters should provide full name and proof of identity. When visiting, requester will be required to provide proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial institutions, medical institutions, police and investigating officers, state or local governments, witnesses or source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP D**SYSTEM NAME:**

Field Interview Card.

SYSTEM LOCATION:

Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel and civilian employees, Air Force Reserve personnel, dependents of military personnel, and civilians not affiliated with DOD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Field interview card which contains name, address, telephone number, physical description, age, date of birth, description of clothing worn, if an automobile is involved, the make, year, decal number license and style and color.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Purpose of system is to obtain and record information on the presence of individuals in a given location at specific time and date. Information is used by the Chief of Security Police and Security Police investigators at base level as an investigative tool in the identification of crime suspects and witnesses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets, and locked cabinets or rooms and are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117 and Chief of Security Police at base concerned.

NOTIFICATION PROCEDURE:

Requests should be addressed to Chief of Security Police at base concerned required information from individual will be name and address. Requester may visit the office of the Chief of Security Police at base concerned and must provide a current

military identification card, or civilian identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individuals can be notified by contacting the Chief of Security Police at the base concerned.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Source of information is individual interviewed, witnesses and interviewing security policemen.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP E

SYSTEM NAME:

Incident Investigation Files.

SYSTEM LOCATION:

Chief of Security Police at an installation where a criminal act or incident occurs which requires investigation by the Security Police. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in criminal acts or incidents on an Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes a chronology of the investigation being conducted, data on sources of information, information on investigation techniques, and records concerning seized property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by a Security Police investigator to assist in the investigation of a criminal act or incident.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/ cabinets and locked cabinets or rooms.

RETENTION AND DISPOSAL:

Incident and complaint investigation reports are retained in office files for one year after annual cutoff, transferred to a staging area for two years, and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURES:

See Exemption.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (j)(2). For additional information, contact the System Manager.

F125 AF SP F

SYSTEM NAME:

Notification Letters to Persons Barred From Entry to Air Force Installations.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual is barred entry. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Forces' systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons prohibited from entering U.S. military installations for cause.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of the letters the individuals barring them from entry to a particular installation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record provides a list of personnel who have been barred from entry to the installation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/ binders and in visible file binders/ cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and protected by guards.

RETENTION AND DISPOSAL:

Retained for three years after removal from barred list; then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Contact the installation Chief of Security Police for information. Individual should include full name, Social Security Number, and home address. During a personal visit individual must provide a valid driver's license or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP G**SYSTEM NAME:**

Pickup or Restriction Order.

SYSTEM LOCATION:

Chief of Security Police at those installations where the order was issued. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Air Force member whose actions result in the unit commander issuing a pickup or restriction order. Some examples of actions that warrant an order being issued include AWOL, suspicion of an offense, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record provides a complete physical description of the individual as well as his name, rank, Social Security Number, organization and date of birth. It also includes the reason for the order being issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The purpose of the record is to document the identity of a member of the Armed Forces whose actions justify the picking up or restriction of the member by his unit commander. The record is used as a notification bulletin for the pickup or restriction by Security Police until disposition is made by the member's unit commander. Copies of this order may be given to other law enforcement agencies or other installations if warranted, in attempt to pickup the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, note books/binders, visible file binders/cabinets and card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official

duties. Records are stored in locked cabinets or rooms and protected by guards.

RETENTION AND DISPOSAL:

Record is retained until member is picked up or until the order is cancelled by the issuing authority, at which time all copies are destroyed by tearing into pieces, shredding, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. The Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Requests should be addressed to the Chief of Security Police at the installation where the order was issued or to the member's unit commander at that installation. Visitors requesting information must provide proof of identity (e.g., identification card, or drivers license).

RECORD ACCESS PROCEDURES:

Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, from witnesses and from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP H**SYSTEM NAME:**

Provisional Pass.

SYSTEM LOCATION:

Chief of Security Police at those installations where the pass was issued to the individual, as well as the unit commander at the members final destination. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This form is issued to any enlisted member of the Armed Forces when delays might result in failure to report to proper station within the time limit specified in orders or pass; or when a

pass has expired or the individual does not have a pass or leave orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

A written pass provided to the member to enable him or her to travel legally without any restriction; contains name, rank, SSN of member and unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of the record is to document the travel of a member who is without a regular pass or orders are not available. Use of the record by Security Police to notify the member's commander that he or she is travelling to a specific destination; may be used for followup on individuals travelling without regular passes or leave orders if the member does not arrive at the final destination within specified time limit. The original copy is given to the individual, the second copy is forwarded to the individual's unit commander, and the third copy is maintained at the issuing Chief of Security Police's office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, note books/binders, visible file binders/cabinets and in card files.

RETRIEVABILITY:

Filed by name and SSN.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

The original and duplicate copies are retained for 90 days after date of issue and then destroyed by tearing into pieces, shredding, macerating, pulping, or burning. The member's copy is destroyed when the member reports to final destination.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. The Chief of Security at the issuing installation or the unit commander at the member's final destination.

NOTIFICATION PROCEDURE:

Individual requests should be addressed to the Chief of Security Police at the issuing installation or the unit commander at the member's final destination. Visitors making requests must provide proof of identity (e.g., identification card, or drivers license).

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, witnesses and source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP I**SYSTEM NAME:**

Registration Records (Excluding Private Vehicle Records).

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual registers personal property. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who register firearms, pets, certain types of personal property, bicycles, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration forms for each particular item registered with the Security Police activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to record information on make, model, type, kind, etc., of property. Information is used to identify lost or stolen property and to insure proper control of privately owned firearms

maintained on an Air Force installation. The firearm registration form is also used to maintain accountability (logging weapons in/out) of privately owned firearms stored in government firearm storage facilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders and card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are kept in the Office of the Chief of Security Police for one year after departure of owner and then destroyed by tearing into pieces.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Contact the installation Chief of Security Police for information. When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. During a personal visit, individuals will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. Contact the Chief of Security Police at the appropriate installation.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP J**SYSTEM NAME:**

Serious Incident Reports.

SYSTEM LOCATION:

Chief of Security Police at an installation where a crime or serious incident occurred or where an Air Force member, employee or dependents became involved in a crime or serious incident regardless of location. Reports are forwarded through the different levels of command to the appropriate Major Command Headquarters. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Forces' system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in crimes or serious incidents on Air Force installations or Air Force personnel and dependents who become involved in these incidents regardless of the location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on the particular incident, and identification of persons involved to include information on final disposition of the crime or incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and Chapter 47—Uniform Code of Military Justice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to report crimes or incidents which may evoke command or congressional interest or may result in unfavorable publicity to the Air Force. Also used to develop statistics, rates, and trends of certain crimes which occur on Air Force installations. May be used to evaluate command discipline rates, personnel quality control, and to monitor various drug and alcohol abuse programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders and card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official

duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, transferred to staging area for two additional years, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Major Command Chief of Security Police and Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Contact the appropriate installation or Major Command Chief of Security Police. When requesting information in writing, individual should include full name, Social Security Number, military status, and home address. During a personal visit, individual will be required to produce military ID, if applicable, a valid driver's license or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices. Contact the Chief of Security Police at the appropriate installation or Major Command Headquarters.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions. Information obtained from police and investigating officers. Information obtained from the public media. Information obtained from a state or local government. Information obtained from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP K

SYSTEM NAME:

Vehicle Administration Records.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual registers or frequently operates a vehicle. Information copies of some portions of this system may be kept at an individual's assigned unit. Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Forces' system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who frequently drive or register vehicles on an Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle registration records, driver records, letters of suspension or revocation as applicable, and forms or letters which are necessary in the vehicle administration program for driver improvement actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to record and individual's statement of understanding on financial responsibilities with regard to operation of a vehicle on an Air Force installation. Driver records are maintained to record information about motor vehicle accidents and moving traffic violations that are used to provide for traffic point assessment, suspension, or revocation, or other driver improvement actions affecting driving privileges on Air Force installations. Records may be disclosed to law enforcement or investigatory authorities, such as the Division of Motor Vehicles, for possible reciprocal action on driver license suspension or revocation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, card files and on computer and computer output products.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and maintained on computer

and computer output products. Manual records are stored in locked cabinets or rooms. Automated records are controlled by computer system software.

RETENTION AND DISPOSAL:

Private vehicle registration documentation is destroyed after departure of the registrant to a new duty station, upon termination of an individual vehicle registration, or at the end of the particular registration period. Driver records on employees are transferred to gaining installations when an individual is reassigned or transferred. These are destroyed on permanent separation from active service, termination of employment, or upon deletion of all entries. Destruction of these forms is done by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117.

NOTIFICATION PROCEDURE:

Contact the installation Chief of Security Police for information. When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter must be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Contact the Chief of Security Police at the appropriate installation. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers and from the bureau of motor vehicles.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 AF SP L

SYSTEM NAME:

Traffic Accident and Violation Reports.

SYSTEM LOCATION:

Chief of Security Police at the installation where an individual becomes involved in a traffic violation or accident. Information copies of traffic accident reports are kept at the Ground Safety, Staff Judge Advocate, and Transportation offices (when a government vehicle is involved). Official mailing addresses are in the Department of Defense Directory in the appendix to the Air Force's system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who become involved in traffic violations or accidents on an Air Force installation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Traffic accident investigation report, statement of witnesses, alcohol influence reports, and reports of traffic violations to include notices or summons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and DODI 1000.19, Mishap Investigation, Reporting and Recordkeeping; DODI 6055.4, Department of Defense Traffic Safety Program and AFRs 125-3, Security Police Handbook and 125-14, Motor Vehicle Traffic Supervision.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to record information on traffic accidents and violations. Reports are forwarded to the appropriate individual within an organization who insures corrective action is taken, or to US Magistrate as applicable. Routine use could include disclosure to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or statistical use. Any individual record or part thereof can be transferred to any component of the Department of Defense or to The Staff Judge Advocate. Additionally, accident reports may be provided to private attorneys, representatives of insurance companies and private citizens.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders, card files and on computers and computer output products, magnetic media and printouts.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and maintained on computer and computer output products. Manual records are stored in locked cabinets or rooms. Automated records are controlled by computer system software.

RETENTION AND DISPOSAL:

Retain in the office of record. Destroy after two years by tearing into pieces, shredding, pulping, macerating, or burning. DD Form 1805, Violation Notice, will be destroyed according to instructions of the US District Court.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Office of Security Police, Kirtland Air Force Base, NM 87117. Installation Chief of Security Police.

NOTIFICATION PROCEDURE:

Contact the installation Chief of Security Police for information. When requesting information in writing, individual should include full name, Social Security Number, military status, home address, and the letter will be notarized. During a personal visit, individual will be required to produce military ID, if applicable, a valid drivers license, or other appropriate proof of identity.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager. Contact the Chief of Security Police at the appropriate installation. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers and from witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F125 ATC A**SYSTEM NAME:**

Behavioral Automated Research System (BARS).

SYSTEM LOCATION:

3320 Retraining Group/RGP, Lowry Air Force Base, CO 80230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force prisoners who serve sentences to confinement at 3320 Retraining Group and 3415 special training squadron students.

CATEGORIES OF RECORDS IN THE SYSTEM:

Intelligence quotient achievement scores, significant dates, psychological tests, military history, discipline involvement, military justice data, performance rating, type of discharge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Regulation 125-18, Operation of Air Force Correction and Detention Facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Retraining Group staff and approved researchers for statistical analysis, improve program, screen potential offenders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer magnetic tapes.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN) or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained for 20 years and destroyed by tearing, macerating, pulping, shredding, burning or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, 3320 Retraining Group/RGP, Lowry Air Force Base, CO 80230.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Name and SSN required for visits to the 3320th Retraining Group (RGP).

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

FBI and military records, supervisors, commanders, lawyers, doctors, chaplains, other USAF officials, American Red Cross.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

Air Training Command Aircraft Mishap Board Resources List.

SYSTEM LOCATION:

Headquarters Air Training Command, Randolph Air Force Base, Tx 78150

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Assigned rated pilots in the grade of colonel or general officer with an aviation service code of 1-7, excluding wing and center commanders, and assigned rated pilots on unconditional flying status with at least four years rated service who have attended the aircraft mishap investigation course, Flight safety Officers course or advanced safety program management course.

CATEGORIES OF RECORDS IN THE SYSTEM:

Position, aircraft flown, previous air training command assignments, previous board experience, and safety schools attended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and Air Force Regulation 127-2, The USAF Mishap Prevention Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Air Training Command Commander appoints board presidents and investigators.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in note books/binders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Safety, Headquarters Air Training Command, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to the System Manager. Individuals may visit the safety directorate, Headquarters Air Training Command; military identification card or other equivalent identification is required.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F160 AF SG B**SYSTEM NAME:**

Medical Professional Staffing Records.

SYSTEM LOCATION:

At Air Force medical centers, hospitals, and clinics; all health facilities where graduate health education programs are conducted.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Practitioners, who are, or have been, members of the USAF Medical Service or Civil Service Employees (including

civilian consultants who engage in direct patient care) and who are assigned to, employed by, or practice in the Air Force medical facility for the purpose of providing health services for eligible beneficiaries; United States Air Force Medical Service personnel pursuing graduate health education programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Credential review files: Contains curriculum vitae, list of approved privileges, copies of diplomas and certificates, records of continuing health education training, letters of evaluation, summaries of special activities or other information, including malpractice claims reports, furnished or solicited in order to fully evaluate the professional qualifications of individuals, and the records of any actions taken on the individual's credentials. (2) Health education records: applications for training, training reports, Faculty Board reports, photograph or negative, and personnel documents related to training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care; 8067 (f) Designation: officers to perform certain professional functions; 8207, Regular Air Force: Commissioned officers on active duty; medical specialists, as implemented by Air Force Regulation (AFR) 160-41, Credentials Review of Health Care Providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in credential review files is used to award inpatient and ambulatory clinical privileges to all categories of health practitioners. The information may also be released to a governmental board or agency or health care professional society or organization if such record of document is needed to perform licensing or professional standards monitoring related to health care practitioners who are or were formerly members or employees of the Armed Forces, and to medical institutions or organizations wherein such member or employee has applied for or been granted authority or employment to provide health care services if such record or document is needed to assess the professional qualifications of such member or employee. Health education records are used to permit evaluations of individuals in training, by program directors, in managing the individual in training; by the record maintenance personnel to document changes to the

individual's personnel record maintained by the servicing Consolidated Based Personnel Office (CBPO).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties; by commanders of USAF medical centers hospitals and clinics (credential review files); by program directors, trainees and personnel managers with the need to know (health education records).

RETENTION AND DISPOSAL:

(1) credential review files are retained in the office files of the medical facility the practitioner is assigned or employed. Following separation, resignation, or retirement, the files are retained at the location of the last duty assignment for a period of 3 years and then are destroyed. (2) Health education files are retained by the director of health education until training is completed, files are then kept by the health facility for 30 years and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning; if facility is deactivated, the records are retired to the Washington National Records Center, Washington, DC 20409 to be retained until the 30-year period has expired at which time they will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, United States Air Force; Commanders of medical centers, hospitals, clinics. For health education records, individuals should give full name, military status, Social Security Number, when they entered training and completed training, and what corps within the medical service they are a member. Individuals may visit either the health facility maintaining the records or the Office of the Surgeon, Air Force Manpower and Personnel Center, Randolph Air Force Base, TX to learn if the record system contains their records. When visiting either of these locations, the individual must provide a valid drivers license or equivalent identification containing a photograph to establish identity.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

For credential review files, individual may obtain assistance in gaining access from the System Manager. For health education records, individual may obtain assistance by writing or presenting themselves in person to the health facility where the records are maintained. Official mailing addresses are in the Department of the Air Force Directory in the appendix to the Department of the Air Force system notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Credential review files: Basic information submitted by the practitioner. Additional information may be solicited from other sources in order to permit the credentials committee to best judge the capabilities of the practitioner. Health education records: Previous employer, educational institutions, master personnel record, information provided by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F160 MPC A

SYSTEM NAME:

Medical Assignment Limitation Record System.

SYSTEM LOCATION:

HQ, AFMPC/SG, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force members whose cases have been presented to a Medical Evaluation Board and were returned to duty by Medical Evaluation Board or Physical Evaluation Board action and have been assigned an Assignment limitation Code "C."

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical Evaluation Board, Report of Medical Examination, Report of Medical History, Narrative Summary, Clinical Record Consultation Sheet, Electrocardiographic Record, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and implemented by Air Force Regulation 35-4, Physical Evaluation for Retention, Retirement and Separation; 36-20, Officer Assignments, and 39-11, Airmen Assignments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine if previous action has been taken by the System Manager, and what the previous disposition was.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files for two years or no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

AFMPC Surgeon, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F176 AFCC A

SYSTEM NAME:

Individual Earning Data.

SYSTEM LOCATION:

Headquarters Air Force Communications Command, DCS/Manpower and Personnel, Directorate of Personnel Services, Scott Air Force Base, IL 62225; 18 Isolated Site Lounge Sundry Funds (ISLSFs); Internal Revenue Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Off-duty active duty military personnel employed by ISLSF.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual pay records and identifies individual by name and SSN.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report to the IRS individual earnings on all payments made to individuals employed in the operations of an ISLSF.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name. Filed by SSN.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets.

RETENTION AND DISPOSAL:

Retained in HQ AFCC/MPS files for 4 years after wages are paid. Destroyed by tearing into pieces. Retained by individual for reporting income to IRS.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel Services, Deputy Chief of Staff/Manpower and Personnel, HQ AFCC, Scott Air Force Base, IL 62225. Comptroller of the Air Force, HQ USAF.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and

appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F176 AF MP A**SYSTEM NAME:**

Nonappropriated Fund Instrumentalities (NAFIs) Financial System.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150, MAJCOM headquarters and SOAs, and Air Force NAFIs when deemed appropriate and necessary and approved by the appropriate commander. System exists within approximately 1,100 NAFIs which include resale and revenue-sharing NAFIs, general welfare and recreational NAFIs, membership association NAFIs, common support services, and supplemental mission services NAFIs. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel, who are members of membership associations or authorized patrons of any of the above NAFIs, and with whom financial transactions are conducted including the extension of credit in accordance with Air Force regulations or those whose personal checks are returned to the NAFI by the banking system and are dishonored for such reasons as insufficient funds, closed accounts, invalid signatures, bank errors, etc. In accordance with appropriate Air Force regulations concerning NAFI participation, the above personnel may include, but are not limited to, active duty and retired military members and their dependents, members of US reserve components and Federally recognized National Guard units, Air Force, Army, or Naval Academy cadets; military members of foreign governments on duty with the DOD; DOD civilians and their dependents, other Federal Government employees working on the military installations and their dependents, employees of Federal government agencies working at the installation, contractor employees, technical representatives, and others who are

authorized logistic support and work at the installation and where membership or usage would be in the best interest of the installation, retired Federal Government service civilian personnel (civil, foreign service, etc.) who were members/participants of a NAFI at time of retirement, commissioned members of the American Red Cross, US Public Health Service, and the US Environmental Sciences Administration, unremarried spouses and children of deceased active duty or retired members of the US Armed Forces, and certain other categories of individuals identified by authorized personnel who directly support Air Force mission requirements. Also, all personnel employed by or assigned to the NAFI in any manner who are involved in any financial transaction involving the NAFI whether internal or external, including but not limited to, the receipt or control of cash or other property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records resulting from financial transactions with authorized members, patrons, vendors, or those otherwise entitled to utilize or deal with a NAFI service. Such records include, but are not limited to, subsidiary account ledgers maintained on individual members/authorized patrons who are charged dues and/or extended credit including the use of billeting type facilities prior to payment, form(s) on which a record of delinquent accounts or dishonored checks and their disposition are maintained; and records of package liquor or other sales or services. Records necessitated for or by internal/external financial record keeping or asset control, including but not limited to the receipt and control of cash, custody for tangible property, and any actions taken as a result of any irregularity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; as implemented by Air Force Regulation 176-10, Financial Operations and Accounting Procedures, and Air Force Regulation 176-378, Standard Accounting Procedures for Nonappropriated Funds.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To record charges and credits of members and others authorized credit. To prepare billing statements or furnish data to an outside party to prepare billing statements. To maintain a record of dishonored checks. To assist in

collecting all amounts due in accordance with established Air Force procedures. To compile a statistical quarterly report on dishonored checks and statistical data on delinquent accounts receivable for use with the financial reports. To verify eligibility to engage in financial transactions with NAFIs, including package liquor and other sales and extension of credit. To form a data base within the financial system of the NAFIs. Used by personnel responsible for conducting Air Force morale, welfare, and recreation (MWR) financial transactions. May be provided to commercial or nonprofit concerns conducting activities in support of, similar to, or in furtherance of, the Air Force programs involved. May be provided to any DOD component or any part thereof and, upon request, to any other federal, state, and local governmental agencies in the pursuit of their official duties. May also be used for other lawful purposes including law enforcement and/or litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, and on computer and computer output products.

RETRIEVABILITY:

Filed by name and/or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in secured buildings or locked cabinets or rooms.

RETENTION AND DISPOSAL:

Subsidiary accounts receivable are retained throughout the life cycle of credit sales and for as long as an individual remains in an active member/authorized patron status. Those forms used in connection with delinquent accounts or dishonored checks are retained until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Individuals may contact the appropriate nonappropriated fund financial management branch (NAFFMB) or the appropriate operating manager in order to exercise their rights

under the Act. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Forces systems notices.

RECORD ACCESS PROCEDURES:

Same as procedures for notification.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual members/patrons/users of a service themselves, charge slips, payment receipts, checks, and other authorized financial forms and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F176 AF MP B

SYSTEM NAME:

Nonappropriated Fund (AF NAF) Employee Insurance and Benefits System File.

SYSTEM LOCATION:

Air Force installation nonappropriated fund instrumentalities (NAFIs) and central civilian personnel offices and the Air Force Welfare Board, Randolph Air Force Base, TX 78150. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full-time and part-time AF NAFI employees compose AF NAF Group Life and Health Insurance Program; regular full-time AF NAFI employees compose AF NAFI Retirement Program; information on AF NAFI civilian employees who sustain job related illnesses or injuries is in Worker's Compensation Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Group Life and Health Insurance Program File, Retirement Program File, and Worker's Compensation Claim File, all of which consist of, but are not limited to the following: applications and/or waivers of participation; notices of change of beneficiary; notices of termination of eligibility, disability and death; evidence of age and qualification for benefits; applications for retirement; elections to reinstate prior participation and survivor annuities; Social Security earnings data; employer certification of coverage; hospitalization and claims forms; reports of accident or

occupational illness; medical reports; payment forms; personal historical information as well as any pertinent correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012; 5 U.S.C. 8171-8173 for Worker's Compensation Claim File; DOD Manual 1401.1-M; Air Force Regulation 40-7, Nonappropriated Funds Personnel Management and Administration, and Air Force Regulation 34-3, Vol VIII, NAF Insurance Programs (to be published as Air Force Regulation 176-4).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Provides information for the administration of the programs, to determine eligibility and pay benefits due. It is used in statistical and actuarial evaluations of the programs. The information in the system is used by commercial concerns in actuarial evaluations, determination of eligibility, determination and payment of amount of benefit payments due; and policy administration. It may be used by any Department of Defense component or any part thereof, and, upon request, by other Federal, state, and local governmental agencies in the pursuit of their official duties. It may also be used for other lawful purposes including law enforcement and/or litigation. The Worker's Compensation Claim File provides information as required by law to the Department of Labor for use to assure compliance with statutory requirements. The information is used to insure compliance with applicable laws and adjudicate and pay claims.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, on computer tapes, disks or drums, computer output products, and in microform.

RETRIEVABILITY:

Filed by name, or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

USAF NAF Life and Health Insurance Program and USAF NAR Retirement

Program: At installation level; retired to National Personnel Records Center, St. Louis, MO., upon employee's separation, death, or retirement. NAF Retirement Program: At Headquarters Air Force level; retained for a minimum of 20 years upon an employee's withdrawal from the program. USAF NAF Worker's Compensation Program: At Headquarters Air Force level; retained for 3 years after file is closed, then retired to National Personnel Records Center for 15 additional years, and then destroyed. For all systems, eventual disposal occurs by shredding, pulping, and macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Insurance and Debt Management, Air Force Welfare Board, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests should be addressed initially to central civilian personnel office at installation of employment of individual making request. If requested information is not available, contact System Manager. Give name and Social Security Number (and date of accident or injury if related to Worker's Compensation claim). For inquiries in person, contact central civilian personnel office at installation of employment and/or Air Force Welfare Board, Randolph Air Force Base, TX, 78150. Means of verification: name, Social Security Number, governmental identification card, vehicle driver's license or other acceptable identifying document.

RECORD ACCESS PROCEDURE:

Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals and their survivors and beneficiaries; Department of Labor, Social Security Administration and any individual in a position to verify relevant information. Information obtained from previous employers. Information obtained from medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F177 ATC A

SYSTEM NAME:

Air Force ROTC Cadet Pay System.

SYSTEM LOCATION:

HQ AU/ACFR, Maxwell Air Force Base, AL 36112 and AFROTC/ACB, Maxwell Air Force Base, AL 36112 and AFROTC detachments. Official mailing addressed of the detachments are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior AFROTC contract cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

Monthly pay disbursement and documents for senior AFROTC contract cadets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 209, Members of Senior Reserve Officers' Training Corps; and Air Force Regulation 45-25, Air Force ROTC Subsistence Allowances and Rates of Commutation in Lieu of Uniforms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by detachments to verify entitlements, and by AFROTC to summarize costs of the program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic tapes and on computer paper printouts.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software. Building secured after duty hours.

RETENTION AND DISPOSAL:

Retained in office file for three years after completion of training, then destroyed by tearing, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Air Force, Headquarters United States Air Force, and Chief, Financial Management Division, AFROTC/ACB, Maxwell Air Force Base, AL 36112.

NOTIFICATION PROCEDURE:

Contact Reserve Pay Section, HQ AU/ACFR, Maxwell Air Force Base, AL 36112. Provide name, date attended the institution, detachment number, reason for request. Requester may visit the Reserve Pay Section and must present driver's license or Social Security card.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Enrollment and attendance records as translated to pay days.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F178 AFCC A

SYSTEM NAME:

Center Automated Manpower and Update System (CAMPUS).

SYSTEM LOCATION:

Air Force Data Systems Design Center (AFDSDC), Gunter Air Force Station, AL 36114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel and civilian employees assigned to the AFDSDC.

CATEGORIES OF RECORDS IN THE SYSTEM:

CAMPUS records contain data on AFDSDC personnel nonavailable time (time in man-hours chargeable as AFDSDC overhead for purposes of total man-hour accounting), personnel available time (time chargeable against a specific human resource package) and workload tracking data (data on project or task). Included in nonavailable time are leave, training, and all activities not related to the AFDSDC's primary mission. Available time includes administrative duties, management/supervision functions, time spent in general support areas, and time devoted to developing new and/or maintaining existing computer software. Workload tracking includes data on pending, active, and completed activities as to estimated/actual resources required, estimated/actual dates, and identification data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

CAMPUS provides information to AFSDC management personnel about manpower utilization within the organization. Specific uses of the system by all management levels include monitoring of manpower resources expended on ADP projects, validating and defending the AFSDC manpower posture with workload and man-hour expenditure data, and distributing workloads between and within the AFSDC directorates.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer and computer output products.

RETRIEVABILITY:

Records can be retrieved by any element contained in the CAMPUS data base.

SAFEGUARDS:

The personnel data maintained in CAMPUS is subject to protection and restrictions in accordance with Air Force Regulation 300-13 and the Privacy Act of 1974.

RETENTION AND DISPOSAL:

Hard-copy listings are retained in office files until superseded, obsolete, or no longer needed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Data Systems Design Center, Gunter Air Force Station, AL 36114.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for contesting contents and for appealing initial determinations are contained in Air Force Regulation 12-35. Specific procedures may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information for PCAS is obtained from the individuals assigned to the AFSDC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F178 AFSC B**SYSTEM NAME:**

Manhour Accounting System (MAS).

SYSTEM LOCATION:

Aeronautical Systems Division (ASD), Wright-Patterson Air Force Base, OH. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel assigned to ASD and LABS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manpower information-hourly expenditure, grade/rank, office symbol.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used to provide manhour expenditure/resources for management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on computer and computer output products.

RETRIEVABILITY:

Filed by Social Security Number (SSN).

SAFEGUARDS:

Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Destroy after 2 years or when purpose has been served by means of tearing, shredding, pulping, maceration or burning.

SYSTEM MANAGER(S) AND ADDRESS:

MAS monitor, support division, Director of Program and Budget, ASD, Wright-Patterson Air Force Base, OH.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F182 AF A**SYSTEM NAME:**

Air Force Postal Directory File.

SYSTEM LOCATION:

Air Force postal activities. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel and civilian employees. Retired Air Force military personnel. Contracting officers and representatives, American Red Cross and State Department Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Directory cards for permanently assigned personnel, transient personnel, such as students at schools, temporary duty personnel who have departed for their place of duty, and individuals awaiting an assignment to another Air Force duty location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used for forwarding and directorizing individual personal mail received by Air Force postal activities, and for assignment of individual mail boxes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for six months after reassignment, separation, or departure from the servicing postal activity, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Headquarters United States Air Force. Submanagers include the Chief, Central Base Administration at each Air Force installation. Official mailing addresses are in the Department of Defense directory in the Appendix to the Air Force's systems notices.

NOTIFICATION PROCEDURE:

Individuals may be notified of whether the system contains a record pertaining to them by writing to the Chief, Central Base Administration at the location(s) where postal directory services were provided.

RECORD ACCESS PROCEDURES:

Individuals may obtain assistance in gaining access as indicated in the notification procedures above.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F200 AFFIS A**SYSTEM NAME:**

Security File for Foreign Intelligence Collection.

SYSTEM LOCATION:

AFSAC/INOB, Ft Belvoir, VA 22060.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officers, enlisted personnel, civilian employees and

former employees, retired Air Force military personnel, and foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

AFOSI Records of investigation and AFIS correspondence incidental to AFOSI investigations. Correspondence reporting incidents having security ramifications bearing on U.S. collection activities abroad. Studies of compromised U.S. intelligence collection projects abroad and correspondence thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as amended and Air Force Regulation 205-3, Security Classification of Infrared, Visible and Ultraviolet Equipment, Components and Information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Routine internal AFSAC/AFIS reference materials used for internal orientation and study for object lesson guides for routine instruction to support operational security in U.S. foreign intelligence collection operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation. Destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

AFSAC/DA, Ft Belvoir VA 22060.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in

gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from AFOSI reports, studies and source documents pertaining to foreign intelligence collection operations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F200 AFIS B**SYSTEM NAME:**

DIA Program for Foreign Intelligence Collection.

SYSTEM LOCATION:

Air Force Special Activities Center (AFSAC/INOB), Ft Belvoir, VA 22060 and subordinate units: Det 31, PSAA, APO San Francisco 96328; Det 32, PSAA, APO San Francisco 96301; Det 12, ESAA, APO NY 09008; Det 21, AFSAC, Ft Belvoir, VA 22060; Det 22, AFSAC, Wright-Patterson Air Force Base, OH 45433; Det 3/FTD, APO NY 09633; Det 4/FTD, APO San Francisco 96328.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel, retired Air Force military personnel, foreign Nationals residing in the United States, US Citizens, and foreign nationals overseas who are sources or support assets for foreign intelligence collection operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic data and records incidental to foreign intelligence collection operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, Public Law 257, July 26, 1947 (61 Stat 495); as implemented by Air Force Regulation 200-3, The Medical Intelligence Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Routine internal reference relative to use or possible use in foreign intelligence collection operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and note books/binders, and on computer paper printouts and roll microfilm.

RETRIEVABILITY:

Filed by name and National File Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and safes.

RETENTION AND DISPOSAL:

Prior to destruction, files are screened, purged of extraneous material, and microfilmed. Microfilm retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

AFSAC/DA, Ft Belvoir, VA 22060.
Submanager: Det 22, AFSAC/CC,
Wright-Patterson Air Force Base, OH
45433.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager of Submanager, as appropriate.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager or Submanager, as appropriate.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from biographical data and records incident to foreign intelligence collection operations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F205 AFIS A

SYSTEM NAME:

Sensitive Compartmented Information Personnel Records.

SYSTEM LOCATION:

Personnel Security Division,
Directorate of Security and
Communications Management, Air

Force Intelligence Command, Pentagon,
Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force personnel, civil service employees, and contractor personnel with current access to SCI or who have had such access within past five years except Air Force personnel assigned to Central Intelligence Agency, Office of the Secretary of Defense/Defense Agencies, Office of the Joint Chiefs of Staff, and the National Security Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statements of Personnel History and allied papers prepared or submitted by individuals; Statements by Commanders, Supervisors, Medical, Legal, and Security Officials, and related correspondence; Access Adjudication Records; Indoctrination Oaths; Termination Oaths; routine records/correspondence pertaining to access status or changes in status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450; as implemented by Air Force Regulation 205-32, USAF Personnel Security Program, and USAFINTEL 201-1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by designated Air Force officials to recommend/determine eligibility for access to SCI. Used to verify an individual's status with respect to SCI access or eligibility for such access, only the 'fact of' an individual's eligibility/noneligibility for SCI access is furnished to other authorized government agencies/activities and only upon request. To answer official inquiries involving an individual's eligibility/noneligibility for access to SCI, substantive information is released to officials in the Air Force Inspector General Organizations, or higher Air Force authority, and to members of Congress. Used internally to determine personnel security trends and to attempt to determine causes for security deviations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on microfiche.

RETRIEVABILITY:

Filed by name, by Social Security Number (SSN), and grade or rank.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets and vaults.

RETENTION AND DISPOSAL:

Active records maintained as long as an individual is authorized access to SCI. Upon termination of access record is placed in inactive status where it is retained for five years and then destroyed unless sooner returned to active status. Destruction is by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security and Communications Management, Air Force Intelligence Service (AFIS/INS), The Pentagon, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Personnel Background Investigations conducted by Defense Investigative Service and/or Air Force Office of Special Investigations; Statement of Commanders, Supervisors and medical, legal and security officials; records of adjudication processes.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 USC 552a (k)(2) and (k)(5), as applicable. For additional information, contact the System Manager.

F213 AF MP A

SYSTEM NAME:

Individual Class Record Form.

SYSTEM LOCATION:

At Air Force Installations. Official mailing addresses are in the Department of Defense directory in the appendix of the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel who are enrolled in educational programs conducted on base.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifies courses, sources of funding, tuition payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by: as implemented by Air Force Regulations 213-1, Operation and Administration of the Air Force Education Services Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by educational services personnel to compile reports, to expedite return of borrowed books or equipment, and to control tuition payments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until classes are completed or until borrowed materials are returned and all monies are paid. Then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Education Branch.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F213 AFWB A**SYSTEM NAME:**

Air Force Educational Assistance Loans.

SYSTEM LOCATION:

Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1961, 1962 and 1963 dependents of active duty Air Force military members who received educational assistance loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain loan agreement documents made with loan recipients, related documentation between Executive Secretariat/Air Force Welfare Board (AFWB) and college/university registrars, retained copies of documents and correspondence received from or sent to loan recipients; and individual ledger cards reflecting accounting data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: power and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for loan follow-up.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Files are retained until paid in full at which time the original loan agreement is returned to the loan recipient.

SYSTEM MANAGER(S) AND ADDRESS:

Chairman, Air Force Welfare Board, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Original loan agreements generated by the loan recipient; correspondence received from or sent to loan recipients; certifications from college/university registrars as to receipt of payment for tuition, school supplies and other educational expenses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F900 AF MP A**SYSTEM NAME:**

Military Decorations.

SYSTEM LOCATION:

Directorate of Personnel Program Actions, Headquarters Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Headquarters of major commands and at all levels down to and including Air Force Installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel. Air Force Reserve personnel. Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Supervisory evaluation of duty performance with comments by commanders at intermediate levels.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 857, Decorations and Awards; as implemented by Air Force Regulation 900-48, Decorations, Service and Achievement Awards, Unit Awards, Special Badges, and Devices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Award of military decorations—used by award approval authorities to determine qualification for recognition through award of a decoration.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Destroyed 1 year after completion by tearing into pieces shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff/Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX 78150.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager, or individuals may contact agency officials at respective locations in order to exercise their rights under the act.

RECORD ACCESS PROCEDURES:

Same procedures as for notification.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Supervisors' evaluations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F900 AF MP B

SYSTEM NAME:

Suggestions, Inventions, Scientific Achievements.

SYSTEM LOCATION:

Directorate of Personnel Program Actions, Headquarters Air Force Manpower and Personnel Center, Randolph Air Force Base, TX 78150. Headquarters of major commands and separate operating agencies and base

personnel offices. Official mailing addresses are in the Department of Defense Directory in the appendix to the component's system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force military members and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include suggestion forms, evaluations and substantiating documentation consisting of forms, certificates, administrative correspondence; records of committee actions; award actions; reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1124, Cash awards for suggestions, inventions or scientific achievements; as implemented by Air Force Regulation 900-4, The Air Force Suggestion Program, and Air Force Manual 900-132, Suggestion Program Data System: P073/UG Users Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Files are originated when personnel initiate a suggestion, invention, or scientific achievement. Case files are reviewed by the Suggestion Office personnel, and are referred to the Suggestion Awards Committee for review when required by governing directives. Individual name files are retained not more than one full year after close of year in which the final action was taken. Records of committee actions are retained for two years. Copy of approved award is filed in civilian employee's official personnel file. Copy of approved award is not retained elsewhere for military member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on cards.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retained for one year after end of year in which the case was closed, then destroyed by tearing into pieces,

shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Deputy Chief of Staff, Manpower and Personnel for Military Personnel, Randolph Air Force Base, TX.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source document (Suggestion Form) include name, Social Security Number, job title, home or mailing address, grade and organizational address.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F900 DAY A

SYSTEM NAME:

Annual Outstanding Air Force Administration and Executive Support Awards.

SYSTEM LOCATION:

Primary system at the Administrative Systems Management Division, Directorate of Administration, Headquarters United States Air Force, Washington DC 20330. Decentralized segments may be found within Administration offices and at nominating units. Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include unit or command nomination letters; letters of commendation citing nominees for their achievements and selection as outstanding administrators; "Hometown News Release Data," for military personnel; "Civilian News Data," for civilian personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for review and selection of award recipients by committee. Further use is for preparation of certificates of recognition; letters of commendation, and preparation of news articles recognizing individual award recipients.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name within major command or separate operating agency sequence.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Individual must give name and organization of assignment. The individual may visit the Director or Chief of Administration, or the Privacy Officer, of any installation.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the

appendix to the Air Force's systems notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individual's supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F900 TAC A**SYSTEM NAME:**

Special Awards File.

SYSTEM LOCATION:

Headquarters Tactical Air Command, Langley Air Force Base, VA 23665.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, civilian employees and retired Air Force officers who are or were formerly assigned to Tactical Air Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical file containing limited award and biographical data on TAC personnel where awards have been approved and may be used for reference in future. File is informational in nature and action does not result therefrom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and 8074, Commands: Territorial organization, and Air Force Regulation 900-48, Decorations, Service and Achievement Awards, Unit Awards, Special Badges, and Devices, TAC Sup 1, and Air Force Regulation 900-29, Special Trophies and Awards, TAC Sup 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Command Awards Branch for reference.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tactical Air Command, Langley Air Force Base, VA.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

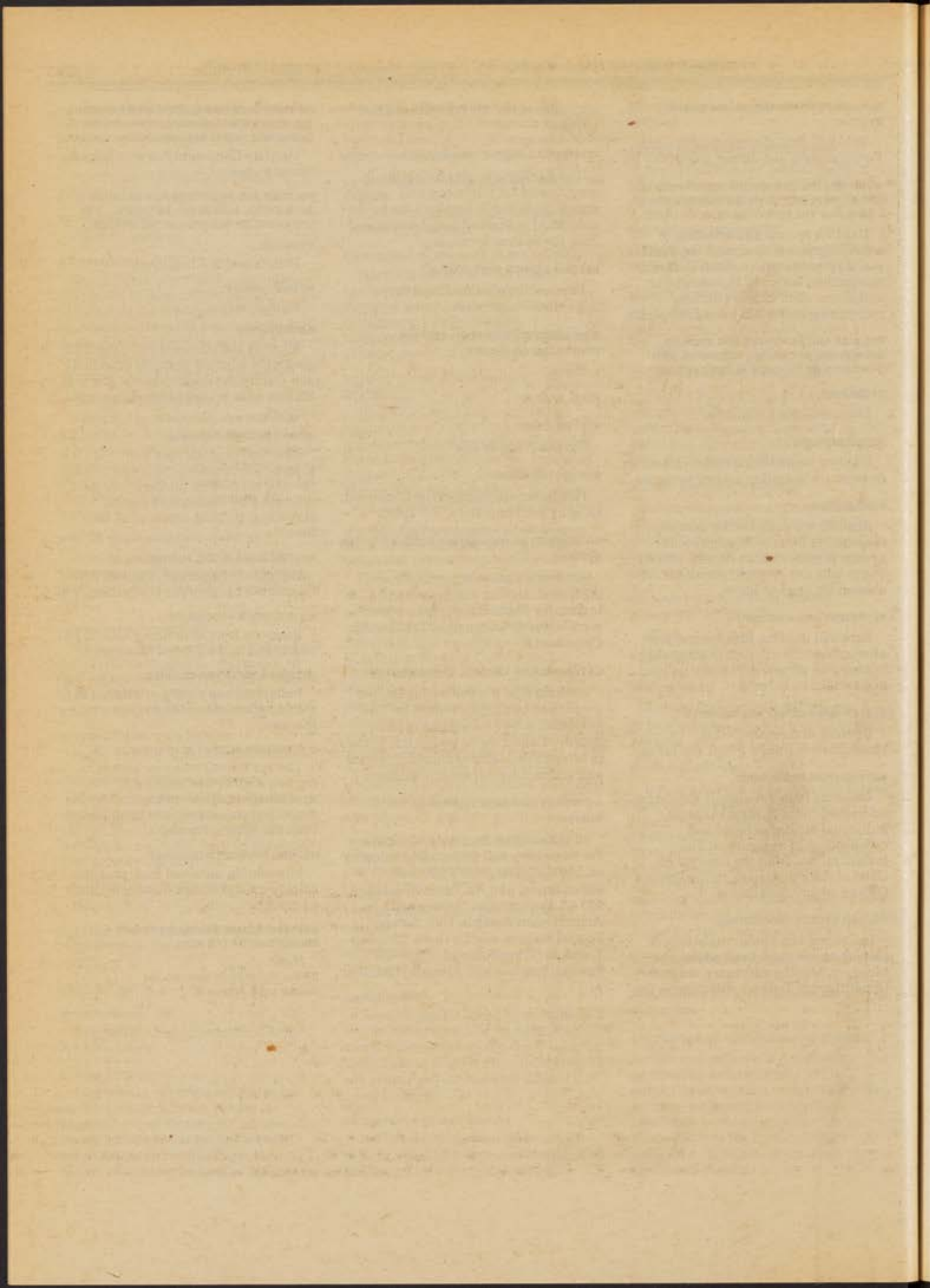
Information obtained from previous employers and source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-1956 Filed 1-27-83; 8:45 am]

BILLING CODE 3910-01-M



Registered

Friday
January 28, 1983

Part III

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.

Illinois, Indiana, Kentucky, Ohio and West Virginia: IL81-2004	Mar. 13, 1981.
Indiana: IN80-2015	Apr. 11, 1980.
Iowa:	
IA82-4048	Oct. 1, 1982.
IA82-4030	June 18, 1982.
Nevada: NV82-5116	Aug. 6, 1982.
Massachusetts: MA82-3005	Apr. 30, 1982.
New Mexico: NM82-4043	Aug. 27, 1982.
New York: NY81-3022	Apr. 3, 1981.
Maryland: MD81-3074	Oct. 9, 1981.
Arkansas: AR83-4008	Jan. 7, 1982.
Ohio: OH82-2037	May 21, 1982.
Pennsylvania: PA82-3007	Feb. 26, 1982.
Oklahoma: OK83-4011	Jan. 14, 1983.
Pennsylvania:	
PA79-3020	July 20, 1979.
PA82-3011	Mar. 12, 1982.
PA82-3017	Mar. 26, 1982.
PA81-3072	Oct. 2, 1981.
PA81-3077	Oct. 9, 1981.
Delaware: DE82-3015	June 4, 1982.
Texas:	
TX82-4048	Oct. 1, 1982.
TX82-4065	Dec. 17, 1982.
TX83-4002	Jan. 7, 1983.
TX83-4003	Jan. 7, 1983.
TX83-4004	Jan. 7, 1983.
TX83-4006	Jan. 7, 1983.

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.

New Mexico: NM82-403, (NM83-4016) June 18, 1982.
Oklahoma: OK79-4029 (OK83-4017) Feb. 23, 1979.

Signed at Washington, D.C. this 21st Day of January 1983.

Dorothy P. Come,
Assistant Administrator, Wage and Hour
Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 6

MODIFICATION PAGE 6

DECISION NO. NY81-1022 - MOD. #5 (46 FR 10417 - April 3, 1981) OSONDAGA, NEW YORK	Basic Hourly Rates	Fringe Benefits	DECISION NO. PAR2-2007 MOD. NO. 7 (47 FR 8529 - February 26, 1982) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGES: IRONWORKERS: Structural, ornamental, machinery mover, re- forcing, riggers and fence erectors Sheeter Sheeter bucker-up	14.85 15.10 14.97	4.10 4.10 4.10	CHANGES: Boilermakers Drywall Finishers: All Other Work Electricians: Zone 5 Commercial Zone 9 Commercial Ironworkers: Zone 3 All Other Work Structural & Ornamental Line Construction: Zone 1 Linemen Groundmen Winch truck operator Joiner, Caulkers, Cleaners	\$17.88 15.03 15.59 14.15	2.415 4.19 1.81-3% .64-3%
DECISION NO. W681-1074-MOD. #10 (46 FR 50228-October 9, 1981) Anne Arundel (Excluding the D.C. Training School), Baltimore and Baltimore City, Maryland, and the Heavy Construction projects in Harford & Howard Counties, MD	Basic Hourly Rates	Fringe Benefits		16.25	4.70
CHANGES: SOCKET WELDING WORKERS	\$15.09	2.73		17.84 10.70 12.49 14.53	.60+ .60+ .60+ 2.85
DECISION PAR3-1008-MOD. #1 48FR527-January 7, 1983 STATEWIDE, ARKANSAS MOD: POWER EQUIPMENT OPERATOR Pile driver operator POWER EQUIPMENT OPERATOR Oiler and greaser	Basic Hourly Rates	Fringe Benefits	Roofers: Residential structure of not more than 4 stories rs-roofing Zone 1 Scaffolding: Zone 2 Soft Floor Layers: All Other Work	12.80 13.41 12.95	1.95 3.12 4.71
DECISION NO. Q852-1037 - MOD. #2 (47 FR 21307 - May 21, 1982) Ahtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio	Basic Hourly Rates	Fringe Benefits			
CHANGES: Plumbers: Ahtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of #303) Cos.	\$17.43	\$3.22			

DECISION #083-4011-MOD. #1 48FR1913-January 14, 1983 Adair, Atoka, Bryan, Coal, De- Cherokee, Craig, Creek, De- aware, Haskell, Hughes, Le- flore, Latimer, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Puskatasha, Rogers, Tulsa, Sequoyah, Wagoner and Wash- ington Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits
CHANGES SUPPLEMENTAL DECISION #MO. 0831-1072 dated September 4, 1982 to read "MO. 0832-4061 dated November 25, 1982."		

ADD CLASSIFICATION AREA AND GROUP DEFINITIONS

TRUCK DRIVERS

AREA 11

- GROUP I - Pick-up, 1½ tons or 1½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
- GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
- GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole truck, winch trucks, excavators, Mississippi wipers, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
- GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
- GROUP V - Ready-mix concrete trucks 3 yards and over

APPLICATION PAGE 8

DECISION NO. PA81-3077 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
CHANCE: LABORERS: General Laborers Operator of jackhammer (etc.) Wagon drill operator Handling of all material (etc.) Laborers assisting tile Handling & using dynamite Caisson work (top men) Caisson work (bottom men) Mixer man MASSLE, TILE & TERRAZZO WORKERS PLASTERERS ROOFERS, COMPOSITION	9.80 10.00 10.19 10.05 9.85 10.13 10.05 10.25 10.20 11.61 11.40 13.03 13.29 13.25	1.47 1.47 1.47 1.47 1.47 1.47 1.47 1.47 1.47 1.20 2.01 1.93 1.88 1.61
DECISION NO. PA81-3077 - NOO. #7 (46 FR 50265 - October 9, 1981) LANCASTER COUNTY, PENN.	17.88 13.54 14.15 15.59	2.415 .93 .64+34 1.81+34
CHANCE: BOILERMAKERS CEMENT MASONS ELECTRICIANS: Remainder of County West Callico, E. Callico, E. Carl & Caernarvon Twp. LABORERS: General Laborers Operators of Jackhammers Wagon Drill Handling of all materials	17.99 17.07 17.03 11.535 11.435 11.285 10.685 10.585 10.435 17.23 12.06 11.20 10.34	3.69 2.36+ 344 3.91 2.545 2.545 2.545 2.545 2.545 2.545 .60+ 3/44 .60+ 3/44 .60+ 3/44 .60+ 3/44

MULTIPLICATION PAGE 7

DECISION NO. PA79-1020 - MOD. #10 (44 FR 47880 - July 20, 1979) CARSON, MONROE COUNTY, INCLUDING TOSHAKA ARMY DEPOT, AND FIFE COUNTY, PENNSYLVANIA	Basic Hourly Rates	Prime Benefits
CHANGE: BOILERMAKERS CARPENTERS Scale 1	17.88 14.00	2.415 1.95
DECISION NO. PA82-3011 - MOD. #1 (47 FR 10963 - March 12, 1982) BRADFORD, TIOGA & UNION COUNTIES, PENNSYLVANIA		
CHANGE: BOILERMAKERS CARPENTERS ELEVATOR CONSTRUCTORS HELPERS	17.88 14.43 16.10	2.415 1.95 2.69+ a+b
DECISION NO. PA82-3012 - MOD. #6 (46 FR 48851 - October 2, 1981) ADAMS & YORK COUNTIES, PENNSYLVANIA		
CHANGE: BOILERMAKERS BRICKLAYERS & STONEMASONS CARPENTERS Adams County York County CEMENT MASONS York County ELECTRICIANS Remainder of York Co., and Adams County in its entirety	17.88 13.00 14.00 13.39 13.54 14.70	2.415 1.20 1.95 1.88 -93 81+38
DECISION NO. PA82-3017 - MOD. #1 (47 FR 13108 - March 26, 1982) LACKAWANNA, SUSQUEHANNA, WAYNE & WYOMING COUNTIES, PENNSYLVANIA		
CHANGE: BOILERMAKERS ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS HELPERS ELEVATOR CONSTRUCTORS HELPERS (PROB.) PAINTERS: Brush & Roller Spray Steel	17.88 14.425 10.10 7.21 12.65 14.15 13.65	2.415 2.69+ a+b 2.69+ 7.21 1.20 1.20 1.20

SUPERSEDES DECISION

MODIFICATION PAGE 9

DECISION NO. TX82-4046 - MOD. #1 (47 FR 43525 - 10/7/82) Jefferson & Orange Cos., Texas	Basic Hourly Rates	Prime Benefits
CHANGE: Carpenters: Carpenters-residential const. of not more than 2 units & condo- minium townhouses of not more than 10 units excluding all apt. const. & multiple bldgs. for rental pur- poses	\$14.89	2.065
DECISION NO. TX82-4065 - MOD. #2 (47 FR 56604 - 12/17/82) Bell, Bosque, Coryell, Falls, Mill & McLennan Cos., Texas		
CHANGE: Building Construction: Asbestos workers: Zone 1	15.60	3.23
DECISION NO. TX83-4002 - MOD. #1 (48 FR 331 - 1/7/83) Armstrong, Carson, Castro, Childress, Collingsworth, Dallas, Deaf Smith, Don- ley, Gray, Hansford, Hart- ley, Kemp, Ketchum, Lipe- comb, Moore, Ochil- tree, Oldham, Potter, Ran- dall, Roberts, Sherman, Swisher & Wheeler Cos., Texas		
CHANGE: Line construction: Zone 2: Linemen Cable splicers Groundmen Operator-hole digger, line truck Flat bed truck driver	14.48 15.93 9.57 11.15 8.40	1.90+3% 1.90+3% 1.70+3% 1.76+3% 1.63+3%
DECISION NO. TX83-4003 - MOD. #1 (48 FR 935 - 1/7/83) Bexar County, Texas	Basic Hourly Rates	Prime Benefits
CHANGE: Asbestos workers Laborers - Group 3	\$15.60	3.23
DECISION NO. TX83-4004 - MOD. #1 (48 FR 936 - 1/7/83) Galveston & Harris Cos., Texas	8.74	1.50
CHANGE: Laborers - Group 1 Group 2 Group 3 Group 4 Group 5 Group 6	11.91 11.91 11.91 11.91 11.91 11.91	1.81 1.81 1.81 1.81 1.81 1.81
DECISION NO. TX83-4006 - MOD. #1 (48 FR 933 - 1/7/83) Travis County, Texas		
CHANGE: Asbestos workers	15.60	3.23

STATE: NEW MEXICO

COUNTY: STATEWIDE

DECISION NO. NM83-4016
DATE: Date of Publication
SUPERSEDES DECISION NO. NM82-4031 dated June 18, 1982 in 47FR25230
DESCRIPTION OF WORK: General Building and Heavy Engineering construc-
tion shall include the construction, alteration, repair and demolition
of buildings, including residential buildings, office buildings, ware-
houses, industrial and commercial buildings, institutional and public
buildings, and all air conditioning, conduit, heating and other mechani-
cal and electrical work and site preparation for building or heavy
engineering projects under this classification, stadium, and shall in-
clude electrical, gas, water, sewer lines, and other such utility con-
struction which are part of projects under this classification and
included within the property line or less than five (5) feet from the
building or heavy engineering structure, whichever is closer, provided,
however, regard to electrical utilities such construction shall include
construction from the first attachment of incoming power source without
regard to the property line or proximity to the building or the heavy
engineering structure; and include construction, alteration, repair and
demolition of heavy engineering work such as power generating plants,
pump stations, natural gas compressing stations; covered reservoirs and
covered sewage and water treatment facilities; concrete linings for
canals, ditches and channels; concrete dams; earth dams of one million
(1,000,000) cubic yards or over; radio towers, ovens, furnaces, kilns,
silos, shafts and tunnels (other than highway shafts and tunnels), hydro-
electric projects; and well drilling, telephones and electrical transmis-
sion lines which are part of general building and heavy engineering
projects; mining appurtenances such as tipples, washeries and loading
and discharging chutes, and specialized structures for testing, launching
and recovering space and other rocket-type missiles, (ALSO INCLUDING
RESIDENTIAL PROJECTS IN SANTA FE, BETHLEHEM, RIO ARriba, TUCSON, SAN JOAQUIN
AND VALENCIA COUNTIES).

DECISION NO. W403-4016

SPACE 2

Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$16.55	2.16	ASBESTOS WORKERS - Zone I	ELECTRICIANS:
13.60	2.37	ASBESTOS WORKERS - Zone II	Zone I
13.75	3.44	BOILERMAKERS	Area 1-A
		BRICKLAYERS-STONEMASONS:	Area 1-B
13.06	1.72	Zone 1-A	Area 1-C
14.56	1.72	Zone 1-B	Area 1-D
13.31	1.72	Zone 1-C	Zone II
13.16	1.62	Zone II	Zone III
14.66	1.62	Zone III	Zone IV
13.36	1.42	Zone IV	Zone V
14.86	1.42	Zone V	Zone VI
13.86	1.52	Zone VI	Zone VII
14.36	1.52	Zone VII	Zone VIII
14.59	1.32	Zone VIII	Zone IX
14.59	1.32	Zone IX	Zone X
12.84	1.32	APARTMENTERS (Dwelling houses & apartments not to exceed two stories in height:	CABLE SPLICERS:
8.15	2.80	Zone 1-A	Zone I
9.65	2.80	Zone 1-B	Zone II
10.40	2.80	Zone 1-C	Zone III
		APARTMENTERS (Building, Heavy & Residential Construction Dwelling houses and apartments over two stories in height:	Zone IV
13.40	2.80	Zone 2-A	Zone V
14.90	2.80	Zone 2-B	Zone VI
15.65	2.80	Zone 2-C	Zone VII
		APARTMENTERS (San Juan County Only)	Zone VIII
13.40	2.80	Zone I	Zone IX
15.85	2.80	Zone II	Zone X
15.65	2.80	Zone III	Zone XI
		EVENT MASONS:	Zone XII
11.53	2.05	Area I	Zone XIII
11.53	2.05	Area II	Zone XIV
13.03	2.05	Zone 1	Zone XV
13.28	2.05	Zone 2	Zone XVI
		EVENT MASONS (RESIDENTIAL):	Zone XVII
8.67	2.80	Sandoval, Bernalillo and Valencia Counties	Zone XVIII
11.33	2.80	Bio Arriba, Santa Fe and Taos Counties	Zone XIX
11.53	2.80	EVENT MASONS (HEAVY) EVENT MASONS (COMPOSITION AND MACHINE OPERATORS):	Zone XX
11.78	2.80	Area I	Zone XXI
11.78	2.80	Area II - Zone I	Zone XXII
13.28	2.80	Area II - Zone II	Zone XXIII
13.53	2.80	Area II - Zone III	Zone XXIV
\$16.90		Y	
17.33		Y	
18.29		Y	
20.03		Y	
18.29		Y	
13.00		Z	
14.45		Z	
15.20			
15.60			
15.80			
16.05			
17.49		K	
18.92		K	
19.88		K	
21.25		K	
19.88		K	
13.25		M	
14.70		M	
15.55			
16.00			
16.15			
16.40			
14.91		JJ	
11.69		JJ	
701.78		JJ	
508.18		JJ	
11.39			
13.80			
13.05			
16.05			
16.30			
12.85			
13.85			

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Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
\$ 9.35	1.71	\$15.90	P
9.55	1.71	17.33	P
9.85	1.71	18.29	P
10.00	1.71	20.03	P
		17.49	P
		18.92	P
		19.88	P
		21.62	P
		15.10	P
		16.73	P
		17.49	P
		19.23	P
		12.83	P
		15.28	P
		16.22	P
		17.96	P
		13.83	P
		15.36	P
		16.22	P
		17.96	P
		12.72	P
		13.48	P
		15.42	P
		10.15	P
		11.60	P
		10.40	P
		11.85	P
		9.64	P
		11.02	P
		8.93	P
		10.21	P
		7.21	P
		8.24	P

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Sound Installers:	Basic Hourly Rates	Pringe Benefits	Truck Drivers (cont'd)	Basic Hourly Rates	Pringe Benefits
SOUNDMAN			RESIDENTIAL CONSTRUCTION		
Zone I	\$12.85	M	Group I	\$ 9.18	1.72
Zone II	14.46	M	Group II	9.30	1.72
Zone III	17.67	M	Group III	9.38	1.72
Zone IV	13.45	3H+61	Group IV	9.50	1.72
TECHNICIANS			Group V	9.55	1.72
Zone I	10.28	M	Group VI	9.65	1.72
Zone II	11.09	M	Group VII	9.75	1.72
Zone III	13.10	M	Group VIII	9.89	1.72
Zone IV	10.76	3H+61	Group IX	10.04	1.72
SOUND INSTALLERS			TRUCK DRIVERS (HEAVY CONSTRUCTION)		
Zone I	8.35	M	Zone I	9.63	1.72
Zone II	9.96	M	Group I	9.75	1.72
Zone III	13.17	M	Group II	9.83	1.72
Zone IV	8.74	3H+61	Group III	9.95	1.72
M - 3-1/2H + 1.55			Group IV	10.00	1.72
TRUCK DRIVERS (BLDG. CONST.)			Group V	10.10	1.72
Zone I	9.48	1.72	Group VI	10.20	1.72
Group I	9.60	1.72	Group VII	10.34	1.72
Group II	9.68	1.72	Group VIII	10.49	1.72
Group III	9.80	1.72	Group IX	11.13	1.72
Group IV	9.85	1.72	Zone II	11.25	1.72
Group V	9.95	1.72	Group I	11.33	1.72
Group VI	10.05	1.72	Group II	11.45	1.72
Group VII	10.19	1.72	Group III	11.50	1.72
Group VIII	10.19	1.72	Group IV	11.60	1.72
Group IX	11.23	1.72	Group V	11.70	1.72
Zone II	11.35	1.72	Group VI	11.84	1.72
Group I	11.43	1.72	Group VII	11.99	1.72
Group II	11.55	1.72	Group VIII	11.38	1.72
Group III	11.60	1.72	Group IX	11.50	1.72
Group IV	11.70	1.72	Zone III	11.58	1.72
Group V	11.80	1.72	Group I	11.70	1.72
Group VI	11.94	1.72	Group II	11.75	1.72
Group VII	12.09	1.72	Group III	11.85	1.72
Group VIII	11.73	1.72	Group IV	11.95	1.72
Group IX	11.85	1.72	Group V	12.09	1.72
Zone III	11.93	1.72	Group VI	12.24	1.72
Group I	12.05	1.72	Group VII		
Group II	12.10	1.72	Group VIII		
Group III	12.20	1.72	Group IX		
Group IV	12.30	1.72			
Group V	12.44	1.72			
Group VI	12.59	1.72			
Group VII					
Group VIII					
Group IX					

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	Basic Hourly Rates	Pringe Benefits		Basic Hourly Rates	Pringe Benefits
PAINTERS (cont'd)					
PAINTERS (ZONE III)					
Class-A	\$14.72	3H+60	Class-A	\$ 9.13	.85
Class-B	15.15	3H+60	Class-B	9.55	.85
Class-C	15.30	3H+60	Class-C	9.75	.85
Class-D	15.55	3H+60	Class-D	9.98	.85
PAINTERS (RESIDENTIAL CONSTRUCTION in Santa Fe)					
Zone I	15.05	3H+60	Zone I	8.60	1.25
Zone II	15.50	3H+60	Zone II	9.25	1.25
Zone III	15.65	3H+60	Zone III	9.82	1.25
Zone IV	15.90	3H+60	Zone IV	10.63	1.25
EQUIPMENT OPERATORS (IR-GLASS HELICOPTER OPS.)					
Zone I	11.28	3H+60	Zone I	10.88	1.25
Zone II	11.38	3H+60	Zone II	12.81	1.95
Zone III	11.83	3H+60	Zone III	15.74	3.24
Zone IV	14.08	3H+60	Zone IV	16.49	3.24
EQUIPMENT MECHANIC (including helicopter mechanic)					
Zone I	11.68	3H+60	Zone I	16.54	3.24
Zone II	11.23	3H+60	Zone II	9.95	1.42
Zone III	11.38	3H+60	Zone III	15.74	3.24
Zone IV	14.08	3H+60	Zone IV	17.99	3.24
PONDERSAL					
Zone I	13.23	3H+60	Zone I	16.54	3.24
Zone II	13.23	3H+60	Zone II	1.42	
Zone III	13.38	3H+60	Zone III		
Zone IV	13.62	3H+60	Zone IV		
GROUNDWATER-JACKHAMMER OPS.					
Zone I	10.44	3H+60	Zone I	10.68	1.70
Zone II	10.69	3H+60	Zone II	11.77	1.70
Zone III	11.94	3H+60	Zone III	11.85	1.70
Zone IV	11.39	3H+60	Zone IV	11.96	1.70
MARBLE, TILE AND TERRAZZO WORKERS					
Zone I	12.90	.82	Zone I	12.02	1.70
Zone II	10.89	.82	Zone II	12.42	1.70
Zone III	14.65	2.80	Zone III	12.77	1.70
Zone IV	15.65	2.80	Zone IV	13.30	1.75
MILLRIGHTS-PILEDRIVERS					
Zone I	16.40	2.80	Zone I	10.62	.50
Zone II	10.90	1.25	Zone II	17.96	.50
Zone III	11.40	1.25	Zone III	16.27	2.67
Zone IV	11.15	1.25	Zone IV	18.27	2.67
Zone V	11.48	1.25	Zone V	18.52	2.67
Zone VI	11.23	1.25	Zone VI	18.52	2.67
PAINTERS (ZONE I)					
Class-A	10.90	1.25	Zone I	12.75	1.45
Class-B	11.40	1.25	Zone II	14.00	1.45
Class-C	11.15	1.25	Zone III	15.00	1.45
Class-D	11.48	1.25	Zone IV	16.17	2.83
Class-E	11.23	1.25	Zone V	10.64	1.24
PAINTERS (ZONE II)					
Class-A	9.90	1.25	Zone I	12.75	1.45
Class-B	10.40	1.25	Zone II	14.00	1.45
Class-C	10.15	1.25	Zone III	15.00	1.45
Class-D	10.75	1.25	Zone IV	16.17	2.83
Class-E	11.48	1.25	Zone V	10.64	1.24
Class-F	11.23	1.25			

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CLASSIFICATIONS: AREA AND ZONE DEFINITIONS

ASBESTOS WORKERS:

ZONE I - Statewide, except Union, Lea, Harding, Curry, Roosevelt and Quay Counties.

ZONE II - Union, Lea, Harding, Curry, Roosevelt and Quay Counties

BRICKLAYERS-STONEMASONS:

ZONE I-A, I-B and I-C - Union, Harding, Santa Fe, Valencia, Torrance, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo, Cibola and Los Alamos Counties

FROM BASING POINT OF ALBUQUERQUE MAIN POST OFFICE:

Zone I-A - 0 to 15 road miles

Zone I-B - 15 to 25 road miles

Zone I-C - Over 25 road miles

ZONE II - Curry and Roosevelt Counties

ZONE III - DeBaca, Guadalupe and Quay Counties

ZONE IV - Chaves County

ZONE V - Lincoln County

ZONE VIA - Lee and Eddy Counties (except at Mine and Refinery sites outside Municipal Limits)

ZONE VII - Lee and Eddy Counties (Employees at Mine and refinery sites outside Municipal Limits)

ZONE VIII - Otero County

ZONE IX - Luna and Grant Counties, communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone;

ZONE X - Hidalgo and Sierra Counties

ZONE XI - Dona Ana County

ZONE XII - Dona Ana County

ZONE XIII - Dona Ana County

ZONE XIV - Dona Ana County

ZONE XV - Dona Ana County

ZONE XVI - Dona Ana County

ZONE XVII - Dona Ana County

ZONE XVIII - Dona Ana County

ZONE XIX - Dona Ana County

ZONE XX - Dona Ana County

ZONE XXI - Dona Ana County

ZONE XXII - Dona Ana County

ZONE XXIII - Dona Ana County

ZONE XXIV - Dona Ana County

ZONE XXV - Dona Ana County

ZONE XXVI - Dona Ana County

ZONE XXVII - Dona Ana County

ZONE XXVIII - Dona Ana County

ZONE XXIX - Dona Ana County

ZONE XXX - Dona Ana County

ZONE XXXI - Dona Ana County

ZONE XXXII - Dona Ana County

ZONE XXXIII - Dona Ana County

ZONE XXXIV - Dona Ana County

ZONE XXXV - Dona Ana County

ZONE XXXVI - Dona Ana County

ZONE XXXVII - Dona Ana County

ZONE XXXVIII - Dona Ana County

ZONE XXXIX - Dona Ana County

ZONE XL - Dona Ana County

ZONE XLI - Dona Ana County

ZONE XLII - Dona Ana County

ZONE XLIII - Dona Ana County

ZONE XLIV - Dona Ana County

ZONE XLV - Dona Ana County

ZONE XLVI - Dona Ana County

ZONE XLVII - Dona Ana County

ZONE XLVIII - Dona Ana County

ZONE XLIX - Dona Ana County

ZONE L - Dona Ana County

ZONE LI - Dona Ana County

ZONE LII - Dona Ana County

ZONE LIII - Dona Ana County

ZONE LIV - Dona Ana County

ZONE LV - Dona Ana County

ZONE LVI - Dona Ana County

ZONE LVII - Dona Ana County

ZONE LVIII - Dona Ana County

ZONE LIX - Dona Ana County

ZONE LX - Dona Ana County

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CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

ELECTRICIANS-CABLE SPLICERS (Cont'd):

Area I-A - From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office

Santa Fe - 10 miles from main post office

Las Vegas - 8 miles from main post office

Farmington - 6 miles from main post office

Raton - 5 miles from main post office

Tucuman - 6 miles from main post office

Artes - 6 miles from main post office

Roswell - 12 miles from main post office

Ruidoso - 12 miles from main post office

Portales - 12 miles from main post office

Carrizozo - 12 miles from main post office

Clovis - 12 miles from main post office

Gallup - 10 miles from main post office

•Pojoaque - 2 miles from main post office

*All areas adjacent to Pojoaque that are over 2 mi. distant from the main post office in that town will be zoned out of Santa Fe.

Area I-B - extending up to 20 miles beyond Area I-A

Area I-C - Extending up to 30 miles from Area I-A

Area I-D - anything beyond 30 miles from Area I-A

ZONE II - Los Alamos County

ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 3-A - Within 10 miles radius from the P.O. in Las Cruces & within

Zone 3-B - 5 mi. radius from the P.O. in Alamogordo

Zone 3-C - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area

specified in zone 3-A)

ZONE IV - Eddy and Lea Counties - the following zones shall be designated

from the main P.O. in Artesia, Carlsbad, Hobbs and Lovington

Zone 4-A - 0 to 12 miles from main post office

Zone 4-B - 12 to 22 miles from main post office

Zone 4-C - 22 to 40 miles beyond main post office

Zone 4-D - 40 miles and beyond main post office

ZONE V - Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding,

Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt,

Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance,

Union, Cibola and Valencia Counties

AREA II - Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and

Sierra Counties

IRONWORKERS:

ZONE I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los

Alamos, McKinley, Mora, Rio Arriba, Sandoval, Santa Fe, Socorro,

Taos, Torrance, Cibola and Valencia Counties.

ZONE II - Farmington, San Juan County

Area 1 - Shall extend a distance of 6 road miles inclusive beyond

City Hall

Area 2 - Shall extend a distance of 8 road miles inclusive beyond the

outer perimeter of area 1

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CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

ELECTRICIANS-CABLE SPLICERS (Cont'd):

Area I-A - From nearest basing point cities, towns and mileage from

main post office in the following towns:

Albuquerque - 15 miles from main post office

Santa Fe - 10 miles from main post office

Las Vegas - 8 miles from main post office

Farmington - 6 miles from main post office

Raton - 5 miles from main post office

Tucuman - 6 miles from main post office

Artes - 6 miles from main post office

Roswell - 12 miles from main post office

Ruidoso - 12 miles from main post office

Portales - 12 miles from main post office

Carrizozo - 12 miles from main post office

Clovis - 12 miles from main post office

Gallup - 10 miles from main post office

•Pojoaque - 2 miles from main post office

*All areas adjacent to Pojoaque that are over 2 mi. distant from the main post office in that town will be zoned out of Santa Fe.

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

IRONWORKERS (Cont'd):

- ZONE II - Farmington, San Juan County (cont'd)
- Area 3 - Shall extend a distance of 10 road miles inclusive beyond the outer limits of area 2
- Area 4 - Shall extend a distance of 27 road miles inclusive beyond the outer limits of area 3
- Other areas not within area 1, 2, 3, and 4 shall revert to the \$15.00 per day subsistence.
- ZONE III - Dona Ana county with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except that Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.
- ZONE IV - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

LABORERS BUILDING & HEAVY CONSTRUCTION ZONE DEFINITION (FARMINGTON AREA ONLY)

- ZONE I - 0-15 miles from the City Hall in Farmington
- ZONE II - 15-35 miles from the City Hall in Farmington
- ZONE III - 35 miles and over from the City Hall in Farmington
- BUILDING LABORERS CLASSIFICATION DEFINITION**
- GROUP I - Unskilled: building and common laborers, carpenter tenders, concrete workers.
- GROUP II - Semi-skilled: air and power tool operator, asphalt rakers, demolition, gunite, rebound men, fog machine operator, power buggy operators, sandblasters (potmen), window washers, wagon core diamond drillers, tender; outside scaler, grade setter
- GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzlemen
- GROUP IV - Powdermen and blasters

HEAVY CONSTRUCTION LABORERS' CLASSIFICATION DEFINITIONS

- GROUP I - Unskilled - Construction and general laborers, carpenter tenders, concrete workers, concrete buggy operators
- GROUP II - Semi-skilled - Air and power tool operators, asphalt rakers, cutting torch operators demolition, gunite rebound men, grade setters, power buggy operators, sand blasters (pot men), nozzlemen, wagon core and diamond drillers' tenders, outside scalars, fog machine operators
- GROUP III - Wagon core, diamond drillers
- GROUP IV - Miscellaneous - concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayers, pumpcrete nozzlemen
- GROUP V - Powdermen and blasters

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS

- GROUP I - Unskilled - Building and common laborers, carpenter tenders, concrete workers, hand
- GROUP II - Semi-skilled - air and power tool operator, asphalt rakers, demolition, gunite rebound men, fog machine operator, power buggy

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS (Cont'd):

- GROUP II (CONT'D)
- operator, sand blasters (pot men), window washers, wagon core and diamond drillers, tender outside
- GROUP III - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipelayer, pumpcrete nozzlemen
- LATHERS BASING POINTS & ZONE DEFINITIONS:**
- Albuquerque, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari and Truth of Consequence
- ZONE I - Shall include a distance of seven road miles inclusive beyond the city or town limits
- ZONE II - Shall extend a distance of 4 road miles inclusive beyond the outer perimeter of area I.
- ZONE III - Shall apply to all areas not within 1 or 2, or not within the specific areas.
- ZONE IV (SPECIFIC AREA) - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range, and/or Proving Grounds

LEADS BURNERS BASING POINT & AREA DEFINITIONS

BASING POINT CITIES OR TOWNS:

- Albuquerque, Alamos, Albuquerque, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari and Truth of Consequence
- ZONE I - Shall include a distance of seven road miles inclusive beyond the city or town limits
- ZONE II - Shall extend a distance of 4 road miles inclusive beyond the outer perimeter of area I.
- ZONE III - Shall apply to all areas not within 1 or 2, or not within the specific areas.
- ZONE IV (SPECIFIC AREA) - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range, and/or Proving Grounds

COMMERCIAL LINE WORK

- AREA A - Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia and White Sands Missile Range and that portion of Fort Bliss in New Mexico
- ZONE I

Cities and Towns Basing Points - Miles from Main Post Offices

- Albuquerque - 15 miles Ruidoso - 12 miles
- Santa Fe - 10 miles Portales - 12 miles
- Las Vegas - 8 miles Clovis - 12 miles
- Farmington - 6 miles Gallup - 12 miles
- Raton - 6 miles
- Tucumcari - 6 miles
- Artec - 6 miles
- Roswell - 12 miles

- *All areas adjacent to Pajarito that are over two miles distant from the main post office in that town will be added out of Santa Fe.
- ZONE II - Extending up to 30 miles beyond zone I
- ZONE III - Extending up to 30 miles beyond zone I

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CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

PLUMBERS - PIPEFITTERS' ZONE DEFINITIONS

BASING POINT CITIES ON TURNS:

Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas I or II or not within the specific area.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp and Dona Ana and Otero Co.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION

GROUP I - Fireman, oiler, screener, scale operator such as bin-a-batch, rubber tired farm type tractor, tractors under 50 HP without attachments, breakdown, concrete paving curing machine (Bridgeway), helper; (mechanic, welder, grease truck)

GROUP II - Rollers, sheepfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (less oiler), air compressor (100 CFM & over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP with attachments), motor and industrial plants which generate over 15 KW, welding machines

GROUP III - Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment; (refrigeration, slusher, jumbo forms), trenching machines (all types), pumpcrete and gunite machines, siloform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants

GROUP IV - Front end loaders (2 thru 10 CY), rollers steel wheeled-all types, bulldozers, scrapers (motor or towed), elevating graders, concrete batching plants, self-propelled rollers -- equipped with dozer, twin-beam scrapers and quad 8 or 9 pushers (35¢ over basic rate, three bowl scraper (50¢ over basic rate)

GROUP V - Hydraulic cranes-with less than 30 feet of boom (20 tons and under), concrete paver-double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader

GROUP VI - Working machines - all types, motor grader (finish) mechanic - welder

GROUP VII - Steam engineers, loader (front end over 10 CY), concrete pump (scotch type)

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CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

COMMERCIAL LINE WORK (Cont'd)

ZONE IV - Anything beyond 30 miles from zone I

Las Alamos County - Use ZONE III rates

AREA B - Applies to switching stations and sub-stations adjacent to power plants in Zone I and Zone 2 in Luna, Dona Ana, Otero, and Hidalgo Counties, exclusive of White Sands Missile Range and that portion of Fort Bliss in New Mexico

ZONE I - That area within 25 miles radius from the downtown Post Office of El Paso, Texas, Fort Bliss and Biggs Field; the area within a five mile radius of any city, town or municipality within which an employer established or maintains his place of business; the area within ten mile radius from the post office in Las Cruces, New Mexico, and within a five mile radius from the post office in Alamogordo, New Mexico.

ZONE II - All other areas of the jurisdiction except those specified in zone I

AREA C - Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs & Lovington,

ZONE I - 0 - 12 miles

ZONE II - 12 - 22 miles

ZONE III - 22 to 40 miles

ZONE IV - 40 miles and beyond

MILWAUKEE & PIPELINEWORKER ZONE DEFINITIONS

BASING POINT - FROM ALBUQUERQUE CITY LIMITS:

ZONE I - 0 to 15 road miles from basing point

ZONE 2 - 15 to 35 road miles from basing point

ZONE 3 - Over 35 road miles from basing point

PAINTERS' ZONE AND CLASSIFICATION DEFINITION

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo, Curry, Lea, Eddy and Sandoval Counties, New Mexico.

CLASS A - Painters, roller and hand textures

CLASS B - Painters, spray, sandblasting, painter on steel

bridges, tanks towers, pipe and structural

Class C - Paperhanger

CLASS D - Drywall finisher; areas tool operator

CLASS E - Hand finisher machine texture

CLASS F - Colfax, Harding, Los Alamos, Mora, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties

Class A - Painters and roller

Class B - Paperhangers

Class C - Spray, Sandblast, steel, special coating applicator

Class D - Sing Painters

Class E - Drywall finisher tool and machine texture

Class F - Hand finisher

ZONE III - Luna, Otero, and Dona Ana Counties

Class A - Brush, paperhangers

Class B - Spray, sandblasting, swing stage, stippling machine

Class C - Areas tool and steel brush after erection

Class D - Radio towers, water tanks smoke stake 70 - 100 ft.

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
BUILDING, RESIDENTIAL & HEAVY CONSTRUCTION (CONT'D)

GROUP VIII - All shovel type equipment: cranes, draglines, backhoes, derricks, guy & jib type, pipemobile (No. 2 operator), piledriver, hydraulic cranes (20 tons & over), mine hoist, belt loader ("C.M.I. Type"), boom & jib 150 ft. through 199 ft. - 25¢ per hour above base pay 200 ft. and over - 50¢ per hour above base pay. Shovel (wheel type), boring machine (tunnel or shaft mole), pipe mobile

SHEET METAL WORKERS ZONE & CLASSIFICATION DEFINITIONS

ZONE I - Bernalillo, Catron, Chaves, Colfax, Curry, De Baca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, Cibola and Valencia Counties.

ZONE IA - Any area within a five (5) mile radius of the city limits of Albuquerque, Santa Fe, Farmington, Roswell and Kirtland AFB, East and West; Rio Rancho; Paradise Hills; An area including town (10) miles each direction east and west of Interstate Highway 25 and extending north and south, terminating with but including, Santa Fe at and including Pojoaque, to Chimayo, to Velarde, to Abiquiu and back to Pojoaque; An area identified by corner reference points beginning at the including Farmington to Astec, to Bloomfield and back Farmington.

ZONE IB - Los Alamos County

ZONE IC - San Juan (except that area in Zone IA)

ZONE ID - All area not in Zone IA, IB, or IC.

ZONE II - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.

ZONE IIA - Any area within a five (5) mile radius of the city limits of Carlsbad, Las Cruces, Artesia, Alamogordo, Hobbs and Sunland Park.

ZONE IIB - White Sands, including Holloman, McGregor and Lyndon B. Johnson.

ZONE IIC - All area not in Zone IIA or IIB.

SOUND INSTALLERS ZONE DEFINITIONS

ZONE I - Thirty mile radius of main post office in Albuquerque

ZONE II - Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties; the hourly rates of pay shall be increased for twelve and one-half (12½) percent of journeymen rate of pay for Zone I.

ZONE III - Chavez, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I

ZONE IV - Eddy and Lea Counties

CLASSIFICATION AREA AND ZONE DEFINITIONS (CONT'D)

TRUCK DRIVERS ZONE PAY BASING POINTS AND DEFINITIONS LISTED
BELOW FOR BUILDING AND HEAVY CONSTRUCTION

BASING POINTS ARE AS FOLLOWS:

Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deling, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, Tucumanari

ZONE I - Shall be jobs or projects within 15 road miles from the starting points listed above

ZONE II - Shall be jobs or projects which are more than fifteen road miles, but less than thirty-five road miles from base points, also, includes all of Los Alamos Co.

ZONE III - Shall be those jobs or projects which are thirty-five road miles or more from the base points.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING, HEAVY AND RESIDENTIAL CONSTRUCTION)

GROUP I - Pickup 3/4 ton and under, lubrication, light tire repair

and washer, swamper, 2 or 4 and up.

GROUP II - Dump or batch truck under 8 C.Y.W.L.C.: flat bed (bobtail) 2 ton and under; warehouseman including material checker, fork lift under 5 tons WEC.

GROUP III - Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.: water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons

GROUP IV - Distributor driver, heavy tire repair, lumber carrier driver, young bossy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment, scissor truck, bulk cement bobtail 2 or 3 axles, semi-trailer flatbed or van single axle, forklift 5 ton and over M.R.C.

GROUP V - Dumpsters and dampcrete driver; water, fuel or oil truck 3,000 to 6,000 gal; lowboys and light equipment driver; euclid type tank wagon under 6,000 gal.

GROUP VI - Vacuum trucks; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.)

GROUP VII - Transit mix or agitator semi or 4 axle equipment driver; flatbed truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump truck (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.

GROUP VIII - Euclid diesel power turnarocker; terra cotta-DW20-Le-Tourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster-lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandem); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all

GROUP IX - Lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men)

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

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) (ii)).

SUPERSEDES DECISION

STATE: OLAHOMA

COUNTY: Adair, Craig, Cherokee, Delaware,
Mayes, Nowata, Ottawa, Rogers,
Sequoyah, Wagoner & Washington Cos.

DECISION NO. N083-4017

DATE: Date of Publication
SUPERSEDES DECISION NO. N079-4029 dated February 23, 1979 in 44F210933

DESCRIPTION OF WORK: Residential construction consisting of single family homes
and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
Air conditioning mechanic	\$5.63			
Bricklayers	5.00			
Carpenters	5.46			
Drywall installers and sheetrockers	5.78			
Cement masons	6.40			
Electricians	5.79			
Ironworkers	5.58			
Insulation installers	4.78			
LABORERS:				
Laborers	3.58			
PAINTERS:				
Brush	5.56			
Tapers and finishers	5.59			
Plumbers & Pipefitters	6.94			
Roofers	6.00			
Sheet metal workers	5.63			
Soft floor layers	6.22			
Tile setters	6.88			
Truck drivers	4.88			
POWER EQUIPMENT OPERATORS:				
Bulldozers	6.50			
Rollers	6.00			
Trenching machines op.	5.50			
Tractors (small)	4.06			
Graders	6.00			

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) (ii)).

[FR Doc. 83-2156 Filed 1-27-83; 8:45 am]

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Federal Register

Friday
January 28, 1983

Part IV

Environmental Protection Agency

**Cement and Concrete Containing Fly
Ash; Guideline for Federal Procurement**

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 249**

[SWH-FRL 2176-8]

**Guideline for Federal Procurement of
Cement and Concrete Containing Fly
Ash****AGENCY:** Environmental Protection
Agency.**ACTION:** Final guideline.

SUMMARY: The Environmental Protection Agency (EPA) is today issuing final guidelines for the Federal procurement of cement and concrete containing fly ash, implementing Section 6002(e) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA). Section 6002 of RCRA requires procuring agencies using appropriated Federal funds to purchase items composed of the highest percentage of recovered materials practicable. Section 6002(e) instructs EPA to prepare guidelines to assist procuring agencies in complying with the requirements of Section 6002.

This guideline designates cement and concrete containing fly ash as a product area for which affirmative procurement actions are required, in accordance with Section 6002. Fly ash is a component of coal resulting from its combustion, and is the finely divided mineral residue which is typically collected from boiler stack gases. The guideline provides recommendations to procuring agencies which are expected to stimulate greater recovery and reuse of fly ash.

The preamble to the guideline explains EPA's regulatory strategy for fulfilling its responsibilities under Section 6002 of RCRA.

DATE: Effective February 28, 1983.**ADDRESS:** Single copies of the final guideline, and RCRA, are available from:

RCRA Hotline (800) 424-9346 (In the Washington, D.C. area call 382-3000)
Public Docket: The public docket for this guideline is located in: Room S269C, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and is available for viewing 9:00 a.m. to 4:00 p.m. Monday-Friday excluding holidays.

FOR FURTHER INFORMATION CONTACT:

John Heffelfinger, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; (202) 382-4761.

SUPPLEMENTARY INFORMATION: Proposal and Comments: The proposed guideline

was published on pages 76906-76921 of the Federal Register of November 20, 1980, and invited comments from the public on its contents until January 15, 1981. At the request of some commenters the comment period was reopened until January 30, 1981. Notice of reopening of the comment period was published on pages 9132-9133 of the Federal Register of January 28, 1981. A total of 161 written comments were received on the proposed guideline, including 12 late comments. This is in addition to oral comments received at the public hearing held on January 8, 1981 at EPA Waterside Mall, where approximately 75 persons attended and 21 presented formal testimony. The public docket for this guideline is available for viewing as mentioned above.

Introduction*Purpose and Scope*

The Environmental Protection Agency is today promulgating the first of a series of guidelines designed to encourage the use of products containing recovered materials. Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended ("RCRA" or "Act"), 42 U.S.C. 6962, requires Federal, State, and local procuring agencies using appropriated Federal funds to purchase items composed of the highest percentage of recovered materials practicable. EPA is required to prepare guidelines to assist procuring agencies in complying with the requirements of Section 6002.

This preamble also explains EPA's regulatory strategy for fulfilling its responsibilities under Section 6002 of RCRA.

RCRA

The objectives of the Resource Conservation and Recovery Act are the protection of human health and the environment and conservation of valuable material and energy resources. The Act sets forth a national program to achieve these objectives by improving solid waste management practices. The provisions of the Act include: (1) Requirements for control of the generation, transportation, treatment, storage, and disposal of hazardous wastes, (2) establishment of environmentally sound disposal practices for all wastes, and (3) investigation and creation of incentives for resource recovery and conservation activities. These activities are to be carried out through a cooperative effort among Federal, State, and local governments, as well as private industry.

Requirements of Section 6002

Section 6002 of the Act, titled Federal Procurement, directs all procuring agencies which use appropriated Federal funds to procure items containing the highest percentage of recovered materials practicable, given that reasonable levels of competition, cost, availability, and technical performance are maintained. This requirement applies only to those products which are designated by guidelines issued by EPA under Section 6002(e). Further, only items where the purchase price of the item exceeds \$10,000, or where the quantity of such items purchased during the preceding year exceeded \$10,000, are subject to these purchasing requirements.

Federal procuring agencies responsible for drafting or reviewing specifications are required to review and revise specifications for products in order to eliminate any discrimination against the use of recovered materials. They are to remove specifications requiring that items be manufactured from virgin materials, and remove prohibitions against the use of recovered materials.

Vendors are required to estimate the percentage of recovered materials utilized for the performance of the contract and to certify that it is at least the amount called for by the specifications or other contractual requirements.

Section 6002 gives the Environmental Protection Agency responsibility for promulgating guidelines to assist procuring agencies in carrying out these requirements. The EPA guidelines are to designate those products which can be produced with recovered materials and whose procurement by procuring agencies will fulfill RCRA objectives. EPA guidelines are to provide specific recommendations with respect to the procurement of products containing recovered materials. In conjunction with the Office of Federal Procurement Policy in the Executive Office of the President, EPA has responsibility for implementing the policy and program at all levels of government.

Section 6002 is aimed at achieving the materials conservation goal. Its clear objective is to use the economic incentive of Federal procurement to increase the recovery of solid waste materials. Federal procurement of products made from recycled materials can demonstrate their technical and economic viability as they are used by Federal, State and local agencies.

Guideline for Federal Procurement of Cement and Concrete Containing Fly Ash

Purpose

The purpose of this guideline is to increase the use of cement and concrete containing fly ash which is purchased with Federal funds. Fly ash is a by-product of coal combustion. Its increased use in cement and concrete will help reduce this source of solid waste. At the same time this will conserve both significant amounts of energy and natural resources used in making cement. Cost savings can be achieved while providing a product that can be equivalent or even superior to cement and concrete made using only virgin materials.

This guideline will increase the demand for recovered fly ash in federally-funded construction. This increased demand should improve the marketability of fly ash and promote wider acceptance of it as a cement substitute and concrete additive. This together with the cost savings of fly ash in local markets may result in its more widespread use in non-federally funded construction as well.

Contents of the Guideline

This guideline designates cement and concrete, including concrete products such as pipe and block, containing fly ash as a product area for which procuring agencies must exercise affirmative procurement under Section 6002 of RCRA and presents recommendations for carrying out the requirements of Section 6002 with respect to fly ash used in cement and concrete. RCRA defines procuring agencies to include not only Federal agencies, but also State and local agencies, grantees, and contractors which are using Federal funds to purchase cement and concrete.

Section 6002 of the Act sets forth certain requirements for procuring agencies. These requirements include: (1) Eliminating from specifications any discrimination against the use of recovered materials; (2) purchasing products which contain recovered material if reasonable levels of technical performance, cost, availability, and competition can be achieved; and (3) obtaining certification from suppliers that they have met any minimum contractual requirements for including recovered materials.

To assist procuring agencies in achieving compliance with these requirements, this guideline recommends that procuring agencies which purchase cement or concrete adopt a procurement approach which

specifically allows that fly ash can be used as an optional or alternate material in the performance of the contract, either in a blended cement or as an admixture in concrete. This recommendation applies except in those cases where the use of fly ash would be technically inappropriate.

Flexibility is allowed procuring agencies in meeting this recommendation. For example, some agencies may prefer to allow for fly ash use through changes in contract specifications, with the option to use fly ash left to the discretion of the successful offeror. In other cases, agencies may prefer an alternate bid approach, and solicit bids for portland cement or concrete alone, and for portland cement or concrete containing fly ash.

In addition, this guideline recommends that procuring agencies revise their guide specifications and design guidelines to ensure that fly ash use is allowed, except where technically inappropriate. It suggests certification procedures which utilize the existing review and approval mechanisms already imposed by procuring agencies.

Phased-in implementation, with specification changes to be made in the first year after publication of this guideline and purchases to begin in the second year, is recommended.

Explanation of Current Regulatory Approach

General vs. Specific Guidelines

Soon after EPA undertook the effort to prepare procurement guidelines, it became clear that guidelines could not be developed for all 50,000 Federal product specifications and standards. EPA did not have the resources to review all 50,000 Federal product specifications and make decisions on what percentage of recoverable materials is technically and economically feasible, available in a reasonable amount of time, and produced by enough companies to guarantee that competition is maintained.

The Solid Waste Disposal Act Amendments of 1980 (Pub. L. 96-482) require a product-specific approach in issuing guidelines. These amendments key all of the purchasing requirements of Section 6002(c) to the preparation by EPA of guidelines for particular products and direct EPA to "designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of (Section 6002)."

Statute Requirements vs. Guidelines

A few commenters on the proposed guideline expressed confusion over the relationship between the requirements of Section 6002 and the recommendations of the guidelines. They asked for clarification of whether the recommendations contained in the guidelines must be adhered to.

EPA is of the opinion that the guidelines are, in general, voluntary. They contain recommendations for achieving compliance with the mandatory provisions of the statute, i.e., Section 6002. The mandatory provisions of the statute for a particular product area are triggered, for the most part, by EPA's designation of that product under Section 6002(e).

Although the guidelines contain recommendations rather than requirements, EPA is of the opinion that compliance with the guidelines constitutes compliance with the statute. However, there may be alternative methods of complying with the statute, not specifically addressed by the guidelines. As long as compliance with the intent of Section 6002 can be established, these alternative methods should be considered acceptable.

Criteria for Selection of Product Areas

In the proposed guideline, EPA proposed criteria to aid in the selection of product areas for which guidelines will be prepared. These criteria were:

- (1) The waste material must constitute a significant solid waste management problem due either to volume, degree of hazard or difficulties in disposal;
- (2) Economic methods of separation and recovery must exist;
- (3) The material must have technically proven uses; and
- (4) Federal purchasing power for the final product must be substantial.

In the main, these criteria incorporate all of the factors which the Solid Waste Disposal Act Amendments require EPA to consider in selecting products for the issuance of guidelines.

Some commenters suggested adding to or revising these criteria. One commenter suggested a criterion that the recycled product must not displace a currently recycled product, for example, home scrap as reused within a steel mill. EPA agrees in principle that by designating a product for affirmative procurement actions, a currently recycled product should not be precluded from use. By taking the product-specific approach which is required by Section 6002, sufficient investigations would be performed to assure that this does not occur. We

should add, however, that the definition of "recovered material" contained in RCRA " * * * does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process." Thus, home scrap would not qualify as a recovered material for purposes of Section 6002.

Other commenters suggested that energy conservation be included as a criterion for product selection. EPA believes that while use of waste materials may indeed conserve energy, the overriding thrust of Section 6002 must be the impact on solid waste. Thus, it would be inappropriate to reject products from consideration which could result in a significant impact on the solid waste stream, but for which a slight increase in energy consumption would result. Likewise, if significant energy reductions could be achieved while having little or no impact on the solid waste stream, it would be inappropriate for EPA to issue procurement guidelines under Section 6002.

One commenter suggested revising the criterion of Federal purchasing power from being "substantial," to "a great deal." In considering this comment as well as suggestions for additional product areas for the issuance of guidelines, it became apparent that the criterion should focus on the extent to which the Federal government can affect use of waste materials through the procurement guideline mechanism. In some cases, changes resulting from direct purchasing with Federal funding may not be as significant as changes which may take place at State and local levels, and in the private sector, due to the "ripple effect" which changes in Federal procurement practices may have. Therefore, the fourth criterion has been revised to read as follows:

- (4) The Federal government's ability to affect purchasing or use of the final product or recovered material must be substantial.

One commenter suggested inclusion of a criterion for uses which may be expected to develop in the future. EPA rejected this suggestion because it is in opposition to the fundamental concept that the guidelines can only designate products which are technically and economically proven, and available in a reasonable period of time from enough persons to assure that competition is maintained. Other governmental programs may be aimed at demonstrating, for example, the technical feasibility of using a waste material in lieu of a virgin material in a pilot-scale project. Such use may be further developed in the future.

However, the mechanism of Federal procurement guidelines is inappropriate for such product development efforts. For the guidelines to be effective, products must have been fully developed and somewhat available, but suffering from resistance to their use. Experimental or developmental products do not fall into this category.

Product Areas Currently Under Study

With these criteria in mind, EPA has chosen four major product categories for the issuance of guidelines under Section 6002. These categories are cement and concrete containing fly ash, recycled paper products, spent pickle liquor from steel finishing processes as used in wastewater treatment operations, and highway construction products containing recovered materials, particularly lime-fly ash-aggregate road base and subbase mixtures. The issuance of a guideline for composted sewage sludge, as mentioned in the proposed guideline, has been deferred, due to higher priority commitments within EPA at the present time. EPA expects additional candidate products to surface through its industry solid waste studies program. As guidelines are completed in these areas, additional product areas may be selected for issuance of guidelines.

Some commenters suggested additional product areas which EPA should include in this and/or future guidelines. These products include petroleum products, petrochemicals, waste oil, metals, glass, tires, polyester bottles, salvaged materials, wood ash or coal/wood ash, and lead blast furnace slag.

These comments were not accompanied by any documentation as to how they meet the criteria for selection of product areas, as EPA specifically requested in the preamble to the proposed guideline. No information was presented as to why these products are good candidates for the procurement guidelines program. However, EPA has studied or considered some of these product areas for the issuance of guidelines. The only currently viable candidate on the list appears to be waste oil, i.e., Federal purchasing of re-refined oil. A guideline may be issued for this product area after completion of the already planned guidelines mentioned above.

Two major categories of metals, aluminum and ferrous scrap, have been considered for procurement guidelines and rejected. Aluminum does not constitute a significant solid waste management problem. Recycling programs implemented by the major aluminum producers during the past

decade have had a significant impact on the major source of aluminum scrap—the aluminum can. So valuable has this material become that its price has risen well over 100% during the past five years. Federal involvement would do little to promote further aluminum recycling, where the marketplace has already responded based on economics.

With regard to recycling ferrous scrap, although it is certainly technically and economically feasible, EPA has determined that the Federal government possesses very little ability to influence the amount of scrap which is currently recycled, through the procurement guidelines program. One reason for this is the technical capability of steel furnaces to use scrap. Basic oxygen and electric-arc furnaces currently are operated very close to their maximum technically feasible scrap utilization levels. The open hearth furnaces, on the other hand, have the capability to use additional amounts of scrap. This has been demonstrated in the past, where scrap has served essentially as the surge material when demand for steel increases. However, open hearth furnaces are slowly being phased out and replaced by basic oxygen and electric-arc furnaces. Open hearth furnaces account for less than 15 percent of domestic steel production today, compared to over 40 percent in 1969. Any expansion of production in the steel industry will take place by way of electric-arc and basic oxygen furnaces, which technically must use certain levels of scrap. Thus, Federal involvement would do little to promote further recycling of this material.

A second major reason for not issuing a guideline for ferrous metals is the number of distribution levels through which steel products must pass before receipt by the government. The criterion that the Federal government be in a position to affect purchasing of a recovered material product depends very much upon how directly the government can deal with the manufacturer of the product. For most of the products EPA has considered for the issuance of guidelines, the government purchases directly from the manufacturer or at most, from one intervening level. Although the government purchases such steel-containing products as automobiles, desks, and file cabinets, these are obtained from the final product manufacturers or distributors, very far removed from the steel production process. It is unlikely that the Federal government could influence raw materials utilization practices of steel manufacturers, with such reduced

leverage, or obtain meaningful certification of recovered material content.

With regard to government purchases of products containing recovered glass, the above discussion regarding levels of distributors applies here. The government purchases fabricated products which contain glass as one component or are packaged in glass. However, the government possesses very little leverage over the raw materials utilization decisions of glass manufacturers in such situations. There are some potential uses of recovered glass in construction products, such as in brick manufacture or as an aggregate in concrete block or in asphalt concrete. However, these applications have not yet proven themselves to be technically or economically viable enough to be commercially available for the purpose of Federal procurement.

Another waste material, tires, has potential for utilization. One promising application is the use of crumb rubber from waste tires in an asphalt-rubber mixture in highway construction. Such uses are referred to as stress absorbing membranes, involving a thin layer of asphalt-rubber used as surface material with chip seals or as an interlayer with a surface overlay. Asphalt-rubber has been demonstrated to be effective in preventing certain types of pavement cracking by improving the elasticity of the pavement and reducing the susceptibility of the pavement to temperature changes. However, technical feasibility and availability have not yet been demonstrated in wide areas of the country. Further, on an initial cost basis, asphalt-rubber systems appear to be more expensive than conventional pavements, although on a life-cycle cost basis asphalt-rubber may be less expensive. Insufficient data at the present precludes accurate cost comparisons.

This product area is one for which EPA may issue a procurement guideline in the future, as technical, economic, and availability factors are resolved. In the meantime, agencies responsible for highway construction programs at the Federal, State, and local level are urged to investigate the potential for use of asphalt-rubber through further demonstrations and evaluations in their particular regions.

With regard to using salvaged materials, i.e., used brick, old concrete crushed for aggregate, etc., no procurement guidelines are currently envisioned. Construction debris such as this has not been demonstrated to be a significant solid waste problem. This generally inert material is usually disposed of on contractor-owned land

and not in municipal landfills where it would consume sorely needed landfill space. Further, reuse of such materials, while potentially very desirable, is likely confined to project specific situations which lend themselves to this practice.

The suggestion for using wood ash or combinations of coal ash and wood ash for concrete, in similar fashion to fly ash from coal combustion, is not considered legitimate. It fails to recognize that fly ash must possess certain chemical and physical properties in order to react successfully in a concrete mix. While no documentation was provided, it is highly unlikely that wood ash or coal/wood ash possess these same properties.

Rationale for Choosing To Issue Guideline Pertaining To Fly Ash

Fly ash used in cement and concrete was chosen as a product area where Federal purchasing power could significantly increase the use of a recovered material. The following discussion demonstrates that fly ash meets the product selection criteria.

(1) Significant Solid Waste Problem

Fly ash is the term used to describe an ash component of coal which results from the combustion of coal. The vast majority of fly ash is produced in electric power generating plants, where powdered coal is burned to produce steam to drive the turbines. Fly ash, which is a finely divided mineral residue, is conveyed out of the boiler along with the stack gases. It is then collected from the gases by various means, including electrostatic precipitators, mechanical precipitators, cyclone separators, bag houses and scrubbers. It is stored in silos, awaiting reuse or disposal, or it may be conveyed directly to a disposal area. Fly ash typically represents about 70 percent of the ash generated by coal combustion, with coarser and heavier bottom ash accounting for the remaining 30 percent.

During 1979, 57.5 million tons of fly ash were generated, with over 82 percent disposed of as waste. The quantities of fly ash requiring disposal will increase dramatically during the 1980's with the construction of additional coal burning power plants. Estimates are for fly ash generation to be 70-80 million tons annually by 1985.

Current disposal practices for fly ash can have a negative effect on water quality (surface and groundwater contamination), air quality (increased dust), land use, noise, and aesthetic value.

(2) Feasible Methods of Recovery

Economically feasible methods exist for recovery of the fly ash waste stream.

Electrostatic precipitators or mechanical collection devices separate fly ash from boiler stack gases. More than two-thirds of the coal-fired generating stations have collection and loading facilities for fly ash. However, the majority of fly ash currently is combined with bottom ash, boiler slag, and/or scrubber sludge for disposal, making future recovery for cement and concrete use difficult and more expensive.

(3) Technically Proven Uses

Cement is a powder-like manufactured mineral product, usually gray in color. Cement is mixed with water and sand, gravel, crushed stone, or other aggregates to form the hard substance known as concrete. Cement is not used by itself for construction but is a component of concrete.

Cement is produced by first grinding a carefully proportioned mixture of raw materials such as limestone, silica, sand, clays, and iron ore. The mixture is heated in huge rotary kilns at temperatures approximating 1500°C (2700°F), where chemical reactions take place. The resulting marble-size pellets, or clinker, are ground with a small amount of gypsum (to control setting and hardening) to produce an extremely fine powder, known as "portland" cement. Portland cement is a generic term used to describe a particular type of inorganic hydraulic cement. A hydraulic cement is a cement which will combine with water and harden.

a. *Raw Material.* Several commenters pointed out that fly ash can be used as a raw material in the initial production stages of cement. Fly ash can be a source, for example, of iron and silica needed for cement manufacture. As such, fly ash can be used as a supplementary raw material feedstock which is proportioned with other raw materials and burned in the kiln to form clinker, which is then ground to produce cement.

Fly ash used in this manner loses its identity and becomes an integral part of the cement. Portland cement from such production is tested and certified according to ASTM standard C150 prescribed by the American Society for Testing and Materials. It is stored, transported, marketed, and used in the same manner as cement produced without using fly ash as a raw material. Such cement is generally not identified as being produced from fly ash.

Fly ash used as a raw material completely loses its identity by undergoing chemical reactions with other cement constituents, allowing further amounts of fly ash to be

incorporated into the cement, either to produce a blended cement containing fly ash, or as an admixture in concrete, as discussed below.

Although EPA strongly encourages the use of fly ash as a raw material in the production of cement, we feel it is unnecessary to recommend any changes in specifications, purchasing practices, or certification procedures for this application. The standard specification for portland cement, ASTM C150, currently allows for fly ash use in this manner. Solicitations typically request ASTM C150 as the controlling specification. Standard certification practices exist in the industry. Further, the extent to which fly ash can be used as a raw material is highly plant-specific, depending upon the mineral resource needs of any particular manufacturing plant. Thus, no Federal intervention is deemed appropriate for this application.

b. *Blends and Admixtures.* Although not cement itself, fly ash has the property of cementation when combined with lime and water, and this can complement the cementing action of portland cement. Fly ash combines with the water-soluble lime generated during the reaction of portland cement with water, and forms insoluble cementitious compounds. This cementitious property gives fly ash two primary uses: as an ingredient in blended cements, and as a component of portland cement concrete. When used to produce blended cement fly ash is either interground with the portland cement clinker, or blended with the finely ground portland cement powder (or both). When used directly in concrete, fly ash is added to the standard concrete ingredients at the concrete mixing site. Fly ash can be used either as a partial cement replacement in concrete, or as an added ingredient to obtain certain desired concrete characteristics. Almost 3 million tons of fly ash were used in the production of cement or concrete during 1979.

1. *Blended Cement.* Several U.S. cement manufacturers produce a blended cement meeting the standards prescribed by the American Society for Testing and Materials (ASTM) for the use of fly ash in cement. Blended cement containing fly ash is included in ASTM specification C595 and is designated as "Type IP" or "Type I(PM)." Table 1 indicates the extent to which Type IP or Type I(PM) cement can be used as a substitute for ASTM cement Types I through V in general concrete construction.

TABLE 1

ASTM Cement type	Purpose	Substitute fly ash
I	General purpose	Yes
II	Moderate sulfate resistance and heat of hydration	Yes
III	High early strength	No
IV	Low heat of hydration	Yes
V	High sulfate resistance	Yes

2. *Concrete Admixture.* Fly ash can also be used directly as an admixture in concrete, as a partial replacement for portland cement. ASTM specification C311 contains requirements for the sampling and testing of fly ash when in this manner. ASTM C618 is the standard specification for the use of fly ash as an admixture in concrete. In addition, the General Services Administration maintains Federal Specification SS-C-1960, which references ASTM C618, with minor differences for sulfur trioxide content, loss on ignition, and the pozzolanic activity index.

c. *Bottom Ash.* Bottom ash is the term used to describe an ash component of coal which results from the combustion of coal. The ash that is not fine enough to go up the stack with boiler gases in the form of fly ash instead solidifies and agglomerates into coarser heavier particles. These coarse particles fall into the ash hopper at the bottom of the furnace. The ash may be generated in a dry state or in molten form, where it is more accurately referred to as boiler slag.

Commenters stated that bottom ash and boiler slag can be used in the production of Type IP, portland-pozzolan cement. The cement is apparently marketed as Type IP and certified in accordance with ASTM C595. In this application, the ash is generally interground with cement clinker to produce blended cement. This application is possible because bottom ash is very similar to fly ash in chemical composition.

EPA feels it is inappropriate to include, at the present time, bottom ash or boiler slag as used in the production of Type IP cement, as a recovered material which is "designated" under this guideline. Although bottom ash and boiler slag generally meet the criteria discussed here as those criteria relate to fly ash, the recommendations which EPA makes in this guideline regarding specification and purchasing of Type IP cement are based solely on investigation related to fly ash. Because this is a relatively minor application at the present time, and in order to minimize confusion, the Agency has not included bottom ash and boiler slag as

"designated" materials in § 249.02 of the guideline. However, although the guideline language will continue to reflect emphasis on the use of fly ash, procuring agencies should be receptive to consideration of such bottom ash use, when it arises.

d. *Practical Applications.* Many ready mixed concrete producers and concrete product manufacturers have used fly ash for years, particularly in non-specification jobs where they are responsible for the performance of the product, but are able to choose the material content which will best suit their needs both technically and economically.

Several commenters provided EPA with names of specific projects or types of applications where fly ash has been used successfully in concrete. EPA feels that mention of these applications will be particularly useful to potential users of fly ash, particularly those who may possess doubts as to the legitimacy of using fly ash in concrete. The following list is by no means exhaustive, but indicates general areas where fly ash has been used on a commercial scale.

1. *Structural Building.* Structural concrete containing fly ash has been used extensively in certain regions of the country. Buildings in the Chicago area which contain fly ash include the Sears Tower, John Hancock Center, McCormick Place, Standard Oil Building, Prudential Building, Inland Steel Building, and First Wisconsin National Bank of Milwaukee. Other buildings include the Detroit General Hospital, the Atlanta Hilton Hotel, and the Davis-Bessie nuclear power plant near Toledo, Ohio.

2. *Wastewater Treatment Plants.* Locations of more than a dozen wastewater treatment plants, where concrete containing fly ash was utilized, were provided by commenters. These plants included both municipal and industrial treatment plants. Fly ash is sometimes specified or allowed for use as an alternate to ASTM Cement Types II or V, due to the often improved sulfate resistance which concrete containing fly ash can afford.

3. *Dams.* On a national level, the U.S. Army Corps of Engineers and U.S. Bureau of Reclamation have used fly ash in concrete in various projects, most notably dam construction, for many years. Some of these projects include:

Hungry Horse Dam—1953
Dworshak Dam—1973 (700' high)
Libby Dam—1975 (400' high)
Richard B. Russell Dam—under construction
Tombigbee Riverway—under construction (series of locks and dams)

A new project on which fly ash is permitted in concrete is the Central Arizona Project, designed to convey water from the Colorado River to the cities of Phoenix and Tucson. The \$2 billion project involves construction of over 300 miles of concrete aqueduct and four large pumping stations.

4. *Pavement.* Some State Departments of Transportation have approved fly ash use. For example, the Georgia Department of Transportation (DOT) revised its specifications in 1975 to allow fly ash to be used as a partial cement replacement. Since then, Georgia's DOT has placed over three million cubic yards of fly ash concrete pavement and road shoulders, and is now considering review of the specification to allow for a greater fly ash replacement rate.

5. *Concrete Block.* Many manufacturers of concrete block use fly ash at rates of 20-35% of total cementitious material. Some manufacturers use as much as 50% fly ash when employing high-pressure-steam cured processes.

6. *Concrete Pipe.* Some concrete pipe manufacturers use fly ash to obtain a better material flow in production, and to increase the density and decrease the permeability of their product.

e. *Performance of Fly Ash.* Some commenters pointed out that a distinction should be made between ASTM Class F ashes, obtained from the combustion of bituminous coal, and the ASTM Class C ashes, which are obtained from subbituminous and lignite coals. While both types of fly ash are composed of the same chemical components, the quantity of these chemical components as constituent elements of these two types of fly ash vary. The proposed preamble was primarily limited to a discussion of Class F ash, although some of the statements may be true for Class C. The following discussion has been revised to reflect the differences in performance of the two types of ash where information was available from commenters.

1. *Enhanced Performance.* As discussed in the proposal, the use of fly ash in cement and concrete may enhance the performance characteristics of the final products.¹ These advantages can be summarized as follows:

i. *Greater Ultimate Strength.* Proper mix design will achieve 28-day strength equal to or better than a typical Type I cement. Fifty-six day strength will be

superior in almost all cases. In the examples of structural applications listed above, use of fly ash was found to be the most practical and economical method of obtaining high strength mixes.

Class C ash concrete may attain early strengths equal to or greater than concrete utilizing portland cement only. This is likely due to the higher calcium oxide content of Class C ash, leading to more rapid development of cementitious compounds.

ii. *Improved Workability.*

Specification fly ash used in properly proportioned concrete mixes improves the pumpability, handling, placing, and finishing of fresh concrete, in part due to the glassy, spherical shape of fly ash particles, which add to the "plasticity" of the mix.

iii. *Reduced Water Requirement.* Due to improved workability, usually less water needs to be added to the mix, resulting in less drying shrinkage and less cracking.

iv. *Lower Heat of Hydration.*

Generally, less heat is generated during the chemical reactions between the cement and water, resulting in less thermal cracking—especially important in mass concrete applications such as dams, large beams, retaining walls, and foundations.

When using Class C ash, however, the prolific cementitious reactions which take place due to higher calcium oxide contents may not allow for achievement of lower heat of hydration. This characteristic of Class C vs. Class F should be noted where heat liberation is critical.

v. *Increased Sulfate Resistance.* A proper concrete mix with Class F fly ash will reduce the chemical attacks in concrete from sulfates contained in adjacent soil and groundwater. These reactions cause cracking and eventual disintegration of the concrete. Fly ash forms stable cementitious compounds with certain cement constituents, thus reducing the ability of sulfates to combine with these same cement constituents.

With Class C ash, there apparently is no improvement in sulfate resistance. One commenter claimed that subbituminous and lignite fly ashes generally lead to reduced resistance to sulfate attack in concrete.

vi. *Reduced Alkali-Aggregate*

Reactions. Certain aggregates react with the alkalis generated during cement hydration, resulting in disruptive expansion and cracking of concrete. Class F fly ash reacts with these alkalis to form stable compounds, thus preventing or severely reducing the reaction with aggregates and the accompanying detrimental effects.

Commenters on Class C fly ash state it has negligible effect with regard to alkali-aggregate reactions. In any event, standard tests are available to determine if a reaction is likely to occur. This likelihood can be predicted as accurately with fly ash as with portland cement.

2. *Disadvantages.* Several disadvantages which are associated with the use of fly ash can be overcome through proper use.

i. *Variable Physical and Chemical Composition.* Fly ash from different sources can be highly variable in its physical and chemical composition. This variability can be due to several factors, such as coal source, combustion process, and collection method. This problem can be overcome through adequate testing and quality control of the ash. ASTM specifications C595, C311, and C618 should be used as minimum standards for acceptance of fly ash. However, these material standards by themselves will not guarantee satisfactory performance of a concrete mix, just as use of portland cement conforming to ASTM C150 will not assure production of a satisfactory concrete. Proper mix design, selection and quality control of all materials, and expertise in mixing, placing, and finishing of concrete all play a role in achieving satisfactory performance.

The issue of ash variability and quality control was by far the technical issue of most concern to commenters. Many commenters who stated that use of fly ash results in deleterious performance of concrete based their concerns on situations where low quality, non-specification ash might be used in concrete. EPA agrees in principle with these commenters concerns. Therefore, EPA substantially revised the sections of this preamble and guideline entitled "Quality Control," which emphasize the need for quality control and quality assurance procedures on the part of all involved parties, particularly fly ash suppliers and material vendors.

ii. *Unfamiliar Users.* Due to lack of widely publicized and sometimes inadequate data on mix designs (as compared to general purpose concrete), fly ash concrete may be improperly prepared by an unfamiliar user. Mix designs do exist to produce fly ash concrete, and in most cases fly ash brokers/companies will provide manufacturing assistance and engineering design aid. The "References" section of this guideline refers to information on fly ash and its use in cement and concrete. Potential users should familiarize themselves with

¹ (The properties of cement and concrete which contain fly ash have been examined and documented. A report by the National Bureau of Standards entitled "Fly Ashes in Cements and Concretes: Technical Needs and Opportunities," NBSIR 81-2239, summarizes these properties.)

the information in those publications, and seek assistance from suppliers of fly ash.

iii. *Special Storage and Transportation Equipment.* Due to its extreme fineness, fly ash requires the use of storage and conveying equipment with tight fittings. Equipment meeting these requirements is readily available.

iv. *Extended Curing Time.* Mix proportions have been developed which will achieve equal or superior strength to general purpose concrete at all ages, particularly if 10%-30% fly ash is added (not substituted) to a concrete mix, or if a blended cement with up to 10% fly ash content is used. However, when used as a cement replacement, superior strength is often not achieved until the age of 28 days.

As discussed earlier, commenters using Class C ash state that equal or superior strength gains can be achieved at all stages of development.

v. *Increased Demand for Air Entraining Agent.* Inadequate air content in concrete will significantly affect its durability and most likely result in premature deterioration. Fly ash used in blended cements and concrete will often cause an increased demand for air entraining agent. With proper testing and quality control, the need for entrained air can be satisfied. The cost of the additional air entraining agent and quality control is often balanced by the cost savings associated with fly ash use.

Commenters on Class C fly ash indicate that air entrainment is not a problem, due to the lower loss on ignition (LOI) of Class C ashes compared to Class F. The reason for a low LOI is likely not due to any inherent property of lignite or subbituminous coal. Rather, these coals are often burned in newer, more efficient, power plants, resulting in more complete combustion with less residual carbon. One the other hand, many of the power plants in the East burn bituminous coal. These plants are generally older and may combust less efficiently than the generally more modern plants found where the lignite and subbituminous coals reserves are located.

EPA cautions against making air content determinations based on the class of ash. Rather, marketers and users should be concerned with the properties of the particular ash at hand. Both types of ash, regardless of carbon level, can affect air entrainment levels and should be evaluated vis-a-vis compensating air entraining admixture levels. This is because any alteration in the mix properties affecting the fine aggregate particle distribution and heat

evolution has an effect on air entrainment.

(3) Federal Purchasing Power

Almost one-half of total U.S. cement consumption is in public construction projects (public buildings, public works, transportation). Since Federal funds account for nearly two-thirds of the funding for public construction nationally, approximately 23 million tons of cement is purchased annually either directly or indirectly with Federal funds. These 23 million tons mark the theoretical universe to which this guideline applies.

The actual figure may be lower, however, as some of these cement applications may not be technically appropriate for the use of fly ash. In addition, some of these Federally funded projects already incorporate fly ash. On the other hand, with the anticipated "ripple effect" of private purchases being influenced by these public purchases, the impact could be substantially increased. For example, commenters indicate in those areas where fly ash is accepted, contractors who use fly ash will tend to use it for all of their projects, public and private, where technically acceptable.

Discussion of Guideline

This section of the preamble summarizes and explains the guideline and its integration with the requirements of Section 6002 of the Act. The guideline recommends practices with regard to specifications, purchasing, and certifications which procuring agencies may employ in complying with the mandatory provisions of Section 6002. Adherence to the procedures suggested in the guideline will be deemed to constitute compliance with Section 6002.

Scope

The scope of this guideline is limited to the use fly ash in cement and concrete, including concrete products such as pipe and block. Several commenters agreed with this limitation. However, as discussed in this Preamble under the section entitled "Technically Proven Uses," commenters indicated that bottom ash and boiler slag are being used in production of Type IP, portland-pozzolan cement. Therefore, when reference is made in this guideline to Type IP or blended cements, bottom ash and boiler slag should be considered by procuring agencies as qualifying for those applications, if manufacturers/suppliers can provide satisfactory technical support.

Many commenters pointed out that fly ash and bottom ash can also be used in many other construction applications,

such as road base and subbase material, structural fill and embankment, soil stabilization, grouting, masonry cement, and as lightweight aggregate. However, the technical and economic issues related to these uses of coal ash are sufficiently different to warrant separate consideration by procuring agencies. The Agency intends to prepare guidelines on a product-by-product basis.

Guidelines on the use of fly ash in road bases and subbases are currently being drafted by EPA. The Agency believes such use can result in significant economic and energy savings nationwide. Interested persons should become aware of the recently enacted Federal Highway Administration demonstration program (Project 59) for fly ash in highway construction.

The fact that EPA has not issued guidelines for certain applications of fly ash should not be construed as preventing agencies from investigation and use of such materials. For example, one commenter indicated a history of successful use of fly ash in producing a masonry cement meeting the requirements of ASTM, C91, Standard Specification for Masonry Cement. Such uses are encouraged. Agencies should apply the general provisions of this guideline to such applications, in keeping with the intent of RCRA.

The Agency received comments on and considered expanding this guideline to include the use of granulated iron blast furnace slag in cement and concrete. Although major actions have recently been taken to increase the quality and quantity of granulated slag, EPA does not believe granulated slag is sufficiently available yet to warrant guidelines on a national scale. In addition, iron blast furnace slag is already reused at a very high rate, as aggregate and as fill material. Procuring agencies are strongly urged to apply the general provisions of this guideline in those cases where granulated slag suitable for use in cement becomes available.

Similarly, silica fume, the by-product dust resulting from the manufacture of silicon metal and collected in air pollution control devices, has been studied for its use in cement and concrete. The U.S. Army Corps of Engineers has developed results which indicate that silica fume can be extremely beneficial in increasing the resistance of concrete to sulfate attack, while generally maintaining early strength similar to that of portland cement concrete that does not contain the dust. However, additional technical information and standards need to be

developed before this material is used on a national scale. Thus, a specific procurement guideline is not currently envisioned for silica fume.

In the meantime, agencies should apply the general provisions of this guideline in those cases where silica fume or other recovered materials become available. This guideline should not be construed as preventing the procurement of other recovered materials suitable for use in cement and concrete.

Some commenters questioned why the use of shales and other naturally occurring pozzolans is not addressed by this guideline. Because the philosophy of the procurement guidelines program is to encourage recovery and reuse of solid waste materials, consideration of guidelines for natural materials which are not solid wastes is inappropriate.

One commenter suggested that EPA disallow the use of concrete containing fly ash in load bearing structures. In view of the successful structural applications mentioned elsewhere in this guideline, and with no documentation provided by the commenter to support the suggestion, EPA must reject it.

Several commenters requested that EPA exempt precast and prestressed concrete products from the guideline. The main concerns expressed by these commenters were that use of fly ash would cause delays in production of these products resulting in increased costs and loss of competitive edge vis-a-vis substitute products. Commenters stated that energy consumption would increase as a result of raising curing temperatures to achieve needed early strength gains. These commenters also expressed concern over the quality and variability of fly ash, which can affect performance and color of precast and prestressed concrete products.

The basis of these commenters' concerns stems from resistance to "mandatory" use of fly ash, i.e., a recommendation contained in the proposed guideline that procuring agencies solicit bids solely for cement or concrete containing fly ash when, in their judgement, those products were available, cost competitive, and technically acceptable. The commenters claimed this recommendation caused confusion and would lead to blanket requirements that fly ash be used in all precast and prestressed products.

EPA has deleted this recommendation in the final guideline, in favor of an approach which recommends that fly ash use be included in all solicitations, unless technically inappropriate. EPA believes that there are no good grounds for exempting precast and prestressed

concrete products from such solicitations. Several commenters stated that fly ash is currently being used by some manufacturers of precast and prestressed concrete, apparently with technical and economic success. EPA believes that persons who are willing and able to use fly ash, while guaranteeing performance of their product, should have the opportunity to do so. Thus, an exemption for this product area is not considered appropriate.

Applicability

The requirements of Section 6002 apply, for the most part, to "procuring agencies." The term "procuring agency" is defined by the Act as "any Federal agency, or any State agency or agency of a political subdivision of a State which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract." The affirmative purchasing requirements of Section 6002 apply to procuring agencies' purchases exceeding \$10,000, or where that quantity of functionally equivalent purchases in the preceding fiscal year exceeded \$10,000.

This guideline recommends that any solicitations for purchases of cement or concrete made with Federal funds, either directly or indirectly, specifically allow for fly ash to be used as an optional or alternate material, unless it can be shown that the use of fly ash is technically inappropriate for a particular construction application.

(1) Procuring Agency

(a) *Direct purchases.* With regard to direct purchases, there are several situations to which the Agency believes this guideline should apply. Although the language on applicability in Section 6002 leaves room for interpretation, the Agency believes the recommendations here best describe the intent and practical application of Section 6002.

The first is where a Federal agency or other authority using Federal funds purchases cement, either in bag or bulk form. The agency may use this cement or it may supply the cement to other persons or the cement may be used by persons performing construction services for the agency. An example of this occurs where the Department of Defense, Army, purchases cement for use on a construction job, or its general contractor or subcontractor purchases cement for use on that job.

A second case occurs where ready mixed concrete is purchased directly by a Federal agency. The same scenarios applied to direct purchases of cement

apply here. If a Federal agency purchases ready-mixed concrete for its own use or, more likely, if a person under contract to or in support of a Federal agency purchases concrete, then the provisions of this guideline apply.

(b) *Indirect purchases.* Indirect purchases of cement and concrete by Federal or other procuring agencies are subject to this guideline. This is where the coverage of the term "procuring agency" becomes critical. Foremost among indirect consumers of cement and concrete are the Department of Transportation (including the Federal Highway Administration, Federal Aviation Administration, Urban Mass Transit Administration); the Department of Health and Human Services; the Department of Housing and Urban Development; and the EPA itself (wastewater treatment works construction grants program). All these agencies are involved in the Federal funding of construction programs for or through state and local governmental authorities. EPA believes that any purchase of at least \$10,000 worth of cement or concrete by States and localities or their contractors, subcontractors, grantees or other persons which is funded by grants, loans, funds or similar forms of disbursements of monies from Federal agencies is subject to the provisions of this guideline.

EPA recognizes that these cases of indirect Federal funding may present the most difficulty for implementation. For instance, while the Federal Procurement Regulations and the Defense Acquisition Regulations control all Federal agencies in the case of direct procurement, each Federal agency establishes its own grant regulations. In addition, agency reviews appear to exert little influence over the composition of materials used in construction activities funded by that agency. An agency's primary interest is that the project performs as intended.

While some commenters expressed support for the above interpretation, other commenters had very differing viewpoints. One commenter, the Federal Highway Administration (FHWA) agreed that its direct procurement program for Federal roads and highways is subject to RCRA Section 6002 requirements. The direct-Federal program includes highway projects on Federally owned lands, such as national parks.

However, the FHWA has taken exception to the inclusion of the multi-billion dollar Federal-aid (Federal Highway Trust Fund) program under Section 6002. FHWA contends that State highway departments operating under

the Federal-aid program are not procuring agencies under RCRA because they use State funds rather than appropriated Federal funds for any necessary procurement. A percentage of their expenses is later reimbursed by FHWA if the States have satisfactorily complied with applicable Federal laws, regulations, and FHWA/DOT policies. Thus, FHWA states that guidelines promulgated by EPA are not applicable to the Federal-aid program.

EPA does not agree with the above FHWA interpretation. Although the Trust Fund monies result from the Federal excise tax on gasoline, the monies are appropriated to projects before they are redistributed to the States. Further, these Federal funds are substantially being used for procurement of the highway projects in question. Long-established relationships indicate that States are virtually guaranteed of receiving the Trust Fund monies as long as their projects are approved by FHWA and they comply with the requirements specified by FHWA.

EPA does not believe that the legislative history of RCRA supports such a narrow interpretation of the term "procuring agency." Rather, the intent of RCRA Section 6002 is to use the influence which the Federal government can exert through its purchasing power to stimulate demand for and use of recovered materials. Therefore, EPA is of the opinion that the Federal-aid program for highway construction projects is subject to RCRA requirements. Those persons who believe they will suffer damage as a result of failure by a procuring agency to comply with Section 6002, are urged to review the section of this preamble entitled "Compliance and Monitoring."

(c) *Unrelated purchases.* One commenter suggested a very strict interpretation of the term "procuring agency." This commenter claimed that once an agency uses any Federal funds for any procurement (over \$10,000 total), all purchases (including non-designated items and those made with non-Federal funds) by it and any entities contracting with it become procuring agencies within the meaning of RCRA.

EPA disagrees with this interpretation. In the statute, Congress defined procuring agency to mean an Agency which "is using appropriated Federal funds for such procurement," thereby signalling an intention to exclude purchases made with non-Federal funds from the explicit reach of Section 6002.

Further, the RCRA amendments, discussed elsewhere in this preamble, key the purchasing requirements of

Section 6002 to the "designation" by EPA of certain candidate products by way of procurement guidelines. These amendments were passed, in part, because procuring agencies were pursuing inconsistent policies in attempting to implement RCRA purchasing policies throughout their procurement systems for all of their products. EPA is now given the responsibility for designating those items whose procurement will best carry out RCRA objectives.

Thus, this guideline should not apply to construction activities being performed which are unrelated to or incidental to Federal funding, or which include purchases on non-designated products. An example of an activity unrelated or incidental to Federal funding would be where a contractor performed laboratory experiments and bench-scale tests for the Government under a contract. In order to carry out his responsibilities he may need to expand his existing physical facility or construct a new one. The cement and concrete used in that structure would not be subject to the requirements of Section 6002 or this guideline, even though some of the funds received from Federal contract payments might be used to finance the construction.

Another commenter suggested regional instead of nationwide guidelines. The reason cited was that fly ash of the quality and quantity required for a construction project may not always be immediately available in certain parts of the country. Another commenter requested an exemption for city and county construction projects, citing a lack of expertise on their part.

These two comments serve to emphasize the "chicken and egg" dilemma for many recycled materials. Is fly ash not available because there is no demand or expertise to use it in a particular area, or is there no demand or expertise in those areas because fly ash is unavailable? The purpose of this guideline is to alter the status quo by stimulating demand for fly ash, thereby encouraging its availability and the development of the necessary expertise. EPA feels that by including fly ash in bid solicitations as an alternate or optional material, availability will be determined by whether any bids are received for it. Further, allowing for fly ash use will serve as an incentive to potential users in these areas. Contractors will not make the commitment necessary to use fly ash unless it is more readily accepted. Specifically allowing it to be used provides this incentive.

(2) \$10,000 Rule

An important issue is the applicability of the \$10,000 rule. Clearly, the guideline applies where a procuring agency directly purchases more than \$10,000 worth of cement or concrete during the course of any fiscal year. The rule is complicated, however, if a procuring agency purchases concrete "services," which would not only involve the supply of the product but also placement, finishing, etc. Even more complex is the common case where a contractor is assigned all construction activities for a particular agency project, including subcontracting authority for concrete work. In such cases the actual cost of the cement or concrete may not be readily determinable.

In the proposed guidelines, EPA recommended that the \$10,000 limitation include the cost of services related to the purchase of the product as well as to the cost of the product itself, at least in those cases where the separate cost of the materials cannot be practically determined.

EPA received several divergent comments on the issue of including concrete "services" in determining applicability of the \$10,000 rule. An equal number of commenters agreed and disagreed with this approach. EPA's purpose in including services in the \$10,000 limitation as stated in the proposal, was to allow flexibility to procuring agencies and reduce paperwork which might otherwise occur. The final guideline now leaves it at the discretion of an agency as to whether that agency chooses to separately cost-out all the elements of concrete work for purposes of determining RCRA applicability. In some cases, this calculation may be a simple task, particularly for direct purchases of concrete. On the other hand, it may be virtually impossible to obtain such detailed cost information where a general contractor has responsibility for all work on a project. Agencies may desire to establish procedures for estimating the proportion of a project which is represented by the material costs of cement and concrete.

In any event, EPA urges that agencies keep in mind the intent of RCRA, i.e., increased use of recovered materials, in developing their approach to determining RCRA applicability. Imposition of new paperwork or estimation procedures for this purpose should be avoided. Rather, EPA recommends that fly ash use be specifically allowed in all cases, except where technically inappropriate. EPA recommends that agencies develop and

issue policies to their construction directorates, field offices, grantees, etc. on this issue so that consistency will be maintained in applying this provision.

On a related topic, several commenters stated that the \$10,000 limitation was too low, because, it would subject too many small jobs to Section 6002 requirements. EPA cannot accept the commenter's rationale. Congress established the \$10,000 purchasing rule in Section 6002(a) of RCRA. The reason for setting a minimum was most likely so that incidental purchases would not be subject to specification changes purchasing requirements, and monitoring efforts. Furthermore, the \$10,000 limitation is not to be considered on a contract-by-contract basis, but rather is an aggregate total for the cost of cement and concrete materials during a fiscal year. In order for cement and concrete containing fly ash to be assimilated into the construction materials procurement system, it needs to be considered as an acceptable material on a regular, day-to-day basis. Fly ash should not merely be reserved for larger dollar value projects, as one commenter suggested.

Definitions

Of the definitions which were contained in the proposed guideline, most were self-explanatory and non-controversial and therefore need not be addressed in this preamble. In addition to the definition of "procuring agency" discussed above, the terms "recovered material" and "solid waste" deserve discussion, as EPA received comments on these particular definitions.

The requirements of Section 6002 apply to products containing recovered materials. The definition of "recovered material" contained in the proposed guideline was the same as that in RCRA. However, the definition of recovered material was revised by Congress in the Solid Waste Disposal Act Amendments of 1980. The current definition includes waste material and by-products which have been recovered or diverted from solid waste. It excludes materials and by-products—such as home scrap—generated from and commonly used within an original manufacturing process.

Some commenters argued that materials which were being recycled were not solid wastes, because they were not being discarded. The Agency has already dealt with this argument on numerous occasions (see, e.g. 45 FR at 33091 (May 19, 1980)). We think it clear from the language of the statute, the legislative history, judicial interpretation, and subsequent expressions of Congressional intent that

Congress intended that materials being used, reused, recycled, or reclaimed be solid wastes. These activities are types of waste management which, if properly conducted, can avoid environmental hazards, protect scarce land supply, and reduce the nation's reliance on foreign energy and materials.

Some commenters on this guideline specifically took exception to the definition of "solid waste" and EPA's authority to regulate reuse and recycling. Rather, they argued that EPA's authority to designate products for procurement guidelines should be based on whether those products are, or contain, recovered materials, i.e., according to the revised definition of "recovered material."

EPA disagrees, in general, with these commenters' opinions. Based on the reasons presented above, EPA maintains its authority to regulate solid wastes which are used, reused, recycled, or reclaimed. In fact, the revised statutory definition of "recovered material" makes clear materials can be recovered from "solid waste," so that the material need not be thrown away to be a solid waste. However, in order to reduce the unnecessary confusion which has arisen in this guideline due to the definition of solid waste, and any revisions to this definition which may occur in the future, EPA has eliminated the definition of "solid waste" from this final guideline.

Specifications

Section 6002(d) of the Act requires revision of all specifications for cement and concrete for which Federal agencies have drafting and review responsibility so that they no longer exclude the use of fly ash—and so that they incorporate the use of fly ash to the maximum extent.

While this requirement applies nominally only to Federal agencies, EPA believes that the elimination of specifications which unreasonably discriminate against the use of fly ash is implicitly required by the affirmative procurement provisions of Section 6002(c) as well. A procuring agency could not realistically fulfill its Section 6002(c) obligation to procure items composed of the highest percentage of recovered materials practicable if, in procuring cement or concrete, it relied upon specifications which unreasonably discriminated against fly ash use. Accordingly, EPA construes the specifications requirement to apply to all procuring agencies.

To assist procuring agencies in achieving compliance with this requirement, the guideline makes several recommendations on

specifications. There are three major categories of specifications for which recommendations are made:

- Guide specifications—typically, model standards or specification issued by a procuring agency, which are suggested or required for use in the design of all of the construction projects of an agency (these are often referred to as design standards or design guidelines).
- Contract specifications—a precise set of specifications prepared for a particular construction project, which contains such items as design, performance, and material requirements for that project.
- Material specification—a specification that stipulates the use of certain materials to meet the necessary performance requirements.

Guide Specifications

Procuring agencies will need to review and revise guide specifications in order to reflect the recommendations of this guideline. In doing this, the agencies will need to eliminate any discrimination, either direct or indirect, against the use of fly ash in cement and concrete. In addition they must ensure that guide specifications require that the use of fly ash be considered and incorporated, where appropriate, into contract specifications for individual construction projects. EPA recommends a period of six months after the effective date of this guideline to complete review and revision of guide specifications.

One commenter requested that EPA publish a sample guide specification for use by Federal agencies. EPA has chosen not to follow this suggestion. As mentioned above, guide specifications are usually maintained by individual agencies and can take various forms, such as specifications, standards, or narrative guidelines. It seems undesirable for EPA to develop one guide specification which would be recommended to all agencies. Rather, EPA prefers to allow procuring agencies the flexibility to develop their own specific policies in this area, taking into account types of construction projects, degree of control exercised over specifying architects and engineers, and other such factors. Procuring agencies are expected to reflect the intent of RCRA and policies of this guideline in making whatever changes are necessary in guide specifications.

Several commenters stated that standards of the American Concrete Institute (ACI) currently allow for fly ash use. These commenters specifically mentioned ACI Standard 301, "Specifications for Structural Concrete

for Buildings," and ACI Standard 318, "Building Code Requirements for Reinforced Concrete." Such standards apparently do allow for fly ash use, at the discretion of the specifying engineer. However, agencies should still be prepared to make modifications to these and other standards, when and if necessary, particularly if the standards are shown to contain provisions which in some way indirectly discriminate against fly ash use. Specification of minimum cement contents may be one example of such indirect discrimination.

Contract Specifications

This guideline will have its greatest effect on contract specifications which are prepared for each individual construction project. The guideline recommends that agencies make sure that specifications for individual construction contracts specifically include provisions for the use of fly ash as an optional or alternate material, unless it can be shown that this would be technically inappropriate.

Many commenters stated that the most frequent obstacle to fly ash use on an individual project is the specifying architect or engineer. If this person does not specifically allow for fly ash to be used, it is invariably precluded from use. The guideline addresses this problem by apprising procuring agencies that they are responsible for assuring that these individuals are aware of the statutory requirements of Section 6002 and the policies of this guideline with regard to fly ash. Thus, it is critical that the technical officer or engineer on a contract work closely with the contracting or grant officer to assure that fly ash is appropriately considered. The guideline also recommends that procuring agencies document decisions to exclude fly ash from contract specifications, in order to build a base of technical information on this subject, as well as to respond to possible protests or inquiries. Placing the burden upon the procuring agency to assure that fly ash is allowed in contract specifications is particularly important where the design function is outside the agency or where construction projects are being performed as a result of grants, loans, funds, etc.

Several commenters objected to EPA's recommendation that procuring agencies justify exclusion of fly ash from contract specifications, asserting instead that justification to use fly ash should be the subject of documentation. The Agency disagrees with these commenters. Since the technical feasibility of using fly ash in cement and concrete has been adequately demonstrated, agencies should not require a supplier to

"reinvent the wheel" for each project. The recommended approach permits fly ash to be evaluated on a job-by-job basis. It doesn't preclude restriction of fly ash as long as it is justifiable and documented. EPA urges procuring agencies to require that individual suppliers of cement or concrete containing fly ash demonstrate a history of satisfactory technical performance with this material and their ability to meet performance requirements for the particular application at hand, just as they would for portland cement or concrete.

Typically, if use of fly ash is not initially allowed, the time period during which bids are officially open is insufficient to allow for consideration of fly ash use and amendment of solicitations. Consideration of changes can often not be accomplished until after the fact, which can lead to contracting problems and invite protests from losing bidders if change orders are issued at a later time without formal resolicitation. Thus, EPA maintains that consideration should be given to using fly ash during development of the contract specifications, and that cement or concrete containing fly ash should be considered acceptable unless the agency demonstrates otherwise.

EPA agrees with a commenter on a related issue, which is that legitimate documentation of infeasibility for fly ash can be for certain types of applications rather than on a job-by-job basis. By referencing this documentation in individual contract specifications, an agency can avoid extensive repetition of previously documented points. An agency should be prepared to submit such documentation to outside review and scrutiny.

EPA recommends that procuring agencies take no more than 12 months from the effective date of this guideline to assure that contract specifications reflect the requirements of Section 6002.

Material Specifications

Both Federal specifications and national voluntary consensus standards exist for the use of fly ash in blended cement and in concrete. Rather than actually revise existing material specifications for portland cement, procuring agencies are expected to make maximum use of these existing material specifications.

In the proposal, EPA recommended that procuring agencies use only fly ash which, as a minimum, meets ASTM standards. Some commenters agreed that use of ASTM specifications as a minimal standard is appropriate, in that they are national voluntary consensus standards which have been developed

over a period of time. A few commenters, however, suggested that EPA reference the ASTM standards, but with recommendations for tighter parameters. While EPA discusses such tighter parameters for information purposes in this preamble, the Agency feels it is inappropriate to make recommendations which override national consensus standards.

One commenter requested that compliance with ASTM standards not be made mandatory, because the commenter has been able to use fly ash, which does not conform to the standards in one aspect, very successfully in concrete. EPA agrees with this approach. While the guideline recommends adherence to ASTM and/or Federal specifications, the ultimate determinant of acceptability should be concrete performance. Accordingly, the guideline permits use of non-specification fly ash where the procuring agency has developed sufficient expertise to use it in particular applications.

Mix Design Standards

This guideline suggests no minimum, maximum, or absolute level of fly ash content in blended cement or concrete which is subject to this guideline. Flexibility is necessary because of variation in fly ashes and cements, strength requirements, relative costs, and even local and regional construction practices and climatic conditions.

The provisions of ASTM specification C595 for blended hydraulic cement require that Type IP cement contain 15%-40% fly ash and that Type I (PM) cement contain 0-15% fly ash by weight, thus allowing fly ash content to be specified in a range from 0 to 40%. A typical blending rate in the industry appears to be around 20%. However, the actual proportion to use needs to be determined on a job-by-job basis in accordance with established mix design procedures and performance needs.

When used directly in the manufacture of concrete, industry practice indicates that more fly ash should be used than the amount of cement replaced, at least when using Class F ash. This ratio should be at least 1.25-1.50 fly ash to 1.00 unit of cement. Commenters on Class C ash provided data to indicate that pound-for-pound replacement of cement with fly ash can be used to achieve early strengths equivalent to that of portland cement alone. Typical replacement rates in concrete are around the 15% level, but the actual percentage needs to be determined on a job-by-job basis.

Allowing the use of low levels of fly ash in cement and concrete may encourage additional companies to experiment with the product and gain expertise. This could ultimately increase the number of companies using fly ash, and the amount of fly ash they use.

Information contained in the "References" can be used as guidance in determining proper fly ash content.

While some commenters agreed with this flexible approach to fly ash content and mix design, a few disagreed with it. The dissenters argued that RCRA requires procurement of products containing the highest percentage of recovered materials practicable. Thus, if fly ash can be used at a blending rate of 20%, these commenters suggest EPA specify 20% as the minimum level of fly ash content which must be supplied in order to qualify for award.

EPA prefers to interpret RCRA with emphasis on the word *practicable*. EPA feels that the highest percentage of fly ash practicable is determined by such factors as price, availability, competition, and technical performance. For instance, if a higher level of fly ash content is only available at a much higher price, EPA considers it impractical to purchase the higher priced material, although it is technically available. With the open bidding approach recommended in this final guideline, EPA believes that persons willing and able to supply cement or concrete containing fly ash will do so. Normal bid evaluation procedures will then determine practicality based on price, availability, etc. and not on an arbitrarily established limit on fly ash content which considers only technical potential.

Concrete specifications which specify minimum cement contents could potentially discriminate against the use of fly ash. Such provisions may deter substitution of fly ash for cement. To address this problem the proposal recommended changing such specifications to permit the substitution of fly ash for cement.

An equal number of commenters agreed and disagreed on this issue. The opposing commenters stated that minimum cement factors are often based on the need not only for strength but for durability and that an agency should be permitted to specify some level of minimum cement content (which may reflect the substitution of fly ash for a portion of the cement). The commenters were willing to agree with EPA's recommendation on this issue, provided that adequate testing or local experience showed that concrete durability is not affected. EPA feels this is a reasonable approach, and that minimum cement

contents may be retained, provided they reflect a substitution of fly ash for a portion of the cement.

Of the commenters supporting EPA's recommendation on minimum cement contents, most stated that minimum cement contents and maximum water:cement ratios discriminate against use of fly ash, and suggested a shift from prescription specifications to those based on performance. A wholesale revision in concrete specifications to those based totally on performance is beyond the scope of this guideline and the jurisdiction of EPA. However, such a shift may be appropriate in particular instances. Thus, this final guideline recommends that procuring agencies change mix design standards which unfairly discriminate against the use of fly ash, such as those which unnecessarily specify minimum cement content or maximum water:cement ratios.

Performance Standards

It is often claimed that designs of construction projects are conservative and, as a safeguard, intentionally increase the strength requirements beyond what the design criteria actually require. Setting concrete strengths which are higher than actually needed during the several days following concrete placement (i.e., "high early strength") can deter the use of fly ash. Although fly ash will generally enable a concrete to achieve a higher ultimate strength (e.g., at 28, 56, and 90 days), very high early strength can be achieved, with Class F ash, only by adding fly ash to the mixture without reducing the cement content. In this situation, the economic and energy conservation advantages of using fly ash are sharply diminished.

In the proposed guideline EPA recommended revising certain performance standards, where appropriate, primarily to extend the period for strength evaluation. Numerous comments were received on this issue, primarily opposing EPA's recommendation. A variety of reasons were given for not extending strength evaluation periods. Foremost among these was a claim that increased costs and delays in schedules would occur as a result of delays in stripping forms or awaiting approval before proceeding with further construction. Some commenters pointed out that strength development is a key factor, in determining durability of concrete. The commenters urged EPA to maintain the current, standard strength evaluation periods, citing their existence as providing a good balance between costs, performance, and timeliness.

Some commenters agreed with EPA's recommendation to extend strength evaluation periods, while others commented this practice should only be allowed for certain applications, such as non-flexural members.

In this final guideline, EPA has retained the general concept that performance requirements which arbitrarily restrict the use of fly ash, either intentionally or inadvertently, should be revised. However, the Agency has removed the specific recommendations for extension of strength evaluation periods. We feel the performance requirements for a project should be assessed based on the specific technical design needs of that project.

The Agency still maintains that a need exists for recognizing that concrete containing fly ash can perform successfully, although it may not always achieve the early strength gains of portland cement concrete. Methods of predicting strength, such as past experience, laboratory design results and accelerated test procedures can be used to estimate the strengths which concrete containing fly ash will attain at specified intervals.

Thus, although concrete containing fly ash may exhibit lower strengths than portland cement concrete, at 3-day and 7-day test periods for example, an agency may consider accepting the product provided the supplier has satisfactorily demonstrated the later day strengths which are expected to be achieved, and the strengths at all ages are satisfactory from a safety standpoint. Of course, in allowing slower early strength development, the contractor is still responsible for performing under the contract in a cost effective, safe, and timely manner. EPA feels this can and is being done.

Purchasing

EPA is designating cement and concrete containing fly ash as a product area for which procuring agencies must exercise affirmative procurement actions under Section 6002 of RCRA. As discussed in this Preamble under the section entitled "Statute Requirements vs. Guidelines," when EPA "designates" a product area through the issuance of guidelines, RCRA requires that procuring agencies take positive step to purchase that product. This section of the guideline contains recommendations for satisfying the affirmative procurement requirement.

Bidding Approach

In the proposed guideline, EPA recommended that procuring agencies

utilize a dual bid approach for cement and concrete purchases. The Agency recommended that all bid solicitations for cement and concrete should solicit bids for both portland cement or concrete and cement or concrete containing fly ash, where technically appropriate. Award would be made to the lowest priced responsible offeror.

In the proposal, EPA further recommended that where the application was technically appropriate and where a procuring agency was satisfied that cement or concrete containing fly ash was reasonably available and its bid price would be competitive with that of portland cement or concrete, only bids for cement or concrete containing fly ash should be solicited. Award would still be made to the lowest priced responsible offeror.

The issue of affirmative purchasing and what most negative commenters characterized as the "mandatory use" provision of the proposed guideline, § 249.20(b), was by far the issue of most concern to commenters. At the public hearing, the Agency pointed out that § 249.20(b) is a "mandatory use" provision only if the individual procuring agency chooses to solicit bids only for cement or concrete containing fly ash, while excluding portland cement. This is not the same as the stricter approach which the Agency had considered taking in the proposal, which was to recommend that all agencies always require the use of cement or concrete containing fly ash, except where technically inappropriate.

Nevertheless, over half of the commenters considered the proposed § 249.20(b) as undesirable, arguing that cement and concrete containing fly ash should never be the only material specified, except in those very rare instances where it provides a property which portland cement alone cannot, such as low internal heat generation during construction of dams. Although EPA would have left this decision at the discretion of the procuring agencies, EPA now believes it is inappropriate to recommend it at all.

Despite the negative criticism of the "mandatory use" provision in the proposed guideline, a majority of commenters on this issue indicated support for an optional or alternate bid approach which allows for fly ash use.

EPA's recommendation in this final guideline is that procuring agencies specifically include provisions in individual contracts to allow for fly ash use as an optional or alternate material, unless the application is shown to be technically inappropriate. Award can then be made in accordance with normal and customary bid evaluation

procedures, since these procedures (which generally require award to the lowest priced responsible offeror) tend to insure the purchase of cement or concrete containing fly ash only when it is reasonably priced (i.e., priced at or below the price of portland cement or concrete), reasonably available (i.e., offered by a responsible offeror) and technically appropriate. By notifying potential bidders that fly ash use is acceptable, the procuring agency thus essentially complies with its affirmative procurement obligation to purchase cement or concrete containing fly ash, except where not reasonably available, reasonably priced, or technically appropriate, since the natural operation of the bidding system tends to make this determination for the agency.

After reflection, EPA is convinced that the marketplace provides the best gauge of reasonable price, availability, and competition. It is inappropriate to artificially restrict the marketplace through limitation of bids, even where the procuring agency has independent knowledge that the cement or concrete containing fly ash is reasonably priced, available, etc. The reasons for this are discussed below.

Lack of Availability

Commenters claimed that the "mandatory use" proposal was inappropriate because quality controlled fly ash is not always available in every part of the country. As discussed previously, this is the "chicken and egg" dilemma for many recycled materials, i.e., is fly ash not available because there is no demand in those areas, or is there no demand in those areas because fly ash is unavailable? Supporters of fly ash use argue that if fly ash is more universally accepted, it will easily be more available.

Under the proposal, procuring agencies were required to restrict the bidding to fly ash where they knew it to be available. Nevertheless, the local unavailability situation does exist and procuring agencies can be mistaken in their assessment of reasonable availability. Agencies feel it is a waste of time and money to prepare and solicit bids solely for fly ash, only to find out there are no offerors. However, if fly ash is not the only product included in bid solicitations, availability will be determined by whether any bids are received for it, without the need for resolicitation. Allowing fly ash will also serve as an incentive to potential users in that area. Contractors will not make the commitment necessary to use fly ash unless it is more readily accepted. Including it in bid solicitations and

allowing it to be used provides this incentive.

Cost Issues

The negative commenters almost always cited the potential for cost increases as a reason for never mandating sole use of fly ash. While the Agency did not propose to mandate sole use of fly ash, regardless of cost, it is true that use of certain classes of fly ash can cause a delay in early strength gains in concrete. This can lead to longer production times and may lead to cost increases. In addition, as noted in the proposed preamble, some equipment and technical expertise may have to be purchased in order to use fly ash successfully. Further, because of local unavailability, quality fly ash may only be available at a premium in certain areas.

If fly ash were required to be used, regardless of cost, some contractors would undoubtedly be left with no alternative but to raise their bid prices, without making the prices extraordinarily high or infeasible. However, if fly ash is merely allowed to be used but not required, portland cement concrete contractors will still be able to bid and award can be made to the lowest priced responsible bidder. Many fly ash concrete suppliers can economically compete, if given the chance to do so. If a builder can use fly ash in a cost effective manner, and guarantee performance and timeliness of the work, this is what the Government should be concerned with. An open bidding process successfully addresses the negative commenters' contentions that cost increases are the inevitable result of fly ash use.

Technical Considerations

Many commenters voiced concern over technical problems which can arise when fly ash is used and which might be exacerbated under the "mandatory use" provision. These problems can often be attributed to use by inexperienced persons or use of low quality ash. However, there are legitimate technical concerns which do exist even when using high quality ash, for which mandatory use causes a dilemma—largely because the mandatory use provision requires the issue of technical appropriateness to be resolved at the outset, thus reducing flexibility.

One technical concern is the effect which climate can have. Use of fly ash can delay the curing time of concrete. Cold temperatures can compound this effect even further. Some manufacturers of blended cement containing fly ash recommend that their product should

not be used at less than 50°F, except under close supervision. Flexibility to revert to portland cement concrete would be needed in such instances. On a long-term contract which spans the winter months, it is possible that fly ash concrete should most likely not be used. Serious contractual problems could arise if fly ash were specified as the mandatory material for that contract, and award made on that basis, while precluding portland cement suppliers. Procuring agencies would likely exclude fly ash altogether as an alternative, since it could not be used as the sole material for the entire contract.

One solution, however, is to allow that fly ash be used, at the option of the contractor, subject to approval of mix designs by the engineer. As materials change on a project, due to availability, cost, etc., new designs are often approved. In the case of fly ash, this flexibility should be permitted to the contractor.

Another technical problem is that fly ash may not be suitable for all uses within a project. A contractor bids on the entire project. Therefore, requiring a bid for either fly ash or not raises serious technical questions. Again, as an alternative, a procuring agency would likely exclude the use of fly ash altogether, since it could not be used for the entire project. However, with the more flexible approach EPA suggests in this guideline, the contractor and/or engineer can decide on which uses may not lend themselves to fly ash, on an item-by-item basis, after award of the contract.

Inexperienced Users and Ash Variability

Many commenters expressed concern that the so-called "mandatory use" provision might encourage use by inexperienced persons. As noted in the preamble to the proposed guideline, many contractors still lack knowledge of the proper use of fly ash in concrete and of the means of ensuring quality control. Commenters claim that if businesses are faced with the choice of either using fly ash or not bidding on a job, they will tend to use fly ash. EPA agrees that this could definitely lead to the use of low quality ash by unsophisticated users, or the failure to otherwise provide a satisfactory product. While ash from a single source may be of consistently high quality, a great deal of the fly ash generated is not suitable for use in concrete.

Although contractors are responsible for obtaining suitable materials and applying them properly, EPA believes that the problem of inexperienced users can best be avoided by employing an

open bidding process in which bids for cement or concrete containing fly ash and portland cement or concrete are accepted. Furthermore, since fly ash does not currently enjoy widespread use, this solution will, in the long run, create greater acceptance by procuring agencies, engineers and contractors.

Restricts Use of Other Materials

Several commenters stated that the "mandatory use" provision, by restricting bids to the use of fly ash as a partial cement replacement in cement and concrete, would effectively preclude use of other recovered materials in cement and concrete. There are other waste materials, particularly blast furnace slag from iron production, which can be used successfully in cement production. Any suggestion on EPA's part that fly ash should always or even sometimes be the only material specified could be a major setback to development of other materials suitable for use in cement. It would be improper for EPA to create such barriers.

This problem can be overcome through allowing, not requiring, fly ash to be used. Contract specifications should be written incorporating references to both portland cement specifications and those for fly ash. As iron blast furnace slag is developed and becomes more readily available for this use, it should be included as a third optional material, at the discretion of procuring agencies. The American Society for Testing and Materials is actively working on development of such a standard for slag.

Competition Would Be Restricted

While adequate competition may exist (i.e., two or more bidders with reasonable prices) when soliciting bids only for fly ash, producers of portland cement concrete would be precluded from bidding. The primary purpose of the guideline is to work fly ash into the bidding system, because it is typically the excluded product at the current time. EPA would be reversing this situation with a mandatory fly ash use provision. We feel such an approach is unnecessary in the case of fly ash. With the approach that fly ash be included in the bidding system as an optional or alternate material, competition and business opportunities will increase, by allowing persons who are willing and able to use fly ash to bid on contracts on which they are now often precluded.

Bid Alternatives

Commenters have made EPA somewhat aware of the various methods which can be used to achieve the objectives expressed above. EPA

discusses these methods in the guideline, and has left flexibility to procuring agencies in deciding which mechanism can best be implemented in their existing procurement system.

One approach is to allow for the use of fly ash through changes to contract or guide specifications, as discussed in this preamble in the section entitled "Specifications." Under this approach, the contractor would secure award of a contract based on normal bid evaluation procedures. At a later time, the contractor can exercise his option to use or not to use fly ash. Regardless of the choice made, normal quality assurance procedures apply, and review and approval of mix designs, materials, etc., must be performed by the project engineer. Some commenters characterized this method of solicitation as the "optional" approach.

A second purchasing method which some commenters suggested can be characterized as an "alternate bid" approach. Under this approach, a procuring agency would solicit bids requesting separate price quotations for either portland cement concrete or concrete containing fly ash. As in the case of the "optional" approach, award would be made in accordance with normal and customary evaluation procedures—typically to the lowest priced responsible bidder—regardless of whether fly ash is used.

The difference between this approach and the optional approach is that the contractor typically would be obligated to supply the material for which award is made for the duration of the contract, whether it be portland cement or fly ash. However, in order to accommodate situations in which fly ash may not be technically suitable for use in all phases of a project, or it becomes unavailable, EPA recommends that the winning contractor be allowed flexibility in amending his selection of materials planned for use, subject to approval of the procuring agency/project engineer, as long as he supplies at the agreed to bid price (or less).

EPA believes that the "alternate" approach holds most promise where the procuring agency is directly purchasing cement or concrete for a particular project, as where the U.S. Army Corps of Engineers purchases cement or concrete for a dam. In such a face-to-face bidding situation, where the procurement is strictly for cement or concrete, the procuring agency is in a position to directly evaluate the bids, make award, and evaluate requested material changes based upon the relevant factors.

The "optional" approach, on the other hand, holds most promise where the procuring agency is not directly purchasing cement or concrete, as in the situation where the procuring agency solicits bids for a construction project, such as a building, only one component of which is cement or concrete. In this situation, the price for cement or concrete is generally imbedded in the total bid price and the ultimate procurement of cement or concrete is by the contractor or the subcontractor, making evaluation of fly ash use in awarding the bid difficult or impossible. Indeed, commenters asserted that if the contractor bidding on the project had to commit to using fly ash or portland cement at the outset, the contractor would tend to specify portland cement, because fly ash may not be suitable for all construction applications on a given project. This, of course, would tend to retard fly ash use. Allowing the contractor to decide whether to use fly ash corrects this problem.

The "optional" approach should not be construed as a repudiation of the affirmative procurement requirements of Section 6002(c). Where cement or concrete is purchased ultimately by a contractor or subcontractor rather than by the Federal or state procuring agency, the contractor or subcontractor becomes a "procuring agency" for purposes of Section 6002 and the obligation to purchase fly ash is imposed on them as well. To insure that the contractor or subcontractor complies with this obligation, the guideline recommends that procuring agencies using the optional bid approach add a statement to their bid solicitations urging contractors and subcontractors to actively seek out suppliers of cement and concrete containing fly ash, and to solicit bids for these materials.

Regardless of the method of solicitation used, situations may occur where two or more low bids are received which offer different levels of fly ash content. While it generally would be desirable to make award to the bidder offering the highest fly ash content (assuming technical performance is maintained), there is a problem if that bid price is higher than that of other technically qualified suppliers.

The Agency considered establishing some type of "sliding scale" which would allow credits, and in effect additional payment for the supply of various ranges of fly ash in cement and concrete. This alternative was rejected because use of fly ash is cost competitive with portland cement use, rendering a price preference scheme

unnecessary as a means of stimulating fly ash use.

The only so-called "preference" for fly ash which EPA has retained in this final guideline is in the case of identical low bids. In such instances award should be made to a contractor who plans to utilize the highest percentage of fly ash, all other factors being equal.

Recommendations as to Price, Competition, Availability, and Performance

Prices

Section 6002 raises the issue of "reasonable" price. Congress did not say that a recovered material product need cost less than or the same as the virgin material product it replaces, but merely that its cost be reasonable. Although a few commenters recommended that bonuses or premiums be paid to those persons using fly ash, the Agency rejected this idea for this guideline. Payment of premiums is generally unnecessary since the use of fly ash in cement and concrete is itself cost competitive. No price premium should be necessary to obtain cement or concrete containing fly ash. Indeed, to allow a premium on a regular basis may be unnecessarily inflationary.

This guideline leaves the determination of reasonable price to the discretion of the procuring agency, although the guideline does suggest general procedures for determining reasonable prices and price competition, based on procedures contained in the Federal Procurement Regulations applicable to certain types of procurements. The Agency cautions against determining reasonableness of price by comparing spot prices for relatively small quantities of cement or concrete containing fly ash with competitive bids for volume purchases of portland cement or concrete.

Competition

The primary purpose of competition is to secure the lowest price for a given product. Federal procurement procedures state that adequate competition is usually presumed to exist if: (i) At least two responsible offerors (ii) who can satisfy the Government's requirements (iii) independently compete for a contract to be awarded (iv) by submitting priced offers responsive to the expressed requirements of a solicitation. In addition, the prices should be examined for reasonableness.

Using the alternative bid approaches recommended by EPA, there should be no problem in achieving reasonable competition. Solicitation of bids for both

portland cement or concrete and cement or concrete containing fly ash is recommended in all cases, thus enabling the procuring agency to better guarantee overall competition.

The existing Federal procurement procedures do not suggest comparing contracts with respect to numbers of bidders. They merely require that there be a sufficient number of bidders for adequate price competition for the particular contract at hand. EPA feels that as long as prices can be determined to be reasonable for cement and concrete which contain fly ash, then competition should be presumed to exist, no matter what the number of prospective offerors.

Availability and Delays

The Agency does not feel that procuring agencies should have to tolerate any unusual or unreasonable delays in obtaining cement or concrete which contain fly ash, other than delays which may be typically associated with portland cement and concrete. As specifications and purchasing practices are revised to allow for the use of fly ash, this material should become more widely available both geographically and in terms of the number of businesses willing and able to supply it.

Performance

The issue of reasonable performance is addressed in this preamble under the subsections on "Technically Proven Uses," "Specifications," and "Quality Control." Additional technical performance information is contained in the "References" section of this guideline.

In general, fly ash blended cement can be considered substitutable for all ASTM cement types except Type III, High Early Strength (and even these requirements can be met by adding, but not substituting, fly ash to a portland cement mixture). However, from a practical standpoint, the use of fly ash should be determined on a job-by-job basis, as there may be specific technical applications which would preclude the use of fly ash. As discussed in this preamble under "Contract Specifications," a procuring agency may document technical infeasibility for certain types of applications, rather than on a job-by-job basis. This practice should be considered acceptable as long as the purpose is not to circumvent the intent of RCRA.

The purpose of comparison to "reasonable" performance standards as required in Section 6002(c) of RCRA is to eliminate those standards, specifications, procedures, and practices

which are overly restrictive and which unfairly discriminate, either directly or indirectly, against the use of fly ash. The use of reasonable performance standards is also intended to assure that the necessary technical performance requirements are still maintained, and that product quality is not reduced below acceptable limits.

Time-Phasing

Although the requirements of Section 6002 and the recommendations of this guideline should be implemented as quickly as possible, the Agency recognizes that problems could occur—in both the marketplace and governmental procurement systems—if implementation is pushed too rapidly. For example, the cost of fly ash suitable for use in cement and concrete could rise dramatically until the supply of suitable ash and storage capacity has a chance to increase. Construction contracts might include allowance for fly ash where it is technically inappropriate. Thus, this guideline recommends a phased-in approach to implementation.

The first year after the effective date of final publication of this guideline is reserved for specification review and revision. Beginning in the second year, procuring agencies should take affirmative action in their purchases of cement or concrete, using the recommendations of this guideline, in the manner discussed above.

A few commenters specifically supported EPA's recommended phasing-in approach. However, two commenters requested that delays be granted in implementing the guideline so that use of fly ash could be evaluated. In light of the discussions throughout this preamble regarding the technical and economic feasibility of using cement and concrete containing fly ash, EPA feels such delays would be unnecessary and counterproductive.

The Agency realizes that testing programs and the need for quality assurance are always necessary to assure the acquisition of acceptable materials. Such programs have been developed for fly ash.

Local and regional variations in the components of concrete always need to be taken into account when designing and approving concrete mixes, regardless of whether fly ash is used. EPA feels the one year implementation period is adequate for agencies to begin providing for fly ash use.

Another commenter suggested a two year implementation period, instead of one year, to allow voluntary consensus standards organizations an opportunity to react to guideline recommendations.

EPA does not agree. Based on comments received from some of the major consensus standards organizations (ASTM, ACI), their standards often allow for fly ash to be used, subject to specific approval by the design engineer. However, if procuring agencies find revisions to consensus standards necessary, the guideline recommends that agencies reflect those revisions in their guide or material specifications, or on a contract-by-contract basis.

Certification

Section 6002 of RCRA requires vendors to certify that the percentage of fly ash to be included in the cement or concrete supplied under the contract is at least the amount required by applicable specifications or other contractual requirements. Further, vendors must estimate what this percentage is. This certification requirement is to take effect after a date to be specified in the guideline.

Some commenters objected to certification of fly ash content, stating it is a meaningless paperwork burden. Other commenters suggested use of simple certification clauses or procedures normally used by industry. EPA is leaving the exact certification language and format to the discretion of procuring agencies, but has provided suggestions here.

A simple certification clause is contained in the Code of Federal Regulations, 41 CFR Part 1-1, Subpart 1-1.2504, which states:

The offeror/contractor certifies that recovered materials will be used as required by specifications referenced in the solicitation/contract.

The opinion of the Agency is that by signing the bid document/solicitation, the fly ash cement or concrete supplier is in effect agreeing to meet the fly ash content requirements. Thus, no separate form, signature, etc. is needed.

In addition to the inclusion of such a certification clause in solicitations, the supplier should certify the percentage of fly ash used. This should normally be done on a per project or per shipment basis, as opposed to certification of the average amount to be used over the course of a year, for instance. Except for technical performance purposes in concrete mix design, a procuring agency may allow the percentage to be certified within a small range, rather than requiring an exact percentage. The purpose of this flexibility is to not discourage potential suppliers who may be fearful that if an exact percentage is certified for a government contract, only that exact percentage may be supplied. Weather conditions or material

variations, for example, may require modification of the concrete mix design and therefore the fly ash content.

This certification information is likely a necessity in evaluating concrete mix designs. However, procuring agencies can also use it in evaluating future contract requirements and in maintaining a record of fly ash use. Such information should be useful to procuring agencies in fulfilling their obligations under Section 6002(g) of RCRA, which requires agencies to submit annually a report to the Office of Federal Procurement Policy on actions taken by the agency to implement Section 6002.

Quality Control

The subject of quality control was of great concern to commenters. Some commenters misconstrued EPA's recommendations and thought that EPA was proposing to relieve suppliers of cement and concrete containing fly ash from many of the standard industry quality control and quality assurance procedures. These commenters apparently thought that EPA was replacing these standard procedures by the certification requirements discussed above. This is not the case. The certification procedures for fly ash content are entirely separate in purpose and format from quality control and quality assurance procedures.

EPA emphasizes that nothing in this certification section should be construed to relieve the contractor of responsibility for providing a satisfactory product. Cement and concrete suppliers are already responsible both for the quality of the ingredients of their product and for meeting appropriate performance requirements and will continue to be under this guideline.

Some commenters on the proposed guideline stated that EPA was incorrectly attempting to shift responsibilities and liabilities from fly ash suppliers to concrete producers and builders. EPA intends that no such shift take place. Responsibilities and liabilities are assumed to be in accordance with normal industry procedures.

Some commenters felt that fly ash should be subject to the same quality control/quality assurance provisions as for cement and other materials of construction. Many commenters felt that fly ash suppliers should be required to certify the physical and chemical characteristics of their material to users. EPA generally agrees with these commenters. Because the characteristics of fly ash can vary considerably

between sources, knowledge of those characteristics is essential to assuring appropriate use of fly ash in cement and concrete. The Agency is recommending that fly ash suppliers be asked by users to provide a statement of the important characteristics of their fly ash. These characteristics are the chemistry of the material, loss on ignition (LOI), and fineness. Other characteristics should be requested as needed by the procuring agency. Further, EPA agrees with commenters who suggested that fly ash suppliers should be prepared to demonstrate the adequacy of their quality control programs, at least for new suppliers or those unfamiliar to the procuring agency.

The responsibility for insuring the quality of blended cement lies with the supplier. ASTM specification C595 specifies adequate requirements for quality control of fly ash used in blended hydraulic cements. Most blended cement manufacturers maintain quality control programs. No additional testing above that which would be required of any cement should be necessary on the part of the user/builder to insure compliance with this specification. However, the user must be conscious of any differences which may exist in the field application of blended cement containing fly ash vs. portland cement.

The responsibility for insuring the quality of fly ash to be used as an admixture in concrete is that of the fly ash supplier. Although many suppliers of fly ash have their own quality control program, commenters pointed out that ASTM specification C618 may not be sufficiently stringent to ensure all ashes which comply are really suitable for general use as mineral admixtures in concrete, particularly when chemical admixtures such as air-entraining agents are to be used. Further, there is no assurance that all ashes which comply with specifications will be suitable for all uses. Thus, unfamiliar users must acquire the necessary technical expertise if they are to use fly ash successfully.

Some commenters suggested that States approve sources of fly ash. While EPA is not specifically recommending an "approved source" approach, the Agency does believe that fly ash and concrete suppliers should be expected to demonstrate (through reasonable testing programs or previous experience) the performance and reliability of their product. The judgement of the contractor/builder must be used in evaluating:

- (1) Whether additional testing is necessary to insure the performance of the concrete, and
- (2) Whether such testing is cost effective when compared with the cost of using other materials.

Fly ash which does not satisfy at least ASTM specifications should not be used in cement or concrete on Federal construction projects.

For those agencies desiring a testing or quality assurance program for cements, blended cements, or pozzolans, the U.S. Army Engineer Waterways Experiment Station (WES), P.O. Box 631, Vicksburg, Mississippi 39180, may be contacted. WES is the agency responsible for testing such materials for Federal agencies.

Date

EPA is charged with designating a time after publication of this guideline at which certification requirements will take effect. Certification of fly ash content should be a part of any solicitation which allows or requires the use of fly ash in cement or concrete. This guideline recommends a 12-month period after the effective date for review and revision of all guide and continuing contract specifications. After this 12-month period any solicitations/contracts issued should include provisions which allow that fly ash be supplied, and thus should incorporate certification requirements.

Compliance and Monitoring

EPA expects full cooperation from all Federal agencies in implementation of this guideline. The Office of Federal Procurement Policy (OFPP) has the major responsibility for overseeing implementation of Section 6002 of RCRA. The OFPP has indicated it will direct the Defense Acquisition Regulations and Federal Procurement Regulations overseeing bodies to immediately implement the final guideline.

The OFPP is responsible for monitoring and reporting annually to Congress on the actions taken by procuring agencies in implementing Section 6002 of RCRA. Under its Policy Letter 77-1, OFPP has imposed a reporting requirement upon the procuring agencies to gather this information. EPA, in conjunction with the OFPP, will monitor the impact of this particular guideline on the procurement practices of Federal agencies and on fly ash use. Thus, agencies are encouraged to develop procedures for gathering and maintaining such information.

A few commenters urged strict and active enforcement of the guideline by EPA. Among the specific suggestions

were debarment of contractors for major certification violations, provision by EPA of technical assistance to States and other agencies in the revision of specifications and the use of fly ash, and monitoring by EPA of its own contractors and grantees.

EPA expects a high level of compliance with the guideline. If necessary, the Agency is prepared to take appropriate measures to ensure that the objectives of the guideline are met. In addition, there are other methods available to interested parties to encourage compliance with Section 6002. One of these methods is the citizen suit provision of Section 7002 of RCRA, which states:

(a) * * * any person may commence a civil action on his own behalf—(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency * * *) who is alleged to be in violation of any permit, standard, regulation, condition, requirement, or order which has become effective pursuant to this Act.

A second method which may be useful in encouraging compliance with Section 6002 is the filing of formal protests by aggrieved bidders. A bidder who is willing and able to supply a "designated" recovered material product to procuring agencies and who is precluded from bidding by failure of a procuring agency to comply with Section 6002, may be able to obtain satisfaction through this process.

Regulatory Analysis

In this and other sections, the preamble contains discussions of the elements required in a Regulatory Analysis: (1) The program objectives, (2) our consideration of regulatory alternatives, (3) a general assessment of our choices, (4) a description of potential benefits and costs and (5) the rationale for our decisions. EPA believes it is complying with the intent of Executive Order 12291 because of this and other efforts, including the preparation of a more detailed background document to support the analyses below. This document may be examined at the RCRA Public Docket Office, at the place and times listed previously in this preamble.

Effects

(1) *Economic savings.* This guideline should help the cement industry by reducing both energy costs and capital investment requirements for capacity expansions. Adding effective capacity by using fly ash to produce blended cement is a viable alternative to new kiln construction. Adding capacity with fly ash involves about ten percent of the

capital cost of a new plant (\$5-\$15 per ton added capacity using fly ash vs. \$125-\$185 per ton for a new cement plant).

The purchased energy cost associated with cement production represents one-third of the finished value of the cement—very high in relation to other building materials. At a typical blending rate of 20 percent, fly ash in cement can reduce total energy use about 15 percent. The portion of total cost represented by this energy savings—currently five percent—will grow as the cost of purchased energy increases.

For cement consumers, i.e. ready mixed concrete producers, concrete product manufacturers, and highway contractors, fly ash can reduce raw material costs. Cement prices range from \$40-\$90 per ton, while the price of fly ash suitable for use in concrete may range from about \$15-\$50 per ton. Depending on the replacement rate and relative price of the two materials, substituting fly ash can save 5 to 15 percent of the cost.

Procuring agencies may not be in a position to realize the savings described here with respect to their purchases of blended cements. Because of the pricing structure and concentrated nature of the cement industry—and the fact that a properly blended cement containing fly ash may perform as well or better than portland cement—blended cements containing fly ash (ASTM Types IP and I(PM)) are likely to be priced at the same level as ASTM Type I portland cement. However, concrete producers are able to take direct advantage of decreased raw materials cost by purchasing fly ash as a partial cement replacement. Given the greater competition among the large number of firms in these industries, bid quotations for concrete may reflect part of these savings.

(2) *Energy Conservation.* In 1976, the portland cement industry accounted for two percent of total energy used by U.S. industry. Although the cement industry has steadily reduced its energy consumption per unit of product over the past several years, the use of fly ash in producing blended cements can still save a significant amount of energy.

Seventy to eighty percent of the energy used in cement production is consumed during the pyroprocessing stage, where raw materials are subjected to intense heat and chemically react to form cementitious compounds, or clinker. The clinker is ground into the fine powder known as cement. Replacing the cement clinker with fly ash (on a one-to-one ratio by weight) reduces the amount of clinker production required per ton of finished cement. Energy savings are proportioned

to the percentage of fly ash used in the blend. Assuming a 20-percent replacement rate, the savings may range from about 13 to 19 percent of total energy used in production.

Concrete producers can save energy indirectly, on a nationalized basis, if fly ash is used as an admixture at their plant. Replacing a portion of cement with fly ash in the final product would reduce the production needed from the cement industry, and thus would reduce energy consumption. Each ton of cement replaced would save approximately 5,750,000 BTU's of energy.

One commenter pointed out that the energy savings presented here are not totally achievable for new cement plants which have been designed to take advantage of energy conserving technologies. While this statement is true when considering BTU's, the percentage energy savings are nevertheless achievable by bypassing the pyroprocessing stage, regardless of the efficiency of the plant involved.

Another commenter claimed that increased energy consumption would take place in the precast and prestressed concrete industry, due to the higher temperatures needed to achieve equivalent early strengths when using fly ash. Since the use of fly ash is considered to be at the manufacturer's option under this guideline, EPA feels that if increased energy consumption is prohibitive for precast and prestressed manufacturers, concrete containing fly ash will not be utilized.

(3) *Environmental Issues.* (a) *Benefits.* The use of fly ash in cement and concrete will have a positive effect on the environment, reducing pollution of the land, air, and water. It will do this by reducing: (1) The quantities of fly ash requiring disposal, (2) the mining and processing of raw materials used in cement production, and (3) the cement plant emissions per ton of blended cement produced or per ton of cement replaced with fly ash.

If current usage rates continue, by 1985 60-65 million tons of fly ash annually will require disposal. Approximately 10-20 million tons of this fly ash are estimated to be suitable for use in concrete. This guideline can affect the practices of collecting fly ash, especially from new sources, and can reduce the quantities which require ultimate disposal. Thus, the use of fly ash in cement and concrete will provide a more environmentally acceptable way to manage these substances than would otherwise be available.

Current practices for cement manufacturing, and current disposal practices for fly ash, can have a negative effect on air quality (increased

dust), water quality (surface and groundwater contamination), land use, noise, and aesthetic value. The use of fly ash in cement and concrete can reduce these effects in several ways. For example, it would reduce the need for such raw materials as limestone and clay, whose mining and processing can harm the environment through the creation of increased dust, erosion, runoff, and noise, disturbance of natural habitats, and degradation of potential land use. Use of fly ash reduces the potential for leaching of trace heavy metals, which could occur as a result of indiscriminate fly ash disposal.

Requiring less cement for the same quantity of "cementitious" end product may reduce the amount of cement kiln dust which requires disposal (currently 6-8 million tons per year). The disposal of cement kiln dust can have the same harmful effects (i.e., air quality, water quality, land use, aesthetic value, etc.) as the disposal practices of fly ash. In addition, using fly ash to increase the capacity of a cement plant would most likely reduce the need for air pollution control since it would not require the air pollution control associated with new kiln construction. This approach to expanding capacity may be especially attractive in "nonattainment" areas, where new kiln construction is effectively precluded.

(b) *Impact of RCRA, Subtitle C.* In May 1980, EPA promulgated regulations for the control of hazardous waste pursuant to Subtitle C of RCRA. In the Solid Waste Disposal Act Amendments of 1980, Congress directed EPA not to regulate fly ash as a hazardous waste until such time as EPA investigates the environmental hazards, if any, posed by fly ash disposal. Findings to date indicate that little, if any, fly ash exhibits characteristics defined as hazardous in the Federal regulations. Therefore, Subtitle C regulations will have no significant impact on the use of fly ash in cement and concrete.

A few commenters suggested that EPA limit the use of fly ash in concrete, restricting its use in potable water sources or in storage areas for food. The rationale given for these suggestions was the potential for leaching of trace metal elements out of the fly ash. The commenters provided no documentation as to the likelihood or extent of leaching when fly ash is used in concrete.

While it is true that fly ash contains trace amounts of certain elements, which can be toxic in larger concentrations, it is unlikely that fly ash as used in concrete would exhibit leaching characteristics. First, the permeability of concrete containing fly

ash is negligible compared to the permeability of fly ash as typically disposed. This reduced permeability prevents water or other liquids from penetrating concrete and providing a leaching medium through which contaminants could travel.

Second, when used in concrete, fly ash becomes an integral part of the final product. The surface area of individual fly ash particles, from which leaching of trace constituents takes place, is so greatly reduced in this application as to be almost nonexistent. It is not possible through conducting leaching tests of raw fly ash to estimate the leaching, if any, which would take place in a concrete containing fly ash. Thus, the commenter's suggestion that dams and pipes not be constructed using fly ash appears to have no technical basis.

(c) *Radioactivity Issues.* At the same time as original proposal of the hazardous waste regulations (December 18, 1978), EPA issued an advance notice of proposed rulemaking that it was considering establishing 5 picocuries per gram (pCi/g) of radium-226 as a criterion for listing wastes as hazardous. The notice also requested comment on other criteria which might tend to affect the radiation hazard. Among these is the emanation rate of radon from the waste. The Agency has, at this date, taken no further action on this proposed rulemaking to establish general criteria for hazardous radioactivity levels in wastes.

Where resource recovery is practiced, an important consideration in assessing the hazard is the proposed use of the waste material. While some proportion of fly ash generated in the U.S. has more than 5 pCi/g of radium-226, the physical structure of fly ash is such that its contribution to radiation exposure is probably less than that of most normal constituents of concrete which generally fall below this level. This is explained below.

A few commenters expressed concern to EPA that fly ash used in the construction of habitable structures could pose a threat to public health due to radioactivity. The source of the radiation threat is due to radium-226, a radioactive isotope which occurs naturally in soil, sand, and mineral deposits as well as in fly ash. The radium-226 content of soil generally ranges from .2 to 3 pCi/g. Limited measurements of radioactivity in cement show that the radium-226 content of cement can be as high as 5 pCi/g, but typically averages close to 1 pCi/g. Limited measurements of fly ash presently generated in the U.S. show a radium-226 content ranging from 1 to 8

pCi/g with an average of roughly 4 pCi/g.

There are two pathways of radiation exposure from radium-226 in building materials. The pathway of primary concern is from inhalation of radon-222 and its short-lived decay products. Radon-222, an inert gas with a radioactive half-life of 3.8 days, is the first generation decay product of radium-226. Because it is an inert gas, it can readily migrate from the building material into the indoor air of a home. Although the rate at which radon is created within a building material is proportional to its radium content, the intrinsic structure of the material may, in some cases, prevent most of the radon from escaping. When air containing radon and its radioactive decay products is breathed for long periods of time, a person's risk of lung cancer is increased.

Gamma radiation from radium-226 and its decay products is the other exposure pathway. The amount of gamma radiation emission from a building material is proportional to its radium content, but the total exposure a person receives will also depend on other factors such as shielding, distance from the material, and exposure time. Exposure to gamma radiation results in an increased risk of many types of cancer.

When fly ash is used as a partial cement replacement in concrete, the fly ash content of the final concrete product is between 2 and 3 percent (assuming a 15 to 25 percent cement replacement rate and an 8 to 1 ratio of aggregate and water to cementitious material). Since the average radium-226 content of fly ash exceeds that of cement by a few pCi/g, the use of fly ash as a cement replacement in habitable structures will, on the average, result in a slight increase in the gamma radiation exposure to people (less than a milliroentgen per year). However, in some instances, where fly ash with a lower than average radium content replaces a cement with a higher than average radium content, the result would be less gamma radiation exposure.

The use of fly ash as a cement replacement will also affect the quantity of radon emitted by the building material. Although the rate at which radon is created is directly proportional to the radium content, other factors may inhibit radon emanation from a material. Because fly ash is produced at high temperatures, it has a glassy structure which keeps most of the radon from escaping. The fraction of radon which escapes from fly ash (emanation

fraction) has been measured at no more than a few percent. In contrast, typical soil and soil like materials tend to have an emanation fraction in the neighborhood of 20 percent. Thus, although fly ash, on the average, has a greater radium content than the cement it replaces, the use of fly ash as a partial cement replacement is likely to reduce the radon gas contribution of the final concrete product.

During the proposal period for this guideline, EPA has been investigating this issue more thoroughly. Tests recently conducted for EPA substantiate the conclusions above, i.e., that the radon emanation rate of fly ash in its raw state and as used in concrete is only a few percent compared to the absolute radium concentration. Thus, while fly ash use in cement would, on the average, result in a small increase in gamma radiation exposure, this small increase in gamma exposure is likely to be offset by a decreased radon exposure. In light of this, EPA believes that the use of typically-occurring fly ash in concrete does not constitute a significantly different radiation risk than the risk from the cement it replaces, and neither of these is significantly different from the radiation risk posed by common soil.

Institutional Issues

In spite of proven technical performance and favorable economics, the use of fly ash in cement and concrete has had only limited acceptance. This can be attributed in part to potential consumers' unfamiliarity with fly ash, and their reluctance to aggressively investigate or readily accept new materials where an existing product—in this case portland cement—has traditionally been accepted. In some cases there may be outright discrimination against this use of fly ash, because of attitudes, personalities of individuals involved, and political and economic pressures. Several commenters stated that this Federal procurement guideline is necessary to overcome the lethargy of specifying engineers, inertia of the construction industry, unfair competition from vested interests, and resistance to use by some factions of State highway departments and the Federal Highway Administration.

It is difficult to obtain quick approval for a new product or material specification in the construction field, given the requirements for experimentation, demonstration, field evaluation and finally specifications changes. However, it should be recognized that fly ash has already gone

through these steps. There are established specifications and standards for the testing and use of this material. Sources of ash must be acceptable and EPA emphasizes that only ash which meets established specifications should be used. However, a procuring agency need not "reinvent the wheel" by requiring extensive and expensive reevaluation of the basic feasibility which has already been proven. This applies to all government agencies, but especially to state and local entities, which use such instruments as building codes to regulate construction activities.

Design engineers generally have the final say on the materials to be specified for a particular construction job. Typically, until a majority of peer engineers accept a "new" material there is reluctance to use it. However, an engineer can meet his or her responsibility for the performance of a structure by conducting a thorough review of the concrete mix design before placing the concrete, and assure that the materials and mix design meet, as a minimum, ASTM, Federal, and/or American Concrete Institute specifications. The intent of this guideline is to help overcome certain of these "institutional" barriers which may have no adequate foundation, while maintaining satisfactory product quality.

Resource Requirements

The cost to procuring agencies of compliance with this guideline will be minimal. The price of cement and concrete containing fly ash should be less than or equal to the price of portland cement and concrete. The start-up costs of revising specifications and assimilating fly ash into the procurement system should be relatively minor but are not readily measurable.

The Office of Federal Procurement Policy (OFPP) is responsible for submitting an annual report to Congress on actions taken by Federal agencies and the progress made in implementation of the resource recovery policy of Section 6002. As a result, OFPP already requires an annual report from each Federal agency on actions taken in the implementation of Section 6002. By working closely with OFPP, information relevant to the implementation of this guideline can be obtained. The costs to OFPP and EPA of implementing this guideline are expected to be relatively minor.

EPA's efforts during the first year following promulgation of the final guideline will focus on explaining the guideline provisions to interested persons and responding to inquiries regarding implementation of the guideline. The Agency urges individuals

with an interest in seeing the guideline implemented to deal directly with those persons responsible for compliance with Section 6002, i.e., procuring agencies, and ultimately with architects, engineers, etc.

Public Participation

Prior to proposal, an interagency work group, including representatives from most of the Federal agencies which will be directly affected by this guideline, assisted in development of the proposed guideline. In addition, a draft of the proposed guideline package, including a summary development plan, preamble, rule, and background documents was circulated to well over 200 interested persons for comment. Public participation regarding formal proposal and comments on the proposed guideline was presented at the beginning of the section of this preamble entitled "SUPPLEMENTARY INFORMATION."

Compliance With Executive Order

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This guideline is not major because it is not likely to 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.

This guideline recommends that procuring agencies include provisions in construction contracts which specifically allow for fly ash to be used, with the contractor retaining the option to use fly ash. Typically, fly ash is currently precluded from use on construction projects unless it is specifically called for in the contract specifications. As discussed in other sections of the preamble, particularly "Regulatory Analysis," this guideline should not adversely affect competition. With the approach that fly ash be allowed into the bidding system as an alternate material, competition and business opportunities are increased by allowing persons who are willing and able to use fly ash to bid on contracts, while still allowing suppliers of conventional portland cement and concrete to compete.

With regard to costs, this guideline should help the cement industry by reducing both energy costs and capital investment requirements for capacity expansions, through the blending of fly ash with cement. For cement consumers, i.e., ready-mixed concrete producers, concrete product manufacturers, and highway contractors, use of fly ash can reduce raw material costs, as fly ash is generally priced less than the cement it replaces, although savings will vary. On a micro-scale, however, individual companies may be placed in the position of losing bids to competitors who choose to use fly ash, and who bid lower.

EPA has prepared a detailed background document supporting the above analysis. This document may be examined at the RCRA Public Docket Office, at the place and times listed above.

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

Dated: January 21, 1983.

Anne M. Gorsuch,
Administrator.

List of Subjects in 40 CFR Part 249

Resource recovery, Recycling, Fly ash, Procurement.

Title 40 CFR is amended by adding a new Part 249 reading as follows:

PART 249—GUIDELINE FOR FEDERAL PROCUREMENT OF CEMENT AND CONCRETE CONTAINING FLY ASH

Subpart A—Purpose, Applicability, and Definitions

Sec.

- 249.01 Purpose.
- 249.02 Designation.
- 249.03 Applicability.
- 249.04 Definitions.

Subpart B—Specifications

- 249.10 Recommendations for guide specifications.
- 249.11 Recommendations for contract specifications.
- 249.12 Recommendations for material specifications.
- 249.13 Recommendations for fly ash content and mix design.
- 249.14 Recommendations for performance standards.

Subpart C—Purchasing

- 249.20 Recommendations for bidding approach.
- 249.21 Recommendations for reasonable price.
- 249.22 Recommendations for reasonable competition.
- 249.23 Reasonable availability.
- 249.24 Recommendations for time-phasing.

Subpart D—Certification**Sec.**

- 249.30 Recommendations for measurement.
 249.31 Recommendations for documentation.
 249.32 Quality control.
 249.33 Date recommendations.

Authority: 42 U.S.C. 6962.

Subpart A—Purpose, Applicability and Definitions**§ 249.01 Purpose.**

(a) The purpose of the guideline is to assist procuring agencies in the procurement of cement and concrete which contain fly ash, in accordance with Section 6002(e) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended ("RCRA" or "Act") (42 U.S.C. 6962).

(b) This guideline contains recommendations for implementing Section 6002 requirements, including revision of specifications, purchasing, phasing-in of requirements, and certification procedures. The Agency believes its recommendations provide a flexible approach to meeting the statutory requirements, while still maintaining the intent of RCRA. The Agency is of the opinion that adherence to the guideline constitutes compliance with the statute.

§ 249.02 Designation.

Cement and concrete, including concrete products such as pipe and block, containing fly ash is hereby designated by EPA as a product area for which affirmative procurement actions are required on the part of procuring agencies, under the requirements of Section 6002 of RCRA.

§ 249.03 Applicability.

(a) This guideline applies to all procuring agencies and to all procurement actions involving cement or concrete where the procuring agency purchases, in total, \$10,000 or more worth of cement or concrete during the course of a fiscal year, or where the quantity of such items purchased during the preceding fiscal year was \$10,000 or more. EPA leaves the precise method of calculating or estimating the applicability of this provision to specific construction activities of a procuring agency at the discretion of that agency.

(b) Procurement actions covered by this guideline include all purchases for cement or concrete made directly by a procuring agency or by any person directly in support of work being performed for a procuring agency, as in the case of general construction contractors and/or subcontractors.

(c) Such procurement actions also include any purchases of cement or

concrete made "indirectly" by a procuring agency, as in the case of purchases resulting from grants, loans, funds, and similar forms of disbursements of monies which the procuring agency intended to be used for construction.

(d) The guideline does not apply to purchases of cement and concrete which are unrelated to or incidental to Federal funding, i.e., not the direct result of a contract, grant, loan, funds disbursement, or agreement with a procuring agency.

§ 249.04 Definitions.

As used in this guideline:

(a) "Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.

(b) "Construction" means the erection or building of new structures, or the replacement, expansion, remodeling, alteration, modernization, or extension of existing structures. It includes the engineering and architectural surveys, designs, plans, working drawings, specifications, and other actions necessary to complete the project.

(c) "Contract specifications" means the set of specifications prepared for an individual construction project, which contains design, performance, and material requirements for that project.

(d) "Federal agency" means any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office (Pub. L. 94-580, 90 Stat. 2799, 42 U.S.C. 6903).

(e) "Fly ash" means the component of coal which results from the combustion of coal, and is the finely divided mineral residue which is typically collected from boiler stack gases by electrostatic precipitator or mechanical collection devices.

(f) "Guide specification" means a general specification—often referred to as a design standard or design guideline—which is a model standard and is suggested or required for use in the design of all of the construction projects of an agency.

(g) "Implementation" means putting a plan into practice by carrying out planned activities, or ensuring that these activities are carried out.

(h) "Material specification" means a specification that stipulates the use of certain materials to meet the necessary performance requirements.

(i) "Person" means an individual, trust, firm, joint stock company, Federal

agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

(j) "Procurement item" means any device, goods, substance, material, product, or other item whether real or personal property which is the subject of any purchase, barter, or other exchange made to procure such item (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(k) "Procuring agency" means any Federal agency, or any State agency or agency of a political subdivision of a State which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(l) "Recovered material" means waste material and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903, as amended by Pub. L. 96-482).

(m) "Specification" means a clear and accurate description of the technical requirement for materials, products, or services, which specifies the minimum requirement for quality and construction of materials and equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references.

Subpart B—Specifications**§ 249.10 Recommendations for guide specifications.**

(a) Each procuring agency should assure that its guide specifications do not unfairly discriminate against the use of fly ash in cement and concrete. Each procuring agency should:

(1) Revise specifications, standards, or procedures which currently require that cement and concrete contain virgin materials to eliminate this restriction.

(2) Revise specifications, standards, or procedures which prohibit using recovered materials (particularly fly ash) in cement and concrete to eliminate this restriction.

(b) Guide specifications should require that contract specifications for individual construction projects or products allow for the use of fly ash, unless fly ash use is technically

inappropriate for a particular construction application.

(c) Referenced specifications which are maintained by national organizations, such as the American Association of State Highway and Transportation Officials (AASHTO), the American Concrete Institute (ACI), and the American Society for Testing and Materials (ASTM) should be reviewed and modified, if necessary, to remove any discrimination against the use of fly ash in cement and concrete.

(d) Guide specifications should be revised, if necessary, within six months after the effective date of this guideline, to incorporate the recommendations of paragraphs (a) through (c) of this section.

§ 249.11 Recommendations for contract specifications.

(a) Each procuring agency which prepares or reviews "contract" specifications for individual construction projects should revise those specifications to allow the use of cement and concrete which contain fly ash as an optional or alternate material for the project in accordance with § 249.20, except as noted in paragraph (b) of this section.

(b)(1) Notwithstanding the above, procuring agencies should not revise contract specifications to allow the use of fly ash if it can be determined that, for a particular project or application, reasonable performance requirements for the cement or concrete will not be met, or that the use of fly ash would be inappropriate for technical reasons.

(2) The determination under this paragraph should be documented by the procuring agency, design engineer/architect, or other responsible person, based on specific technical performance information. Legitimate documentation of technical infeasibility for fly ash can be for certain classes of applications, rather than on a job-by-job basis. Agencies should reference such documentation in individual contract specifications, to avoid extensive repetition of previously documented points. However, procuring agencies should be prepared to submit such documentation to scrutiny by interested persons, and should have a review process available in the event of disagreements.

(c) Each procuring agency should assure that contract specifications reflect the provisions of paragraphs (a) and (b) of this section by reviewing the contract specifications for any individual construction project before awarding the contract. Procuring agencies are reminded that the statutory requirements apply to projects which

are contracted for directly, as well as those projects directly performed under the provisions of grants, loans, funds or similar forms of disbursement.

(d) All contract specifications issued after one year from the effective date of this guideline should meet the provisions of this section.

§ 249.12 Recommendations for material specifications.

(a) Each procuring agency should make maximum use of existing voluntary consensus standards and Federal material specifications for cement and concrete which contain fly ash. These are:

(1) Cement.

(i) ANSI/ASTM C595—"Standard Specification for Blended Hydraulic Cements."

(ii) Fed. Spec. SS-C-1960/4B—"Cement, Hydraulic, Blended."

(iii) ANSI/ASTM C150—"Standard Specification for Portland Cement" and Fed. Spec. SS-C-1960/Gen. are appropriate specifications when fly ash is used as a raw material in the production of cement.

(2) Concrete.

(i) ANSI/ASTM C618—"Standard Specification for Fly Ash and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Portland Cement Concrete."

(ii) Fed. Spec. SS-C-1960/5A—"Pozzolan, For Use in Portland Cement Concrete."

(iii) ANSI/ASTM C311—"Standard Methods of Sampling and Testing Fly Ash and Natural Pozzolans for use as a Mineral Admixture in Portland Cement Concrete."

(b) Only fly ash which, as a minimum, meets ASTM standards should be used, unless a procuring agency has developed sufficient expertise to use non-specification fly ash for particular applications.

§ 249.13 Recommendations for fly ash content and mix design.

(a) This guideline does not specify a minimum or maximum level of fly ash content for any uses, due to variations in fly ash, cement, strength requirements, costs, construction practices, etc. However, replacement rates of fly ash for cement in the production of blended cement generally do not exceed 20% to 30%, although fly ash blended cements may range from 0%-40% fly ash by weight, according to ASTM C595, for cement Types IP and I(PM). Fifteen percent is a more accepted rate when fly ash is used as a partial cement replacement as an admixture in concrete.

(b) Information on fly ash and concrete mix design is contained in the "References" section of this guideline. These sources should be consulted in the design and evaluation of the proper mix ratio for a specific project. In general, the concrete mix is adjusted by adding fly ash, while decreasing cement, water, and fine aggregate. The fly ash should be checked for compliance with applicable ASTM standards/Federal specifications, and trial mixes should be made to verify compliance of such mixes with specified quality parameters as is typically done for portland cement concrete.

(c) Concrete mix design specifications which specify minimum cement content or maximum water:cement ratios could potentially unfairly discriminate against the use of fly ash. Such specifications should be changed in order to allow the partial substitution of fly ash for cement in the concrete mixture, unless technically inappropriate. Minimum cement contents and maximum water:cement ratios may be retained, as long as they reflect the cementitious characteristics which fly ash can impart to a concrete mixture, e.g., by considering portland cement *plus* fly ash as the total cementitious component.

§ 249.14 Recommendations for performance standards.

(a) Each procuring agency should review and, if necessary, revise performance standards relating to cement or concrete construction projects to insure that they do not arbitrarily restrict the use of fly ash, either intentionally or inadvertently, unless this restriction is justified on a case-by-case basis, as allowed for in § 249.11(b).

Subpart C—Purchasing

§ 249.20 Recommendations for bidding approach.

(a) EPA recommends that a procuring agency specifically include provisions in all construction contracts to allow for the use, as an optional or alternate material, of cement or concrete which contains fly ash, except as provided for in § 249.11(b).

(b) Agencies should adopt appropriate bidding approaches to comply with paragraph (a) of this section. While EPA allows flexibility to procuring agencies in this regard, alternatives which should be considered in adhering to paragraph (a) include:

(1)(i) Revision of contract or guide specifications, as discussed in §§ 249.10 and 249.11, such that portland cement or concrete and cement or concrete containing fly ash are both considered acceptable materials for the particular

construction job. Such an approach allows a contractor to secure award of a contract based on normal bid evaluation procedures. At a later time, the contractor can exercise the option to use or not to use fly ash, subject to normal quality assurance procedures and review and approval of mix designs, materials, etc. by the procuring agency/project engineer.

(ii) This bidding approach may be most useful in procurements where cement or concrete is not the sole material purchased, e.g., as in the case of a solicitation covering all phases of construction of an office building. Under this approach, procuring agencies should put offerors on notice that a specification change has taken place and that they should actively seek out suppliers of cement or concrete containing fly ash.

(2)(i) Solicitation of alternate bids, allowing separate price quotations for either portland cement concrete or concrete containing fly ash. Under this approach, award is made to the successful bidder (typically lowest priced responsible offeror) for either one or the other of the materials. However, the successful bidder can later revise the selection of materials planned for use, for example, due to technical reasons or material availability, subject to approval of the procuring agency/project engineer.

(ii) This bidding approach may be most useful in procurements where the procuring agency is purchasing cement or concrete separately from other phases of a construction project, thus enabling the agency to evaluate bids for cement or concrete individually and to deal directly with potential suppliers.

(c) Regardless of the method of solicitation used, award should be made in accordance with an agency's customary award procedures, typically to the lowest priced responsible bidder, regardless of whether fly ash is used. In the event that two or more low bids are received which offer different levels of fly ash content, award should be made in accordance with an agency's customary award procedures, typically to the lowest priced responsible offeror. In the case of identical low bids, award should be made to the offeror with the higher level of fly ash content, all other factors being equal.

§ 249.21 Recommendations for reasonable price.

(a) Procuring agencies should use general procedures, such as those contained in the Federal Procurement Regulations, in determining whether the prices offered are reasonable. This

determination should consider the objectives of Section 6002 of RCRA.

(b) Techniques of price analysis (not cost analysis) should be used, as appropriate. (Price analysis is the process of examining and evaluating a prospective price without evaluating the separate cost elements and proposed profit of the individual prospective supplier.) Price analysis may be done in various ways, including:

(1) Comparison of the price quotations submitted.

(2) Comparison of prior quotations and contract prices with current quotations for the same or similar end items, making appropriate allowances for any differences in quantities, delivery time, inflation, etc.

(3) Comparison of prices set forth in published price lists or catalogs.

Cost analysis may be necessary where there is no history or published information upon which to base price analysis.

§ 249.22 Recommendations for reasonable competition.

(a) Procuring agencies can assume that there is reasonable competition if there is adequate price competition.

(b) Adequate price competition is usually presumed to exist if:

- (1) At least two responsible offerors,
- (2) who can satisfy the purchaser's (e.g., the Government's) requirements,
- (3) independently compete for a contract to be awarded,
- (4) by submitting priced offers responsive to the expressed requirements of a solicitation.

In addition, the reasonableness of prices is a factor which should be evaluated in accordance with § 249.21.

§ 249.23 Reasonable availability.

Procuring agencies should consider cement or concrete which contains fly ash to be reasonably available if it can be delivered in time to successfully perform the job, or if there are no unusual or unnecessary delays expected in its delivery compared to those for portland cement or concrete.

§ 249.24 Recommendations for time-phasing.

In order to minimize any adverse effects on the marketplace or on the procuring agency in implementing this guideline, the Agency recommends that not later than the beginning of the second year after the effective date of the guideline, all contracts should solicit bids which specifically allow for the use of fly ash, in accordance with the provisions of § 249.11 and §§ 249.20-249.23.

Subpart D—Certification

§ 249.30 Recommendations for measurement.

(a) The procuring agency should require the supplier to:

(1) Certify that the percentage of fly ash to be included in the cement or concrete supplied under the contract is in accordance with the amount required by specifications referenced in the solicitation or contract.

(2) Estimate the percentage of fly ash which will be used in a particular mix design, as well as the quantity of fly ash to be supplied under the contract.

(b) Measurement of fly ash content should be made in accordance with standard industry practice, normally on a weight basis, and stated as a percentage of the weight of total cementitious material: $(\text{fly ash weight} / (\text{fly ash weight} + \text{cement weight})) = \%$. This will often be a reflection of either a typical cubic yard of concrete or ton of cement.

§ 249.31 Recommendations for documentation.

(a) The supplier's certification of fly ash content should not require separate reporting forms, but should make use of existing mechanisms, such as a statement contained in a signed bid document or a mix design proposal.

(b) In cases where the purchase of cement or concrete is not under the direct control of the procuring agency, as in the case of certain indirect purchases, the fly ash content of the cement or concrete purchased and quantity of fly ash used should be made available to the procuring agency.

§ 249.32 Quality control.

(a) Nothing in this guideline should be construed to relieve the contractor of responsibility for providing a satisfactory product. The certification procedures discussed in §§ 249.30 and 249.31 are intended to satisfy the certification requirements of Section 6002, and are entirely separate in purpose and format from standard industry quality control and quality assurance procedures. Cement and concrete suppliers are already responsible both for the quality of the ingredients of their product and for meeting appropriate performance requirements, and will continue to be under this guideline. This guideline does not attempt to shift normal industry procedures for assigning responsibility and liability.

(b)(1) Procuring agencies should expect suppliers of blended cement, fly ash, and concrete to demonstrate

(through reasonable testing programs or previous experience) the performance and reliability of their product and the adequacy of their quality control programs. However, procuring agencies should not subject cement and concrete containing fly ash to any unreasonable testing requirements.

(2) In accordance with standard industry practice, fly ash suppliers should be required to provide to users a statement of the key characteristics of fly ash supplied. These characteristics include its chemical constituents, loss on ignition (LOI), and fineness of the matter. These characteristics may be stated in appropriate ranges. Other characteristics should be requested as needed by the procuring agency.

(c) Agencies desiring a testing or quality assurance program for cements, blended cements, or fly ash should contact the U.S. Army Engineer Waterways Experiment Station, P.O. Box 631, Vicksburg, Mississippi 39180.

§ 249.33 Date recommendations.

Certification of fly ash content should occur at the time of purchase of cement and concrete in accordance with the

phasing-in recommendations in § 249.24 and §§ 249.30-249.32.

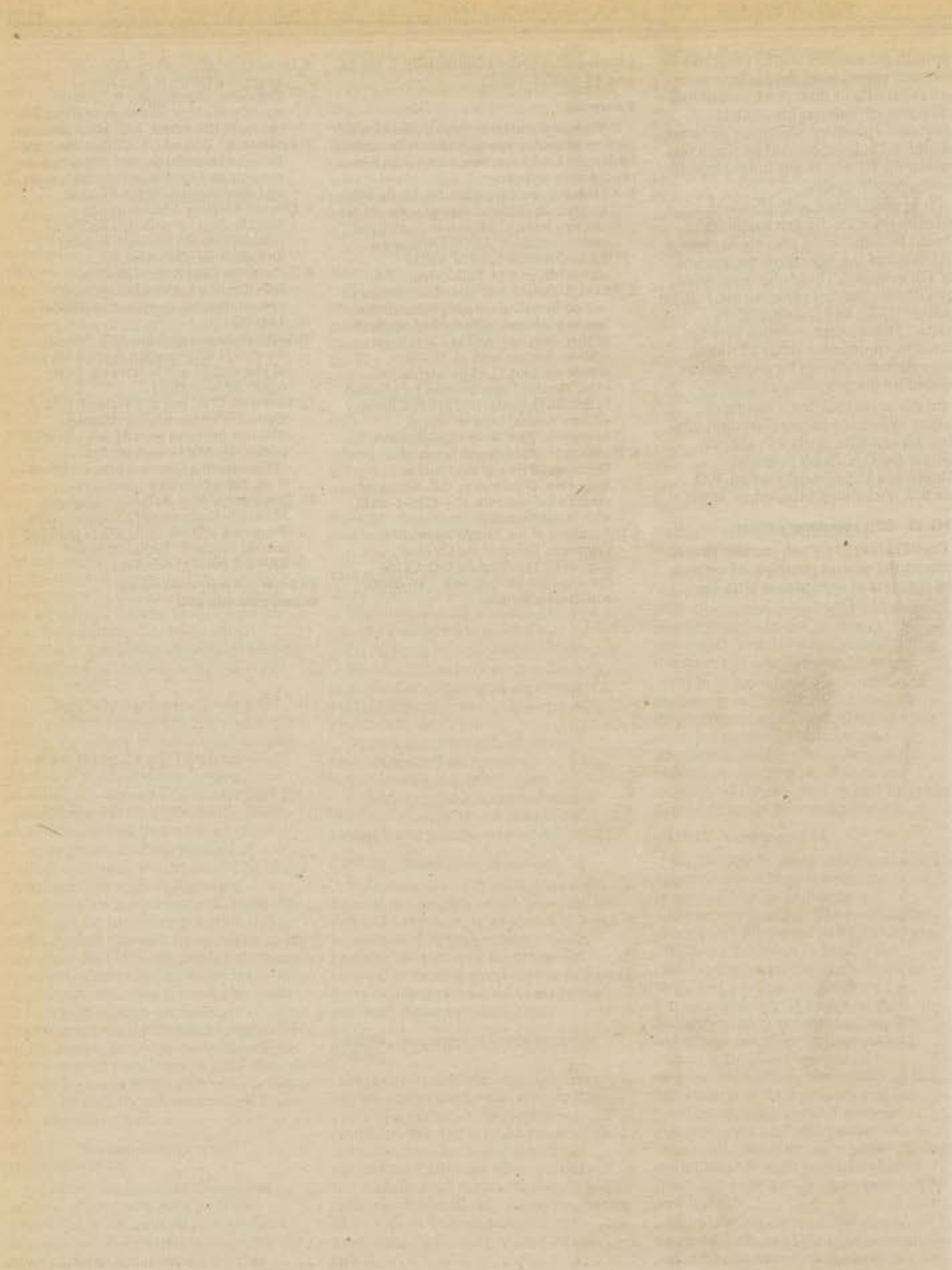
References

EPA recommends that these documents be used by procuring agencies and those persons wishing to familiarize themselves with issues related to fly ash use.

1. ASTM. Standard specification for fly ash and raw or calcined natural pozzolan for use as a mineral admixture in portland cement concrete. ASTM C618, latest edition. Annual book of ASTM standards, part 14. Philadelphia, PA.
2. ASTM. Standard methods of sampling and testing fly ash or natural pozzolans for use as a mineral admixture in portland cement concrete. ASTM C311, latest edition. Annual book of ASTM standards, part 14. Philadelphia, PA.
3. ASTM. Standard specification for blended hydraulic cements. ASTM C595, latest edition. Annual book of ASTM Standards, part 14. Philadelphia, PA.
4. Department of the Army, Corps of Engineers, Office of the Chief of Engineers, Washington, D.C. Standard practice for concrete. EM-1110-2-2000, with latest changes.
5. Department of the Army, Corps of Engineers, Office of the Chief of Engineers, Washington, D.C. Guide Specification for concrete. CW-03305, with latest changes.
6. Department of the Army, Corps of Engineers, Office of the Chief of Engineers, Washington, D.C. Guide Specification for cast-in-place structural concrete. CW-03301, with latest changes.
7. Frohnsdorff, G., and J. R. Clifton. National Bureau of Standards. 1981. Fly ashes in cements and concretes: technical needs and opportunities NBSIR 81-2239.
8. General Services Administration. Specification for pozzolan for use in portland cement concrete. Federal Specification SS-C-1960/5A.
9. General Services Administration. Specification for blended hydraulic cement. Federal specification SS-C-1960/4B.
10. Gordian Associates, Inc. 1978. Potential for energy conservation through the use of slag and fly ash in concrete. DOE report SAN-1699-T1.
11. Lovewell, C. E., and E. J. Hyland. 1974. A method of proportioning structural concrete mixtures with fly ash and other pozzolans. ACI Committee 211, "Proportioning Concrete Mixes," SP-46-8: pp. 109-140 (with 9 references).
12. Tennessee Valley Authority; Singleton Materials Engineering Laboratory. 1979. Properties and use of fly ash in portland cement concrete. Technical report CR-78-2 (with 11 references).

(FR Doc. 83-2335 Filed 1-27-83; 8:45 am)

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Friday
January 28, 1983

Part V

Commodity Futures Trading Commission

Contract Market Rule Review Procedures;
Interim Rule

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Emergency Interim Rules; Contract Market Rule Review Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Interim rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is adopting emergency interim regulations to govern the submission of contract market rules pursuant to section 5a(12) of the Commodity Exchange Act ("Act"). These amendments are intended to implement the new rule review procedures mandated by the Futures Trading Act of 1982. Specifically, the Commission is revising its regulations to define "terms and conditions in contracts of sale" which must be submitted to the Commission for approval, to define "terms and conditions in contracts of sale" which must be submitted to the Commission for approval, to define those types of rules which are exempt from submission pursuant to section 5a(12) of the Act, to delegate to the Division of Trading and Markets ("Division") the authority to determine when submissions which do not relate to "terms and conditions" do not require Commission review, and to delegate to the Division the authority to remit submissions which do not meet the form and content requirements set forth in Commission regulations. The Commission is also adopting certain conforming amendments so that its regulations will better correspond to the language of section 5a(12) as amended.

DATES: Interim rules are effective January 28, 1983 comments must be received on or before March 29, 1983.

ADDRESS: Interested persons should submit comments to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 Attention: Secretariat. Refer to: Emergency Interim Rules; Contract Market Rule Review Procedures.

FOR FURTHER INFORMATION CONTACT: Karen Matteson or Robert Rosenfeld, Attorney Advisors, Division of Trading and Markets, at the above address. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

On January 11, 1983, President Reagan signed Pub. L. No. 97-444, the Futures Trading Act of 1982 ("1982 Act"), which reauthorizes the Commodity Futures Trading Commission ("Commission") and amends certain sections of the

Commodity Exchange Act ("Act"). Section 5a(12) of the Act is one of the sections which has been amended. As amended, section 5a(12)¹ requires that a contract market submit to the Commission for its prior approval:

" * * all bylaws, rules, regulations, and resolutions ("rules") made or issued by such contract market * * * that relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market, as such terms and conditions are defined by the Commission by rule or regulation. (Emphasis supplied) "

Under the amendments, all other contract market rules (except those rules relating to the setting of levels of futures margin and those rules specifically exempted by the Commission by regulation) must be submitted to the Commission. Such rules, however, may be made effective by the contract market ten days after Commission receipt of the rules unless, within the ten day period, the contract market requests Commission review or the Commission notifies the contract market in writing of its determination to review such rules for approval. The Commission's determination to review any such rule for approval cannot be delegated.

The Commission has not previously defined the words "terms and conditions" as used in section 5a(12) by rule or regulation, although the Commission previously has interpreted these same words in connection with contract market designations and in its administration of the prior version of section 5a(12). Absent a definition, the Commission could use a definition of "terms and conditions" which reflected the plain meaning of those words and resulted in an expansive view of their prior meaning. Under this alternative, the Commission could read the requirement to define "terms and conditions" as a mandate to mirror such expansive view. In addition, the Commission is concerned that without a definition of these words, the amendments to section 5a(12) might be misread to permit contract markets to make all proposed rules submitted to the Commission effective ten days after Commission receipt unless the Commission determines that it will review such rules for approval and so notifies the contract market in writing. To assure that Commission procedures

are consistent with the public interest and with the intent of the revisions to section 5a(12); and to assure that there is no confusion prior to the adoption of new, fully refined section 5a(12) procedures which could unduly delay or complicate the processing of contract market rule changes or new rules; the Commission is promulgating, on an emergency basis, an interim regulation which sets forth what the Commission historically has viewed as "terms and conditions" and believes would be commonly understood to be "terms and conditions." The Commission also is requesting public comment on whether a broader or more narrow definition may be appropriate and on how best to articulate the scope of such definition.

In addition, the Commission is delegating to the Director of the Division of Trading and Markets the authority to determine those instances in which rules not relating to terms and conditions do not require Commission review and may become effective upon receipt by the exchange of notice of the Division's determination. The purpose of the delegation is to further facilitate the implementation of certain rules which are determined not to raise significant issues under the Act or the Commission's regulations. The Division is authorized under the delegation to make such determinations of non-review prior to expiration of the ten-day period after Commission receipt of the subject submission and thereby permit such rules to become effective more expeditiously than by the passive operation of section 5a(12). The Commission does not believe that this procedure is inconsistent with the limitation on the ability of the Commission to delegate authority for determinations to require affirmative approval of rules before they may be made effective.²

The Commission is also setting forth in an interim amendment to § 1.41(d) those types of rules which are exempt from submission pursuant to section 5a(12). These rules may be placed into effect immediately by the exchanges, without submission to the Commission under section 5a(12). Nevertheless, such rules must be submitted to the Commission pursuant to section 5a(1) of the Act, in order that the Commission

¹ Futures Trading Act of 1982, Pub. L. No. 97-444, section 216(2) (amending 7 U.S.C. 7a(12) (Supp. V 1981)).

² The term "rules" is defined in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1) (1982). The Commission also has pending a proposed amendment to regulation 1.41(a)(1) which would clarify its understanding of the scope of that term as applied by the Commission. See 45 FR 64082 (December 22, 1980).

³ Specifically, section 5a(12), while prohibiting the Commission from delegating its authority to determine to review exchange rules for approval, does not prohibit the Commission from delegating the determination not to review such rules. Furthermore, delegation of such authority is consistent with the overall purpose of the revisions of section 5a(12), which is to streamline the rule review process. S. Rep. No. 97-384, 97th Cong. 2d Sess. 29 (1982).

will be made aware of their existence and content.⁴ In this connection, the Commission is requesting comments as to the appropriate scope of the amendments to § 1.41(d) which would establish the exempt category.

To assist in the routine administration of the new requirements under section 5a(12) of the Act, the Commission also is adopting amendments to 17 CFR 1.41a by which the Commission delegates to the Director of the Division of Trading and Markets the authority to remit to the exchanges those rule submissions which relate to contract "terms and conditions," as defined by the Commission in § 1.41(a)(2), but which are improperly submitted by the Exchange as rules not relating to contract terms and conditions.

Finally, the Commission is adopting conforming amendments to its regulations 1.41 and 1.41a in order that the sections will better correspond to the language of section 5a(12), as amended.

II. Amendments to Current Regulations

The Futures Trading Act of 1982 has substantially modified the contract market rule review procedures under section 5a(12) of the Act. The Commission notes that the intent of such modifications is to reduce the types of contract market rules that require prior approval of the Commission,⁵ thereby permitting earlier implementation of such rules and providing some savings of Commission resources.⁶ As a result of the amendments, only rules that relate to terms and conditions in contracts of sale to be executed on or subject to the rules of a contract market are required to be submitted to the Commission for its prior approval. As noted above, the Commission is now adopting a definition of "terms and conditions" in § 1.4(a)(2). The Commission believes that this definition reflects criteria reasonably descriptive of such phrase, implements the legislative intent of the 1982 Act and ensures that the Commission will be able to carry out its mandate and its oversight role in the area of contract market rule review.

The definition of "reviewable rule," has been deleted from current § 1.41(a)(2), since that definition is inconsistent with the new rule review

procedures, which essentially characterize contract market rules as (1) those that have been approved by the Commission under section 5a(12) and (2) those that have otherwise become effective (e.g., rules that do not relate to terms and conditions in contracts of sale and that have gone into effect ten days after receipt of such rules by the Commission). Conforming amendments which delete references to "reviewable rule" and reflect the new procedures are also being made to §§ 1.41(a)(4)(i) and (a)(4)(ii)(H) ("emergency"), 1.41(a)(5) ("governing board"), 1.41(a)(7) ("temporary emergency rule") and 1.41(g) ("physical emergencies").

The Commission is amending § 1.41(b) to implement the new rule approval process for contract market rules (i) that relate to terms and conditions in contracts of sale, (ii) any other rules that the Commission has determined (within the ten day period following receipt by the Commission of such rules) as requiring prior approval, and (iii) any other rule submitted for approval by a contract market on a voluntary basis. Minor revisions have also been made to subparagraphs (1)-(4) of paragraph (b) of § 1.41 in order to clarify the scope of information required to be submitted in a rule approval submission under § 1.41(b).

The Commission also is amending § 1.41(c) and (d) to delete the current operational and administrative exemption, which is no longer contained in the Act. The Commission is further amending § 1.41(c) to provide procedures for the required submission to the Commission of rules that do not relate to terms and conditions in contracts of sale, except those relating to the setting of levels of margin. Rules submitted pursuant to § 1.41(c) will become effective ten (10) days after receipt (or within such earlier time as determined by the Commission or by the staff pursuant to delegated authority)⁷ unless the Commission notifies the contract market in writing of its determination to require prior Commission approval under section 5a(12) of the Act and § 1.41(b) of these regulations. The amendments to § 1.41(c) also provides form and content requirements for all rule submissions under § 1.41(c). Those requirements are less comprehensive than the form and content requirements of current § 1.41(b).

⁷ The Commission believes that such authority to permit contract market rules to become effective prior to the expiration of the ten day period is inherent in the 1982 Act and consistent with the purposes of such legislation.

The 1982 Act authorizes the Commission to exempt certain rules that do not relate to terms and conditions in contracts of sale from the required ten day review procedure of section 5a(12). The Commission is exercising such authority by amending § 1.41(d) to set forth the types of rules that initially will be subject to such an exemption. (Such rules, may, nonetheless, be submitted to the Commission for its prior approval should an exchange so desire.) The rules which would be so exempted are purely of a housekeeping nature, have no economic or market significance and do not affect the public.⁸ The Commission recognizes that other rules may warrant such exemption and invites interested person to suggest possible additions to § 1.41(d). Finally, the Commission wishes to note that, notwithstanding the provisions of § 1.41(d), all contract market rules remain subject to the filing requirement of section 5a(1) of the Act. The requirement permits the Commission and its staff to remain aware of all rule changes adopted by contract markets and facilitates the exercise of the Commission's regulatory oversight functions.

In order to facilitate the expeditious handling of rule review procedures, the Commission is amending § 1.41a to provide for the delegation of certain functions to the Director of the Division of Trading and Markets and other authorized employees. The amendment reflects current practice under § 1.41a and permits the Director of Trading and Markets to remit a rule submission to a contract market for failure to comply with the form and content requirements of §§ 1.41(b) or (c).

The Director also would be authorized to remit a rule submitted under § 1.41(c) if such Director determines that such rule in fact relates to terms and conditions in contracts of sale as defined by § 1.41(a)(2). The Commission believes that such a delegation is consistent with the purposes of the 1982 Act as it relates to rule review, since it addresses solely the proper characterization of a rule under Commission regulations, and would not constitute a determination to review a rule.

The amendments to § 1.41a also permit the Director of the division of Trading and Markets to determine that rules submitted under § 1.41(c) do not require prior Commission approval under section 5a(12) and regulation 1.41(b) and that such rules may become effective prior to the expiration of the ten day period following the receipt of such rules

⁴ The Commission may disapprove or alter such rules pursuant to applicable provisions of Sections 5a(12) and 8a(7) notwithstanding the Commission's determination to categorize such rules as exempt from review upon adoption or amendment by the exchange.

⁵ H. Rep. No. 97-565, Pt. 1, 97th Cong., 2d Sess. 91 (1982).

⁶ S. Rep. No. 97-384, 97th Cong., 2d Sess. 31 (1982).

⁸ See generally H. Rep. No. 97-565, Pt. 1 at 91-92.

by the Commission. This delegation of authority will permit the Commission to respond in an expeditious manner to exchange requests for immediate implementation of submitted rules and, as such, carry out the purposes of the 1982 Act.⁹

III. Basis for Emergency Adoption of Interim Regulations

Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b) normally requires that a notice of proposed rulemaking be published in the *Federal Register* and that opportunity for comment be provided when an agency promulgates new regulations. Section 553(b) sets forth two exceptions to this requirement, however. First, section 553(b) does not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure and practice. In defining the words "terms and conditions," these rules are interpretive in nature and relate solely to agency procedures for review of contract market rules. Second, section 553(b) does not apply when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest. As stated earlier, in the absence of a definition of terms and conditions and a delegation to its staff to determine that certain rules do not require Commission reviews, a misreading of the amendments to section 5a(12) could present the Commission with contents that it must evaluate whether to review every proposed rule change submitted by the exchanges. Moreover, absent a definition of "terms and conditions," section 5a(12) of the Act could be construed to require the Commission to affirmatively approve all rules which, under the broadest possible reading of those words could be viewed as "terms and conditions."¹⁰ Such result would be contrary to the spirit and intent of the legislation. Therefore, the Commission has determined to promulgate the emergency interim regulations and conforming amendments set forth in this release, to be effective on their date of publication in the *Federal Register*.

⁹ As noted by Senator Lugar and Representative De La Garza, the 1982 Act was intended to streamline the rule review process and require the Commission to act expeditiously. See 128 Cong. Rec. S1485 (daily ed. December 15, 1982), 128 Cong. Rec. H9962 (daily ed. December 16, 1982). See also S. Rep. No. 384, 97th Cong. 2d Sess. 91 (1982).

¹⁰ The Commission also notes that, absent a Commission definition of "terms and conditions," section 5a(12) of the Act as amended would provide no guidance to exchanges which are subject to that section in identifying the category of "all other rules" which are not terms and conditions.

IV. Request for Public Comment

These regulations shall be effective until the Commission adopts permanent regulations, which will reflect consideration of the comments received and such experience as the Commission gains in administering section 5a(12) of the Act with these interim regulations.¹¹ Because the Commission views these regulations as temporary, it is soliciting public comment on these regulations prior to its promulgation of permanent regulations, and specifically request public comments on the following issues:

1. Whether the definition of terms and conditions should be expanded or contracted, and an elaboration by specific examples of precisely what that definition should include or exclude; and

2. Whether § 1.41(d) can be expanded to include other types of rules which could be made effective immediately, rather than ten days after Commission receipt.

Public comment on the above issues and any other aspects of these regulations must be submitted to the Office of the Secretariat by the date set forth at the beginning of this notice.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA")¹² requires that agencies, in proposing rules, consider their impact on small businesses. Section 3(a) of the RFA defines the term "rule" to mean "any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title . . . for which the agency provides an opportunity for notice and public comment."¹³ As the revisions to §§ 1.41 and 1.41a announced in this Release have not been effected pursuant to 5 U.S.C. 553(b), then §§ 1.41 and 1.41a are not "rules" as defined in the RFA and the analysis or certification specified in that Act would not apply.

Notwithstanding the above, an analysis of the impact of §§ 1.41 and 1.41a on small businesses would not be required for another reasons. In a policy statement published last April, the Commission established definitions of small entities to be used by the Commission in connection with the RFA.¹⁴ The Commission concluded that

¹¹ The Commission also has advised each exchange by letter of its determination that all rule proposals submitted pursuant to Commission regulation 1.41(b) before the enactment of the amendments to section 5a(12) must be reviewed for approval before they may be made effective.

¹² Pub. L. No. 96-354, 94 Stat. 1164 (1980), 5 U.S.C. et seq.

¹³ 5 U.S.C. 601(2).

¹⁴ 47 FR 18818-21 (April 30, 1982).

contract markets were not small entities based in part on factors such as the high volume of transactions conducted on designated contract markets, the self-regulatory responsibilities of such organizations under the Act and the Commission's regulations, and their significant financial resources.

Moreover, far from imposing new obligations on contract markets, these amendments would relieve them of an existing recordkeeping burden. Accordingly, pursuant to section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1168, 5 U.S.C. 605(b), the Chairman, on behalf of the Commission, certifies that §§ 1.41 and 1.41a, as amended, will not have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comment from any firm which believes that these rules, as amended, would have a significant economic impact on its.

VI. Paperwork Reduction Act

Commission regulations 1.41 and 1.41a have previously been issued control numbers, pursuant to the Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.). As noted above, rather than increasing the paperwork burden, these amendments would reduce an existing recordkeeping obligation and, as such, they effect no substantive or material modification in the existing paperwork requirement of §§ 1.41 and 1.41a. In addition, the amendments to §§ 1.41 and 1.41a adopted in this Release reflect statutorily imposed changes, as discussed above. The Office of Management and Budget has been notified of these facts, and a copy of this *Federal Register* notice has been provided to that agency.

List of Subjects in 17 CFR Part 1

Commodity exchanges, Contract market rules.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 5a(12) and 8a(5) thereof, 7 U.S.C. 7a(12) and 12a(5), as amended by Pub. L. No. 97-444 the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations by amending §§ 1.41 and 1.41a as follows:

PART 1—[AMENDED]

1. Section 1.41 is amended by revising paragraphs (a)(2), (a)(4)(i), (a)(4)(ii)(H), (a)(5), (a)(7), (b), (c), (d), (f) and (g) to read as follows:

§ 1.41 Contract market rules, submission of rules to the Commission, exemption of temporary emergency rules, emergencies.

(a) * * *

(2) The words "terms and conditions in contracts of sale" mean any definition of the trading unit or specific commodity underlying a contract for the future delivery of a commodity or any commodity option contract, or the terms of trade relating to such trading unit or commodity, specification of settlement or delivery standards and procedures, and establishment of buyers' and sellers' rights and obligations under the contract. Terms and conditions shall be deemed to include provisions relating to the following:

(i) Quality or quantity standards for a commodity and any applicable exemptions or discounts;

(ii) Trading months and other requirements relating to the listing of contracts;

(iii) Minimum and maximum price limits and the establishment of settlement prices;

(iv) Position limits and position reporting requirements;

(v) Delivery points and locational price differentials;

(vi) Delivery standards and procedures, including alternatives to delivery and applicable penalties or sanctions for failure to perform;

(vii) Settlement of the contract; and

(viii) Payment or collection of commodity option premiums or margins.

* * * * *

(4) The term "emergency" means:

(i) Any occurrence or circumstance specifically defined as an "emergency" by the rules of a contract market which have been submitted to the Commission pursuant to section 5a(12) of the Act; and

(ii) * * *

(H) Any other unusual, unforeseeable and adverse circumstance with respect to which it is impracticable for the contract market to submit, in a timely fashion, a rule to the Commission for prior review under section 5a(12) of the Act.

(5) The term "governing board" of a contract market means the board of directors, the board of governors, the board of managers or any other similar body of the contract market or any committee duly authorized, pursuant to a rule of the contract market that has been approved by the Commission or has become effective pursuant to Section 5a(12) of the Act to take action for and on behalf of the contract market with respect to an emergency.

* * * * *

(7) The term "temporary emergency rule" means a rule adopted by a "two-

thirds vote" of the governing board of a contract market to meet an emergency.

(b) *Submission of rules for prior Commission approval.* Except as provided in paragraph (f) of this section, all proposed contract market rules that relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or any other rules that the Commission has determined, pursuant to paragraph (c) of the section as requiring prior approval, must, and any other rule may, be submitted to the Commission for approval pursuant to section 5a(12) of the Act prior to their proposed effective dates. Three copies of each such rule shall be furnished to the Commission at its Washington, D.C., headquarters, and two copies shall be furnished to the regional office of the Commission having local jurisdiction over the contract market. Each such submission shall, in the following order:

(1) Set forth the text of the proposed rule (in the case of any change in, addition to, or deletion from any current rule of the contract market, the current rule shall be fully set forth, with brackets used to indicate words to be deleted and underscoring used to indicate words to be added);

(2) Describe the action taken or anticipated to be taken to adopt the proposed rule by the contract market, or by the governing board thereof or any committee thereof and cite the rules of the contract market which authorize the adoption of the proposed rule;

(3) Explain the proposed rule, including its anticipated effective date and purpose, a description of any action taken or anticipated to be taken as a result of or pursuant to the proposed rule, how the rule fits into the contract market's scheme of self-regulation, how the rule furthers the purposes of the Act, and any other information which may be beneficial to the Commission in analyzing the proposed rule. If a proposed rule affects, directly or indirectly, the application of any other rule of the contract market, set forth the pertinent text of any such rule and describe the anticipated effect; and

(4) Note and briefly describe any substantive opposing views expressed by the members of the contract market or others with respect to the proposed rule which were not incorporated into the proposed rule prior to its submission to the Commission.

The Commission may remit to the contract market, with an appropriate explanation where practicable, and not accept for review any rule submission that does not comply with the form and content requirements of subsections (1)-(4) of this paragraph.

(c) *Rules that do not relate to terms and conditions in contracts of sale.* Except as provided in paragraphs (d) and (f) of this section (exempt or temporary emergency rules), three copies of any rule which does not relate to terms and conditions in contracts of sale or which a contract market proposes to place into effect without submission to the Commission for approval under section 5a(12) of the Act and paragraph (b) of this section shall be furnished to the Commission at its Washington, D.C., headquarters at least ten (10) days prior to its proposed effective date. Two copies shall also be transmitted by the contract market to the regional office of the Commission having local jurisdiction over the contract market. Each such submission shall, in the following order:

(1) Label the submission as submitted pursuant to Commission regulation 1.41(c);

(2) Set forth the text of the proposed rule (in the case of any change in, addition to, or deletion from any current rule of the contract market, the existing rule shall be fully set forth, with brackets used to indicate words to be deleted and underscoring used to indicate words to be added);

(3) State the purpose of the proposed rule; and

(4) Describe any action taken or anticipated to be taken as a result of or pursuant to the proposed rule.

The Commission may remit to the contract market, with an appropriate explanation where practicable, and not accept pursuant to this paragraph any submission that does not comply with the form and content requirements of paragraphs (c)(1)-(4) of this section. The Commission may also remit to the contract market and require resubmission pursuant to paragraph (b) of this section any rule which the Commission determines to be a rule that relates to terms and conditions in contracts of sale.

Rules submitted pursuant to this paragraph (c) otherwise may become effective ten (10) days after receipt (or at such earlier time as determined by the Commission) unless the Commission notifies the contract market in writing of its determination to review such rules for prior approval under section 5a(12) of the Act and paragraph (b) of this section. Any such rules determined to require prior Commission approval shall be submitted in accordance with the form and content requirements of paragraph (b) of this section.

(d) *Rules that are exempt from ten day review period.* Contract market rules that do not relate to terms and

conditions in contracts of sale are deemed to be exempt from the requirements of section 5a(12) of the Act and paragraph (c) of this section where such rules address:

(1) Standards of decorum or attire or provisions relating to admission to the floor, badges, visitors, and all similar matters but not the establishment of penalties for violations of such rules;

(2) Requirements relating to gratuity and similar funds; but not guaranty, reserve, or similar funds;

(3) Correction of typographical errors in rules.

Such rules may, however, be submitted to the Commission for its prior approval pursuant to section 5a(12) of the Act and paragraph (b) of this section.

(f) *Temporary emergency rules.* In the event of an emergency, a contract market, by a two-thirds vote of its governing board, may place into immediate effect a temporary emergency rule to deal with the emergency without prior Commission approval, and without compliance with the ten-day notice requirement pursuant to section 5a(12) of the Act and paragraphs (b) and (c) of this section, respectively, subject to the following provisions:

(g) *Physical emergencies.* In the event the physical functions of a contract market are, or are threatened to be, severely and adversely affected by a "physical emergency," such as fire or other casualty, bomb threats, substantial inclement weather, power failures, communications breakdowns, or transportation breakdowns, a contract market official, duly authorized to take

such action for and on behalf of the contract market with respect to such a "physical emergency" pursuant to a rule of the contract market that has been approved by the Commission or has become effective pursuant to section 5a(12) of the Act and these regulations, may take any action authorized by such rule necessary or appropriate to deal with the emergency, including, but not limited to, suspending trading on the contract market. In no event, however, shall suspension of trading on the contract market by such a designated official continue in effect for more than five (5) days. If so authorized by such a rule of the contract market, the designated official may also order restoration of trading on the contract market, or removal of other restrictions imposed by the official as permitted by this paragraph (g), in the absence of action by the governing board of the contract market, upon a determination by such official that the "physical emergency" has sufficiently abated to permit the physical functions of the contract market to continue in an orderly manner.

2. Section 1.41a is revised to read as follows:

§ 1.41a Delegation of authority to the Director of the Division of Trading and Markets.

The Commission hereby delegates, until the Commission orders otherwise, the following authority to the Director of the Division of Trading and Markets, to be exercised by such Director or by such other employee or employees of the Commission under the supervision of such Director as may be designated from time to time by the Director:

(a) Pursuant to § 1.41(b), to determine whether to remit to a contract market and not accept for review any rule submitted pursuant to section 5a(12) of the Act and § 1.41(b) thereunder, where the Director determines that such rule submission does not comply with the form and content requirements of § 1.41(b);

(b) Pursuant to § 1.41(c), to determine whether to remit to a contract market and not accept for review any rule submitted pursuant to section 5a(12) of the Act and § 1.41(c) thereunder, where the Director determines that such rule submission does not comply with the form and content requirements of § 1.41(c);

(c) Pursuant to § 1.41(c), to determine whether to remit to a contract market and require resubmission pursuant to § 1.41(b) any rule submitted pursuant to section 5a(12) of the Act and § 1.41(c) thereunder, where the Director determines that such rule relates to terms and conditions in contracts of sale as defined by § 1.41(a)(2) of these regulations; and

(d) Pursuant to § 1.41(c), to determine that rules submitted under § 1.41(c) do not require prior Commission approval under section 5a(12) of the Act and § 1.41(b) and that such rules may become effective prior to the expiration of the ten day period following the receipt of such rules by the Commission.

Issued in Washington, D.C. on January 24, 1983 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
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List of Public Laws

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