

12

Federal Register

Tuesday
July 23, 1985

495-588
N.A. + R.A.

Selected Subjects

Aircraft

Federal Aviation Administration

Aviation Safety

Federal Aviation Administration

Claims

Railroad Retirement Board

Customs Duties and Inspection

Customs Service

Employment Taxes

Internal Revenue Service

Excise Taxes

Internal Revenue Service

Fishing

Fish and Wildlife Service

Flood Insurance

Federal Emergency Management Agency

Government Employees

Personnel Management Office

Health Care

Veterans Administration

Nuclear Power Plants and Reactors

Nuclear Regulatory Commission

Savings and Loan Associations

Federal Home Loan Bank Board

CONTINUED INSIDE



Selected Subjects

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Securities

Securities and Exchange Commission

Wine

Alcohol, Tobacco and Firearms Bureau

Contents

Federal Register
Vol. 50, No. 141
Tuesday, July 23, 1985

- The President**
PROCLAMATIONS
29935 Captive Nations Week (Proc. 5357)
- Executive Agencies**
- Agriculture Department**
See Federal Grain Inspection Service; Rural Electrification Administration.
- Alcohol, Tobacco and Firearms Bureau**
RULES
Alcohol; viticultural area designations:
29967 Cumberland Valley, MD and PA
- Antitrust Division**
NOTICES
Competitive impact statements and proposed consent judgments:
30020 American Airlines, Inc., et al.
30029 Volkswagen of America, Inc., et al.
- Commerce Department**
See International Trade Administration.
- Customs Service**
RULES
29949 Conforming amendments (Trade and Tariff Act implementation, etc.)
NOTICES
30048 Privacy Act; systems of records
Tariff rate quotas:
30040 Fish
- Defense Department**
NOTICES
Explosives Safety Board:
29998 Ammunition and explosives safety standard; minimum distance requirements
Meetings:
29999 DIA Scientific Advisory Committee; cancellation
- Education Department**
NOTICES
Grants; availability, etc.:
29999 Pell grant program; electronic pilot
Postsecondary education:
29999 Guaranteed student loan and PLUS programs; special allowances
- Employment and Training Administration**
NOTICES
Adjustment assistance:
30032 American Nuclear Corp. et al.
30031 Burlington Industries, Inc., et al.
30033 Plastronics Co.
30030 Trade adjustment assistance for workers; instructions to State employment security agencies
- Energy Department**
See also Energy Information Administration;
Hearings and Appeals Office, Energy Department.
- NOTICES**
Atomic energy agreements; subsequent arrangements:
30000 Switzerland and European Atomic Energy Community
- Energy Information Administration**
NOTICES
30002 Agency information collection activities under OMB review
Forms; availability, etc.:
30002 Coal program data collection; inquiry
30000 Natural gas, high cost; alternative fuel price ceilings and incremental price threshold
- Environmental Protection Agency**
PROPOSED RULES
Hazardous waste:
29992 Storage and treatment tank systems; correction
NOTICES
Air pollution control; new motor vehicles and engines:
30009 California pollution control standards; amendments
Meetings:
30010 National Drinking Water Advisory Council
30010 Science Advisory Board
Water pollution; discharge of pollutants (NPDES):
30010 Alaska OCS operations; correction
- Equal Employment Opportunity Commission**
NOTICES
30043 Meetings; Sunshine Act
- Federal Aviation Administration**
RULES
Aircraft products and parts, certification:
29945 Aerospatiale
PROPOSED RULES
Air traffic operating and flight rules:
30124 Nighttime VFR weather minimums
Airworthiness directives:
29988 Mooney Aircraft Corp.
- Federal Communications Commission**
NOTICES
30043 Meetings; Sunshine Act
- Federal Emergency Management Agency**
PROPOSED RULES
Flood elevation determinations:
29992 Illinois
NOTICES
Radiological emergency; State plans:
30011 Louisiana
30011 Texas
30011 West Virginia
- Federal Grain Inspection Service**
PROPOSED RULES
Administration:
29985 Fees for supervision of official services; correction

- Federal Home Loan Bank Board**
PROPOSED RULES
 Federal Savings and Loan Insurance Corporation:
 29985 Preferred stock as regulatory net worth
- Federal Maritime Commission**
NOTICES
 30012 Agreements filed, etc. (2 documents)
- Federal Reserve System**
NOTICES
 Bank holding company applications, etc.:
 30012 Gibson Investment Co.
 30013 National Banc of Commerce Co. et al.
 30043 Meetings; Sunshine Act
- Fish and Wildlife Service**
RULES
 Sport fishing:
 29972 Refuge specific fishing regulations
- General Services Administration**
RULES
 Property management:
 29972 Transportation documentation and audit; unused ticket refund procedures; effective date confirmation
- Health and Human Services Department**
See also Human Development Services Office; National Institutes of Health; Social Security Administration.
NOTICES
 Meetings:
 30013 Evaluation of Pain Commission
- Hearings and Appeals Office, Energy Department**
NOTICES
 30004 Special refund procedures; implementation and inquiry
- Human Development Services Office**
NOTICES
 Organization, functions, and authority delegations:
 30014 Developmental Disabilities Administration
- Interior Department**
See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service.
- Internal Revenue Service**
RULES
 Employment taxes and collection of income taxes at source:
 29964 Employee tip reporting and substantiation requirements; temporary
 Excise taxes:
 29959 Gas guzzler tax
PROPOSED RULES
 Employment taxes and collection of income taxes at source:
 29990 Employee tip reporting and substantiation requirements; cross-reference
NOTICES
 Income taxes:
 30041 Return electronic filing pilot
- International Trade Administration**
NOTICES
 Countervailing duties:
 29996 Carbon steel plate from Brazil
 29997 Export trade certificates of review
 Meetings:
 29996 MCTL Implementation Technical Advisory Committee; cancellation
 Scientific articles; duty free entry:
 29994 Cornell University
 29995 Stanford Linear Accelerator Center
 29995 University of Kansas
 29995 University of Maryland
 29995 University of Utah
 29997 Veterans Administration Medical Center et al.
 Short supply determinations; inquiry:
 29998 Open coil annealed rimmed steel and aluminum-killed cold-rolled steel sheet
- International Trade Commission**
NOTICES
 30044 Meetings; Sunshine Act (3 documents)
- Interstate Commerce Commission**
NOTICES
 Railroad operation, acquisition, construction, etc.:
 30020 Genesee & Wyoming Industries, Inc.
 Railroad services abandonment:
 30020 Illinois Central Gulf Railroad Co.
 30020 Southern Pacific Transportation Co.
- Justice Department**
See Antitrust Division; Prisons Bureau.
- Labor Department**
See also Employment and Training Administration; Occupational Safety and Health Administration.
NOTICES
 30030 Agency information collection activities under OMB review
- Land Management Bureau**
NOTICES
 Alaska native claims selection:
 30019 Choggiung, Ltd.
 30018, 30019 Gana-a 'Yoo, Ltd. (2 documents)
 30018 Ingalik, Inc.
 30018 Salamatof Native Association, Inc.
 30017 Seth-de-ya-ah Corp.
 30018 Unalakleet Native Corp.
- Merit Systems Protection Board**
NOTICES
 30044 Meetings; Sunshine Act
- Minerals Management Service**
NOTICES
 Outer Continental Shelf; development operations coordination:
 30019 Chevron U.S.A. Inc.
 30019 Shell Offshore Inc.
- National Highway Traffic Safety Administration**
PROPOSED RULES
 Motor vehicle safety standards:
 29993 Air and hydraulic brake systems; comment period reopened

- National Institutes of Health**
NOTICES
Recombinant DNA molecules research:
30016 Comment analysis, availability
- Nuclear Regulatory Commission**
RULES
Production and utilization facilities, domestic licensing:
29937 Light water nuclear power plants; analysis of potential pressurized thermal shock events
NOTICES
Applications, etc.:
30033 Florida Power & Light Co.
30034 Houston Lighting & Power Co. et al.
30035 Indiana & Michigan Electric Co.
Meetings:
30036 Reactor Safeguards Advisory Committee; proposed schedule
30044 Meetings; Sunshine Act
- Occupational Safety and Health Administration**
NOTICES
Variance applications, etc.:
30033 ASARCO Inc.
- Personnel Management Office**
RULES
Absence and leave:
29937 Use of restored annual leave
- Prisons Bureau**
NOTICES
Environmental statements; availability, etc.:
30029 Federal Correctional Facility, McKean County, PA
- Railroad Retirement Board**
RULES
29957 Federal claims collection
- Rural Electrification Administration**
NOTICES
Environmental statements; availability, etc.:
29994 Oglethorpe Power Corp.
- Securities and Exchange Commission**
RULES
Securities:
29948 Bank municipal securities dealer registration application (Form MSD); Privacy Act statement
NOTICES
Self-regulatory organizations; proposed rule changes:
30038 Municipal Securities Rulemaking Board
30039 National Securities Clearing Corp.
30039 Pacific Clearing Corp. et al.
Self-regulatory organizations; unlisted trading privileges:
30037 Cincinnati Stock Exchange, Inc.
30038 Midwest Stock Exchange, Inc.
30038 Pacific Stock Exchange, Inc.
- Social Security Administration**
NOTICES
Social security; foreign insurance or pension systems:
30617 St. Lucia
- Transportation Department**
See also Federal Aviation Administration; National Highway Traffic Safety Administration.
NOTICES
Aviation proceedings; hearings, etc.:
30039 Wien Airlines
Meetings:
30040 Minority Business Resource Center Advisory Committee
- Treasury Department**
See Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service.
- United States Information Agency**
NOTICES
President's International Youth Exchange Initiative:
30041 Organization index
- Veterans Administration**
PROPOSED RULES
Medical benefits:
29990 Breaking appointments, eligibility for payment of unauthorized medical services, etc.
-
- Separate Parts in This Issue**
- Part II**
30048 Department of the Treasury, Customs Service
- Part III**
30124 Department of Transportation, Federal Aviation Administration
-
- Reader Aids**
Additional information, including a list of public laws, telephone numbers, and findings aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR	50 CFR
Proclamations:	33..... 29972
5357..... 29935	
5 CFR	
630..... 29937	
7 CFR	
Proposed Rules:	
800..... 29985	
10 CFR	
50..... 29937	
12 CFR	
Proposed Rules:	
561..... 29985	
563..... 29985	
14 CFR	
21..... 29945	
Proposed Rules:	
39..... 29988	
91..... 30124	
17 CFR	
249..... 29948	
19 CFR	
4..... 29949	
10..... 29949	
19..... 29949	
24..... 29949	
103..... 29949	
113..... 29949	
134..... 29949	
141..... 29949	
143..... 29949	
145..... 29949	
148..... 29949	
152..... 29949	
162..... 29949	
171..... 29949	
173..... 29949	
191..... 29949	
20 CFR	
200..... 29957	
26 CFR	
1..... 29959	
31..... 29964	
48..... 29959	
138..... 29959	
602 (2 documents)..... 29959,	
29964	
Proposed Rules:	
31..... 29990	
27 CFR	
9..... 29967	
38 CFR	
Proposed Rules:	
17..... 29990	
40 CFR	
Proposed Rules:	
260..... 29992	
262..... 29992	
264..... 29992	
265..... 29992	
270..... 29992	
41 CFR	
101-41..... 29972	
44 CFR	
Proposed Rules:	
67..... 29992	
49 CFR	
Proposed Rules:	
571..... 29993	

Presidential Documents

Title 3—

Proclamation 5357 of July 19, 1985

The President

Captive Nations Week, 1985

By the President of the United States of America

A Proclamation

The unique and historic significance of our Nation has always derived from our role as a model of political freedom, social justice, and personal opportunity. While not a perfect Nation, we have offered to the world a vision of liberty. It is a vision that has motivated all our national endeavors and serves us yet as an anchor of conscience. The humanity and justice of our collective political life and the freedom and limitless opportunity in our personal lives are an inspiration for the peoples of the world, both for those who are free to aspire and for those who are not.

The uniqueness of our vision of liberty comes not only from its historical development, but also from the conviction that the benefits of liberty and justice rightfully belong to all humanity. Hostility to this fundamental principle still haunts the world, but our conviction that political freedom is the just inheritance of all nations and all people is firm. Our dedication to this principle has not been weakened by the sad history of conquest, captivity, and oppression to which so many of the world's nations have been subjected.

We are all aware of those many nations that are the victims of totalitarian ideologies, ruthless regimes, and occupying armies. These are the nations held captive by forces hostile to freedom, independence, and national self-determination. Their captivity and struggle against repression require a special courage and sacrifice. Those nations of Eastern Europe that have known conquest and captivity for decades; those struggling to save themselves from communist expansionism in Latin America; and the people of Afghanistan and Kampuchea struggling against invasion and military occupation by their neighbors: all require our special support. For those who seek freedom, security, and peace, we are the custodians of their dream.

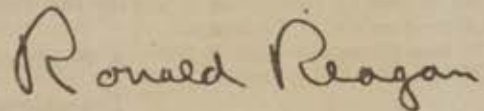
Our Nation will continue to speak out for the freedom of those denied the benefits of liberty. We will continue to call for the speedy release of those who are unjustly persecuted and falsely imprisoned. So long as brave men and women suffer persecution because of their national origin, religious beliefs, and desire for liberty, the United States of America will demand that the signatories of the United Nations Charter and the Helsinki Accords live up to their obligations and respect the principles and spirit of those international agreements and understandings.

Each year we renew our resolve to support the struggle for freedom throughout the world by observing Captive Nations Week. It is a week in which all Americans are asked to remember that the liberties and freedoms which they enjoy as inherent rights are forbidden to many nations. It is a time to affirm publicly our conviction that, as long as the struggle from within these nations continues, and as long as we remain firm in our support, the light of freedom will not be extinguished. Together with the people of these captive nations, we fight against military occupation, political oppression, communist expansion, and totalitarian brutality.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to designate the third week in July as "Captive Nations Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning July 21, 1985, as Captive Nations Week. I invite the people of the United States to observe this week with appropriate ceremonies and activities to reaffirm their dedication to the international principles of justice and freedom, which unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of July, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and tenth.



[FR Doc. 85-17605

Filed 7-19-85; 4:33 pm]

Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 50, No. 141

Tuesday, July 23, 1985

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 week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

Absence and Leave

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is amending its annual leave regulations to clarify the period in which restored annual leave may be used in certain situations. The change applies only to situations that exist after termination of an extended exigency of the public business when the amount of restored and accrued annual leave cannot be used within the 2 years specified in the current regulations.

EFFECTIVE DATE: August 22, 1985.

FOR FURTHER INFORMATION CONTACT: James Matteson, (202) 632-4634.

SUPPLEMENTARY INFORMATION: Section 630.306(b) of Title 5, Code of Federal Regulations, provides that annual leave forfeited because of an exigency of the public business and restored under 5 U.S.C. 6304(d) must be scheduled and used not later than the end of the second full leave year following termination of the exigency. While this provision generally carries out congressional intent that there be ample time in which to use restored leave, it does not deal adequately with situations in which a prolonged exigency results in the accumulation of large amounts of restored leave that cannot be used in a 2-year period without disrupting normal operations.

To deal with such situations, we published an interim regulation to permit agencies to increase the time for affected employees to use restored annual leave after the termination of an extended exigency (50 FR 3314, January 24, 1985).

During the 60-day public comment period on the interim regulation, we received comments from one individual, one union, and one agency. The individual did not comment on the specifics of the interim regulation; rather, he commented on the procedure for declaring exigencies of the public business. These comments will be considered when we next revise regulations on that subject.

The union commented that the interim regulation was too narrow and suggested that the two-for-one formula be extended to *all* exigencies that last more than 1 year. When we published the interim regulation, we intended that it would apply only to those exigencies lasting for long periods of time under extreme circumstances. This intent is supported by the language of an congressional intent behind 5 U.S.C. 6304(d). Therefore, we have not adopted this suggestion.

The agency's comments made it apparent that the interim regulation is subject to more than one interpretation. Therefore, we have revised the interim regulation to clarify that the time period for use of restored leave following an extended exigency is 2 years for each calendar year, or part thereof, during which the exigency existed, *regardless of the number of years during the exigency in which the employee forfeited leave*. Because this interpretation is more generous than granting the additional period for each year during the exigency when leave was actually forfeited, we believe it is appropriate to further restrict the situations in which it may be applied. Therefore, we have revised the definition of "extended exigency" to specify that the exigency must last more than 3 calendar years.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 630

Government employees and Employee benefit plans.

Office of Personnel Management.

Loretta Cornelius,

Acting Director.

Accordingly, the interim regulation published in Part 630 of Title 5, Code of Federal Regulations, on January 24, 1985 (50 FR 3314), is adopted as final, with the following revisions:

PART 630—ABSENCE AND LEAVE

1. The authority citation for Part 630 continues to read as follows:

Authority: 5 U.S.C. 6311, unless otherwise noted.

2. Section 630.309 is revised to read as follows:

§ 630.309 Time limit for use of restored annual leave—extended exigency of the public business.

(a) Annual leave restored under 5 U.S.C. 6304(d)(1)(B) because of an extended exigency, as defined in paragraph (b) of this section, must be scheduled and used within a time period that equals twice the number of full calendar years, or parts thereof, that the exigency existed. This time period begins at the beginning of the leave year following the leave year in which the exigency is declared to be ended.

(b) An "extended exigency" means an exigency of such significance as to—

- (1) Threaten the national security, safety, or welfare;
- (2) Last more than 3 calendar years;
- (3) Affect a segment of an agency or occupational class; and
- (4) Preclude subsequent use of both restored and accrued annual leave within the time limit specified in § 630.306.

[FR Doc. 85-17391 Filed 7-22-85; 8:45 am]

BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Analysis of Potential Pressurized Thermal Shock Events

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations for light water nuclear

power plants to: (1) Establish a screening criterion related to the fracture resistance of pressurized water reactor (PWR) vessels during pressurized thermal shock (PTS) events; (2) require analyses and schedule for implementation of flux reduction programs that are reasonably practicable to avoid exceeding the screening criterion; and (3) require detailed safety evaluations to be performed before plant operation beyond the screening criterion will be considered. These amendments are intended to produce an improvement in the safety of PWR vessels by identifying those corrective actions that may be required to prevent or mitigate potential PTS events.

EFFECTIVE DATE: July 23, 1985.

FOR FURTHER INFORMATION CONTACT: Roy Woods, Division of Safety Technology, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-4714.

SUPPLEMENTARY INFORMATION:

Background

Transients and accidents can be postulated to occur in pressurized water reactors (PWRs) that result in severe overcooling (thermal shock) of the reactor vessel, concurrent with high pressure. In these pressurized thermal shock (PTS) events, rapid cooling of the reactor vessel internal surface causes a temperature distribution across the reactor vessel wall. This temperature distribution produces a thermal stress on the reactor vessel with a maximum tensile stress at the inside surface of the vessel. The magnitude of the thermal stress varies with the rate of change of temperature, and with time during the transient, and its effect is compounded by coincident pressure stresses.

Severe reactor system overcooling events with pressurization of the reactor vessel (PTS events) are postulated to result from a variety of causes. These include system transients, some of which are initiated by instrumentation and control system malfunctions (including stuck open valves in either the primary or secondary system), and postulated accidents such as small break loss-of-coolant accidents, main steam line breaks, and feedwater line breaks.

As long as the fracture resistance of the reactor vessel material is relatively high, these events are not expected to cause vessel failure. However, the fracture resistance of the reactor vessel material decreases with the integrated exposure to fast neutrons during the life of a nuclear power plant. The rate of

decrease is dependent on the chemical composition of the vessel wall and weld materials. If the fracture resistance of the vessel has been reduced sufficiently by neutron irradiation, severe PTS events could cause small flaws that might exist near the inner surface to propagate into the vessel wall. The assumed initial flaw might be enlarged into a crack through the vessel wall of sufficient extent to threaten vessel integrity and, therefore, core cooling capability.

The toughness state of reactor vessel materials can be characterized by a "reference temperature for nil ductility transition" (RT_{NDT}). At normal operating temperatures, vessel materials are quite tough and resistant to crack propagation. As the temperature decreases, the metal gradually loses toughness over a temperature range of about 100 °F. RT_{NDT} is a measure of the temperature range at which this toughness transition occurs. Its value depends on the specific material in the vessel wall and the integrated neutron irradiation received by the vessel. These effects are determined by destructive tests of material specimens. Correlations, based on tests of irradiated specimens, have been developed to calculate the shift in RT_{NDT} as a function of neutron fluence for various material compositions. The value of RT_{NDT} at a given time in a vessel's life is used in fracture mechanics calculations to determine whether assumed pre-existing flaws would propagate when the vessel is subjected to overcooling events.

The PTS issue is a concern only for PWRs. Boiling water reactors (BWRs) operate with a large portion of water inventory inside the pressure vessel at saturated conditions. Any sudden cooling will condense steam and result in a pressure decrease. Simultaneous conditions of high pressure and low temperature are considered to be improbable. Most BWRs also receive lower integrated fast neutron flux at the vessel inner wall, resulting in smaller RT_{NDT} shifts. BWRs are designed with a thinner-walled vessel, resulting in lower thermal stress intensities for postulated cracks.

On the basis of studies of severe overcooling events that have occurred, generic calculations of postulated PTS events that could occur, and vessel integrity calculations, the NRC staff has concluded that a value of RT_{NDT}^1 can be

selected so that the risk from PTS events for reactor vessels with smaller RT_{NDT} values is acceptable. (The risk for vessels with higher values of RT_{NDT} might also be shown to be acceptable, but the demonstration would require detailed plant-specific evaluations and possibly modifications to existing equipment, systems, and procedures.) The staff recommended that a value for RT_{NDT} be established as a screening criterion that would determine the need for, and timing of, further plant-specific evaluations.

The staff's approach to selection of the RT_{NDT} screening criterion is described in detail in SECY-82-465.² In summary, the approach was to use a deterministic fracture mechanics algorithm to calculate the value of RT_{NDT} for which assumed pre-existing flaws in the reactor vessel would be predicted to initiate (grow deeper into the vessel wall) assuming occurrence of one of the severe overcooling events that have been experienced in U.S. PWRs. These "critical" values of RT_{NDT} were related to the expected frequency of the experienced severe overcooling events based on a limited data base, consisting of eight events in 350 reactor-years.

In addition, the staff considered a wide spectrum of postulated overcooling events that could occur. These events were grouped into categories, estimates were made of their expected frequency, and stylized characterizations of the temperature and pressure time-histories were developed for each event category. The estimates presented in detail in SECY-82-465 are based on a generic study of Westinghouse-designed PWR systems, and are considered also to be generally representative of PWR systems designed by Combustion Engineering. Because there are some significant differences between those designs and PWRs designed by Babcock & Wilcox that affect the characteristics and estimated frequencies of PTS events, information was also developed for the Babcock & Wilcox designs. This information is described in detail in Enclosure C to SECY-83-288 (July 15, 1983)³. It was concluded that the PTS risk for B&W plants is not significantly different from that of other PWRs. A probabilistic treatment of the fracture mechanics calculations was developed to gain insight into the sensitivity of the

RT_{NDT} is the peak value at the inside surface of the vessel.

² Copies of this document are available for public inspection and copying at the Public Document Room at 1717 H Street, NW, Washington, DC 20555.

³ Copies of this document are available for public inspection and copying at the Public Document Room at 1717 H Street, NW, Washington, DC 20555.

¹ RT_{NDT} decreases with depth from the inside surface of an irradiated vessel's wall. This decrease is accounted for in vessel integrity analyses. As used in this document and in the screening criteria.

fracture mechanics calculations to uncertainties in the various input parameters. By combining the estimated frequencies of postulated events with the probabilistic fracture mechanics results, some estimates of the probability of vessel failure resulting from PTS events were developed. These estimates were used by the staff to better understand the residual risks inherent in the use of the screening criterion approach for further evaluations and resolution of the PTS issue.

On the basis of these studies, the NRC staff concluded the PWR reactor pressure vessels with conservatively calculated values of RT_{NDT} less than 270 °F for plate material and axial welds, and less than 300 °F for circumferential welds, present an acceptably low risk of vessel failure from PTS events.

Proposed Rule

On February 7, 1984, the Commission published a proposed rule in the *Federal Register* (49 FR 4498) that would: (1) Establish an RT_{NDT} screening criterion; (2) require licensees to submit present and projected values of RT_{NDT} ; (3) require early analysis and implementation of such fast neutron flux reduction programs as are reasonably practicable to avoid reaching the screening criterion; and (4) require plant-specific PTS safety analyses before a plant is within three calendar years of reaching the screening criterion, including analyses of alternatives to minimize the PTS problem. After consideration of the public comments received, the Commission has modified the proposed rule as discussed in the following section.

Comments on Proposed Rule

The Commission received twenty-two letters commenting on the proposed rule. Copies of those letters are available for public inspection and copying for a fee at the NRC Public Document Room at 1717 H Street, Washington, DC. Fourteen letters were from utilities (or from attorneys representing utilities), three from PWR Nuclear Steam Supply System manufacturers, one from an architect/engineering firm, and one from a group representing the nuclear industry. The remaining three letters were from members of the public, two of the three being from the same individual. There were a total of 181 individual comments, which are discussed by subject below.

Commission Approval To Exceed Screening Criterion

Comment: Eleven commenters agreed with the intended use of an RT_{NDT} screening criterion to determine if and

when further safety analyses would be required, but expressed concern that by requiring Commission approval of these analyses before operation beyond the criterion, the proposed rule in fact established the RT_{NDT} values as operating limits. They recommended that the rule should be amended to allow continued operation unless the Commission specifically disapproves the required safety analyses.

Response: The Commission affirms that the purpose of the PTS screening criterion is to determine whether and when further plant-specific safety analyses are required. Its acceptability for that purpose is based on the Commission's judgment that the generic PTS studies already performed by the industry and the NRC staff provide reasonable assurance that operation of PWR pressure vessels with RT_{NDT} values below the screening criterion does not result in undue risk to the public health and safety because of the potential for PTS events. However, the existing generic studies do not in themselves provide this assurance for operation of individual pressure vessels with higher RT_{NDT} values, i.e., with lower fracture resistance. The Commission has concluded that detailed plant-specific analyses are required to provide this assurance. For those cases (expected to be relatively few) where licensees determine that the screening criterion will be exceeded before the end of the desired service life of the vessel, and who nevertheless wish to continue operation, the licensees clearly have a responsibility to provide the necessary basis for assuring the protection of the public health and safety prior to operation beyond the screening criterion. The Commission's responsibility is to review the licensee's submittals and reach a decision on whether continued operation is acceptable. The Commission recognizes that a timely decision on its part is essential to avoid placing an unfair and unacceptable economic penalty on the licensee, but has concluded that the requirement for prior Commission approval in the proposed rule is appropriate and consistent with its statutory responsibilities.

Comment: Eight commenters also recommended that if the required safety analysis are not accepted by the Commission, then the proposed rule requirement that any further request must be based on "modifications to equipment, systems and operation of the facility in addition to those previously proposed . . ." should be changed so that re-analyses based upon better methods or new information would also be acceptable.

Response: The Commission agrees that further analyses based upon better methods or new information should be an allowable alternative if the original required safety analyses were not approved by the Commission. The final rule (§ 50.61(b)(6)) has been changed to reflect this alternative.

Reference Temperature Definition and Calculational Method

Comment: Nine of the commenters noted that since the proposed rule prescribes a specific conservative method for calculation of RT_{NDT} for use as a screening criterion, there is a potential inconsistency with the term RT_{NDT} as used elsewhere (e.g., in the ASME Code and in Appendix G to 10 CFR Part 50). The commenters recommended that RT_{NDT} be defined the same as in these other documents, or that the results of the prescribed calculation (for purposes of the PTS rule) be given a different designation.

Response: The final rule has been changed to define the reference temperature used for comparison with the screening criterion, and calculated as prescribed by § 50.61(b) of the rule, as "reference temperature for pressurized thermal shock" (RT_{PTS}).

Comment: The commenters also recommended that the values for copper and nickel content and fluence in Equations 1 and 2 of § 50.61(b) be described as "best estimate" values and that the "Margin" term to be added to Equations 1 and 2 be defined as covering uncertainties in those quantities as well as the uncertainties in initial RT_{NDT} value and in the calculational procedure for RT_{PTS} .

Response: This change has been made in the final rule.

Comment: One of the commenters requested that the definition of "Reactor Vessel Beltline" in the proposed rule be made the same as that given in Appendix G to 10 CFR Part 50.

Response: The Commission notes that the definition is the same as that given in the latest revision of Appendix G that was published in the *Federal Register* May 27, 1983 (48 FR 24008).

Use of Other Reference Temperature Correlations and Probabilistic Fracture Mechanics

Comment: Nine commenters responded that the rule should clearly state that alternative means of calculating RT_{NDT} (other than those specified in the rule) are acceptable for use in the analyses required by the rule to show acceptability of operation above the screening criterion values. One commenter requested that use of

surveillance data be allowed in evaluating the reference temperature.

Seven commenters requested that it should also be made clear within the rule that the use of probabilistic fracture mechanics (PFM) techniques are acceptable in establishing PTS-related risk when performing these analyses. Five commenters also suggested that it should be acceptable to use other RT_{NDT} (now called RT_{PTS}) correlations to show that a plant is below the RT_{PTS} screening criterion and hence that no analyses are required.

Response: The Commission clearly intends that licensees be free to provide any information relevant in performing the rule-required analyses to justify continued operation of the plant. This includes other RT_{NDT} correlations, surveillance data, and PFM techniques. The wording of the rule in paragraph 50.61(b)(4) has been changed to reflect this intent.

However, the final rule does not permit use of other RT_{PTS} correlations or surveillance data in determining whether or not a reactor vessel exceeds the screening criterion. The screening criterion was selected taking many uncertainties into account, including the perceived conservatism of the prescribed method for calculating RT_{PTS} .

Reporting of Changes in Reference Temperature Projections

Comment: Three commenters responded that the requirement to report new projected values of Reference Temperature when significant changes occur is unnecessary. They believe that the reporting requirements of Appendix G to 10 CFR Part 50 are adequate. One commenter suggested requiring re-reporting only if the changes would indicate that the screening RT_{PTS} would be exceeded before the expiration of the operating license.

Response: The Commission must be informed early of any trends in RT_{PTS} changes, to allow adequate time for any necessary actions leading to implementation of corrective actions at any plant. Therefore, the Commission continues to believe that the reporting requirement as written in the proposed rule is necessary, and has not changed the reporting requirement in the final rule.

Alternatives to Flux Reduction

Comment: Sixteen commenters responded that, for those plants projected to exceed the screening criterion, the bias toward flux reduction as the "preferred" corrective action should be eliminated, and that other options should be allowed, including

early analyses to justify actions other than flux reductions.

Response: The rule does not preclude options other than flux reduction measures. The implementation schedule for flux reduction options may include consideration of other options proposed by the licensee provided those other options are thoroughly justified by the licensee on a time schedule that will allow Commission review and acceptance before the efficacy of flux reduction is precluded by the passage of time.

Guidance of Plant-Specific Analysis

Comment: Thirteen commenters responded that the guidance and acceptance criteria for the analyses required by the rule should be provided with the rule, or the rule should be delayed until they can be provided.

Response: The Commission believes that the rule addresses an important safety issue and should be promulgated without delay. The development of the guidance and acceptance criteria involves performance by the staff and its contractors of analyses of the type to be required later from some licensees. The performance of the analyses requires several sequential steps which cannot be significantly shortened, and the insights to be gained from these analyses are necessary before the staff can draft its guidance. Therefore, the Commission believes that the best course of action is to promulgate the rule now and provide the guidance and acceptance criteria in late 1985 or early 1986. This will be at least a decade before any licensee will need to begin performing the analyses for submittal three years before exceeding the RT_{PTS} criteria, based on the Commission's current understanding of the flux levels at all PWRs. In order to avoid difficulty for any licensee where this expectation is not fulfilled, the Commission has changed the final rule to require licensees to submit the required analyses three years before the plant is projected to exceed the screening criterion, or one year after issuance of the guidance and acceptance criteria, whichever is later.

If a licensee elects to perform analyses to justify alternatives to flux reduction prior to issuance of the final guidance and acceptance criteria, the staff will provide on request its best current judgement of what analyses are likely to be acceptable and what level of safety will be required.

Timing of Required Plant-Specific Analyses

The Commission invited public comments regarding whether the

detailed analyses should be required five years prior to exceeding the screening criterion, instead of the three years in the proposed rule.

Comment: Eleven commenters responded with ten of the eleven stating that three years is preferable. The eleventh comment stated that a five year requirement would be useful to the extent that it would lead to earlier Commission reaction and a longer lead time for implementation, but also noted that "unless the NRC reaction is timely, the advantage will be lost."

Response: The Commission believes that three years allows adequate time for review and implementation of any necessary corrective actions. Therefore, the three year requirement has been retained in the final rule.

Necessity of PTS Rule

Comment: One commenter responded that the rule is not necessary and that its purpose could be accomplished with a generic letter or plant-specific action, since the lead plants have already been identified.

Response: The Commission evaluated alternatives to rulemaking prior to publication of the proposed rule. Plant-specific information is needed to determine whether or not corrective actions are needed, in sufficient time to allow implementation before PTS risk exceeds acceptable levels. The Commission believes a rule is the appropriate means to accomplish the above for all plants that may require action.

Adequacy of Bases for Proposed Rule

Comments were received from two individuals that expressed general concerns regarding the Commission's bases for the proposed rule. These individuals' various contentions are briefly noted below with the Commission's response.

Comments:

- (1) Flux measurements and/or calculations are uncertain.
- (2) Basis and assumptions of PTS rule are incorrect.
- (3) There are other causes of embrittlement that are not considered by the PTS rule.
- (4) Coupons used to monitor vessel steel embrittlement are not representative of the vessel material.
- (5) PRA techniques are inadequate.

Response: When the NRC staff performed the studies upon which the PTS rule is based, it was recognized that there were many uncertainties involved in determination of risk due to PTS. The uncertainties were taken into account when the screening criterion was

selected, allowing a conservative margin for safety and time for implementation of identified corrective actions before an acceptable level of safety is exceeded. The probabilistic risk analysis (PRA) and deterministic methods used and conclusions reached that risk is acceptable for vessels with RT_{PTS} below the screening criterion are discussed in SECY-82-465, SECY-83-288, and in the Federal Register Notice of Proposed Rulemaking (February 7, 1984).

Comment:

(6) The ability to detect cracks greater than 1/4-inch in depth, and the "leak before break" principle, are relied upon in the resolution of Unresolved Safety Issue A-11, Reactor Vessel Materials Toughness.

Response: This comment is not relevant to the bases for the PTS rule since the existence of a non-detected, non-leaking crack was conservatively assumed in the PTS analyses.

Comment:

(7) The rule should apply to BWR's.

Response: The Commission does not believe that PTS is a significant safety concern for BWRs, and believes that the PTS rule should not be applied to BWRs. The several technical reasons for this (low probability of the event, lesser embrittlement due to shielding from larger amounts of water, and lower stress intensity due to a thinner vessel) are explained in the staff testimony given at the licensing board hearing for Limerick in response to contentions by the same commentator.⁴

Comments:

(8) The bases for the PTS rule come mostly from operating reactor data.

(9) The screening criterion in the PTS rule is not based on observed precursors.

Response: As explained in SECY-82-465, the PTS rule is based both on a study of PTS precursors that have actually occurred, and on analytical studies of more severe events that have not actually occurred.

Comments:

(10) Generic analyses used without verification for specific plants.

(11) Link between Control System Interactions and Pressurized Thermal Shock not properly included.

Response: The PTS rule establishes a screening criterion, with a conservative margin to allow for uncertainties, below which the Commission has concluded that PTS risk is acceptable for any PWR. The rule also requires that plant-specific

analyses be performed to identify any necessary corrective actions, well before the screening criterion is exceeded. Those required analyses will be plant-specific and will be required to include items such as control system interactions.

Comment:

(12) The Commission's analyses had to assume the existence of flaws.

Response: This is correct. If no flaw exists, then there is no PTS problem. Therefore, the Commission's analysis made the conservative assumption of the existence of a flaw, the depth of which was chosen, for each analysis, to maximize the likelihood of vessel failure.

Comment:

(13) B&W reactors are more susceptible to PTS-related failure.

Response: Based on staff analysis, reported in Enclosure C to SECY-83-288, the Commission concluded that the PTS risk for B&W plants is not significantly different from that for other PWRs.

Comment:

(14) Pump seal failures are not accounted for.

Response: Pump seal failure is one postulated cause of a small Loss of Coolant Accident (LOCA) and was accounted for in the analyses on which the PTS rule is based.

Comment:

(15) Missiles might penetrate containment during a PTS event.

Response: The analysis on which the PTS rule is based assume that vessel failure and core melt is a serious safety threat and must be avoided with or without containment failure. Those analyses did not quantify the probability of containment failure. However, the screening criterion was set at a value sufficiently low to account for the perceived small probability that a PTS event might fail containment. The Commission's long-term studies of PTS include analyzing the possibility of containment failure, and it is expected that the analyses required by the PTS rule will also require each licensee to perform such evaluations before the screening criteria specified are exceeded.

Comment:

(16) Fuel maneuvers to lower the fluence invite licensee cheating.

Response: The type of "maneuvers" performed to lower fluence to the critical welds are not the day-to-day maneuvers evidently envisioned by the commentator. These "maneuvers" involve selection of a particular pattern for arranging various types of fuel with various burnups in the core. This is done every year to 18 effective full power months when the core is reloaded, and

is thoroughly verified by multiple checks. The flux reduction accomplished is also verified both experimentally and analytically, and will be reviewed by the Commission.

Comment:

(17) Fracture mechanics calculations do not have an experimental basis. The largest vessel ever tested was 1/6th-scale, and it "burst at 1/3rd the pressure calculated using fracture mechanics considerations."

Response: The experimental and analytical bases for the Commission's fracture mechanics methods are thoroughly documented (for example, in SECY-82-465) and are generally accepted in the engineering community as adequately conservative. A recent 1/6th-scale vessel test, the first such vessel subjected to pressure and thermal stress, failed at a stress very close to the predicted stress.⁵

Comments on Supplementary Information Section of Notice of Proposed Rulemaking

Several comments were received that relate to the Supplementary Information section of the February 7, 1983 Federal Register Notice. These comments are discussed below.

Number of Reactors Expected to Remain in Below RT_{PTS} Criterion

Comments: Several commenters took issue with the possible implication of a statement made that most PWRs will exceed the RT_{NDT} criterion.

Response: The Commission agrees that the implication is incorrect, and notes that it currently projects that the majority of plants are not expected to exceed the criterion before the expiration of the operating license.

Conservatism of Rule

Comment: Eight of the commenters responded to the statement by Commissioners Asselstine and Gilinsky in the Supplementary Information section that numerous conservative factors, unconservative factors, and unknown factors in the PTS analyses need to be considered appropriately in the acceptance criteria being developed by the staff, and that a suitable margin of safety should be retained throughout the service life of the facility. The commenters felt that in light of recent work by Oak Ridge National Laboratory, Electric Power Research Institute, etc., the staff has adequately

⁴Limerick Licensing Board, Order dated November 15, 1983, Memorandum and Order Granting Applicant's Motion for Summary Disposition of Contention 1-62, Docket Nos. 50-352-01 and 50-353-01.

⁵Heavy Section Steel Technology Program, Semiannual Program Report, NUREG/CR-3744 Vol. 1, C.E. Pugh. Copies are available for public inspection and copying at the Public Document Room at 1717 H. Street, Washington, D.C. 20555.

considered all factors and the statement is unwarranted.

Response: The Commission believes that although considerable knowledge has been gained about PTS in the past two years, the previous statement by Commissioners Asselstine and Gilinsky remains valid.

Consideration of Possible License Extension

Comment: Several commenters viewed the statement in the Supplementary Information section regarding licensee consideration of the possibility of future license extension requests when evaluating flux reduction options, as premature, and recommended deletion.

Response: The rule does not explicitly require this consideration, but the Commission continues to believe that the potential for license extensions is a factor that licensees should consider.

Preferred Risk Reduction Actions

Comment: Several commenters recommended deletion of a statement in the Supplementary Information section that in the analysis of modifications in support of operation beyond the screening criterion, "[m]odifications to equipment or systems are preferable to reliance on procedure modifications."

Response: Since the statement could be interpreted as prejudging a regulatory decision, it has not been included in the Supplementary Information section of this rule.

Thermal Annealing Requirement in Appendix G to 10 CFR Part 50

Comment: Sixteen comments were received in response to the Commission's request for public comment on the merits of eliminating the thermal annealing requirements of 10 CFR Part 50, Appendix G (Fracture Toughness Requirements) paragraph IV.B., which states:

"Reactor vessels for which the predicted value of upper-shelf energy at end of life is below 50 ft-lb or for which the predicted value of adjusted reference temperature at end of life exceeds 200 °F (93 °C) must be designed to permit a thermal annealing treatment at a sufficiently high temperature to recover material toughness properties of ferritic materials of the reactor vessel beltline."

All of the commenters said this requirement was too restrictive and should be deleted. The most-cited reason was that annealing is only one of the possible actions and deletion would provide desirable flexibility to demonstrate acceptably low risk. None of the commenters said it was a

hardship to design to permit annealing, although one wrote, "As a practical matter, it is impossible to design for a process that has not been technically developed." On the other hand, eight of the commenters urged that deletion "... should not in any way imply that a utility is prevented from using the thermal annealing process as an option to increase safety margin."

Response: The Commission accepts the comment that to require design for annealing if radiation damage is expected to be significant is too restrictive. The decision to anneal is largely an economic one, which should be left to the licensee. Paragraph IV.B was intended to alert applicants that annealing might someday need to be considered, to require that it be considered in the design phase if a significant level of radiation damage is expected, and to define that level. Yet, it appears that there have been few, if any, actual design features added to accommodate annealing. Other maintenance, inspection and repair operations place similar requirements on clearances and radiological hazards. Vessel expansion at the nozzles is not expected to exceed that experienced in operation at the design temperature (650 °F). The extra features on the surveillance program are referred to briefly in ASTM E 185, which is referenced in Appendix H to 10 CFR Part 50. Thus, it can be concluded that this paragraph has had little impact on the design of plants. Third, the 200 °F RT_{NDT}/50 ft-lb criteria have been misinterpreted in the past to mean that operation beyond those limits is unsafe, which is not true. For these reasons, the Commission is planning a separate rulemaking action to delete paragraph IV.B. of Appendix G, 10 CFR Part 50. The annealing alternative will remain in the regulation, as given in paragraph V.D. of Appendix G.

Fracture Mechanics Methodology To Be Used for Plant-Specific Analysis

Comment: One telephone comment was received regarding a perception that the Commission would encourage or require development and use of the newest fracture mechanics techniques for the required plant-specific PTS analyses.

Response: It is anticipated that the forthcoming staff guidance on the preparation of plant-specific PTS analyses will specify that the deterministic fracture mechanics techniques underlying the algorithms in the probabilistic fracture mechanics evaluations be conservative, standard methodologies that have been in use for some time. It is not the intent of the

Commission to require use of new methods that would "break new ground", such as those which account for elastic-plastic deformation.

Explanation of the Rule Requirements

Paragraph (b)(2) of § 50.61 establishes an RT_{PTS}-based screening criterion, and presents the conservative method chosen by the staff for the calculation of the RT_{PTS} for the purpose of comparison with the screening criterion. The basis for selection of this method is presented in Appendix E of Enclosure A to SECY 82-465. Since the acceptability of the screening criterion was based on generic studies, and since the purpose of the criterion is to provide a defined and consistent threshold for initiating the submittal of plant-specific analyses, the rule § 50.61(b)(1) requires each licensee to assess the current and projected values of RT_{PTS} using the methodology described in paragraph (b)(2) of the rule. Although the Commission expects that alternative methods of determining RT_{NDT} may be justified for use in plant-specific evaluations of PTS events in the future, the rule requires that the prescribed conservative method for calculating RT_{PTS} be used to determine when the plant-specific evaluations must be performed.

Applicants for operating licenses are required to provide projected values of RT_{PTS} as part of the final safety analysis report as provided in the amendment to paragraph (b) of § 50.34, "Contents of Applications: Technical Information."

On the basis of information currently available, it appears that the RT_{PTS} of most reactor vessels will remain below the screening criterion throughout the service life. For other reactor vessels, fuel management programs could be instituted that would result in core configurations reducing neutron flux at critical locations, thereby slowing the increase of RT_{PTS} so that the screening criterion would not be exceeded. The Commission recognizes that further refinements in materials information, analyses of PTS event frequencies and scenarios, and plant-specific analyses of alternative measures to reduce PTS risk may provide a basis for the acceptability of continued operation with RT_{PTS} values in excess of the screening criterion. The preparation and review of such analyses and determination of their acceptability will require substantial time. However, the effectiveness of flux reduction programs depends on early implementation. The Commission has determined that reasonably practicable flux reduction programs should be implemented promptly where needed to maintain

reactor vessel RT_{PTS} below the screening criterion, without awaiting possible plant-specific determinations that higher values of RT_{PTS} are acceptable.

Therefore, the rule § 50.61(b)(3) requires licensees with pressure vessels for which the reference temperature is projected to exceed the screening criterion before the expiration date of the operating license to submit an analysis of such flux reduction programs as are reasonably practicable to avoid exceeding the screening criterion, and a schedule for implementation of such programs. The NRC staff will review these submittals to confirm that reasonably practicable programs have been, or will be, implemented.

At the time of this submittal, or at a later time, licensees may submit additional plant-specific analyses to justify (by new information, improved analyses or evaluations of alternative measures) operation with less restrictive flux reduction programs in the future. The proposed schedule for implementation of any needed flux reduction program may reflect appropriately the possibility of such justification. However, it is the Commission's intent that the effectiveness of flux reduction programs that are needed to avoid, or to delay, reaching the screening criterion, and that are reasonably practicable, should not be reduced by delay in implementation, pending review of these analyses. The Commission expects that in evaluating the need for flux reduction programs, each licensee will consider the possibility that, in the future, the licensee may wish to seek approval of a license amendment to extend the expiration date of the license. Since consideration of protection against PTS events would be a factor in the Commission's decision on such a request, licensees should consider flux reduction programs that would prevent reaching the screening criterion by the end of the anticipated service life of the facility.

When a licensee determines, and the Commission agrees, that reasonably practicable flux reduction measures have been or will be implemented, and that the vessel RT_{PTS} is still projected to exceed the screening criterion before expiration of the operating license, then the rule (§ 50.61(b)(4)) requires the submittal of a plant-specific safety analysis. The analysis must include an assessment of the vessel fracture mechanics properties for the remainder of vessel life, including effects on PTS risk of possible changes in fuel loading patterns affecting the neutron flux at the vessel wall. The analysis must also

include a quantitative assessment of the PTS risk due to operation of the particular plant. It must identify potential event sequences that contribute significantly to PTS risk. It must consider both the expected frequency of these event sequences and the conditional probability of vessel failure and subsequent core melt, given the occurrence of these event sequences, and identify what, if any, modifications to equipment, systems and operation are necessary to prevent potential failure of the reactor vessel as a result of postulated PTS events, if continued operation beyond the screening criterion is allowed. Finally, the analysis must estimate the effects of recommended corrective actions on PTS risk and must justify, partly on the basis of risk analysis, operation at RT_{PTS} values above the screening criterion after completion of corrective or mitigative actions.

The plant-specific analysis must be submitted substantially in advance of the projected time at which the screening criterion would be exceeded, to allow time for Commission review of the analysis and licensee implementation of any proposed modifications well in advance of reaching the screening criterion. It is the Commission's intent that the staff perform a timely review of these analyses so that decisions, regarding any necessary corrective actions, are made with allowance for sufficient time to implement corrective actions before the screening criterion is exceeded.

Section 50.61(b)(5) of the rule provides for Commission review of these analyses. The Commission must approve the analysis before the plant may operate at RT_{PTS} values above the screening criterion.

The staff is developing additional guidance on the content of the required plant-specific analysis and on the acceptance criteria the staff will use in reviewing the analysis. The staff expects this guidance to be available long before any licensee will be required to start such an analysis (based on estimated rates of RT_{PTS} increase and recent information regarding the efficacy of flux reduction techniques planned at several plants with high RT_{PTS} values). The rule requires submittal of the plant-specific analysis at least three years before the screening criterion would be exceeded or one year after staff issuance of the guidance and acceptance criteria regarding those analyses, whichever is later. No plant-specific analysis performed in response to the requirement of § 50.61(b)(4) should be started before issuance of this

additional staff guidance. However, should a licensee decide to perform a plant-specific PTS safety analysis as part of its response to § 50.61(b)(3) in support of alternatives to, or implementation schedules for, flux reduction measures, the staff will meet, upon request, with the licensee to provide its best current guidance for such analysis.

Paragraph (b)(6) of § 50.61 provides that if the Commission concludes that the plant-specific analysis, including any plant modifications proposed, does not provide a basis for approval of operation at values of RT_{PTS} in excess of the PTS screening criterion for a given facility, then that facility may not be operated beyond the criterion unless the licensee requests and receives Commission approval based on additional modifications or new factors that would reduce the potential for failure of the reactor vessel due to PTS events.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3) (ii) and (iii). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule specifies minimum fracture toughness properties of irradiated pressure vessel materials to ameliorate the effects of PTS events on nuclear facilities licensed under the provisions of 10 CFR 50.21(b) and 10 CFR 50.22. The companies that own these facilities do not fall within the scope of the definition of "small entities" as set forth in the Regulatory Flexibility Act of the Small Business Size Standards in regulations issued by the Small Business Administration at 13 CFR Part 121.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget, approval number 3150-0011.

Regulatory Analysis

The Commission has prepared a regulatory analysis for this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying for a fee at the NRC Public Document Room, 1717 H. Street, NW, Washington, DC 20555. Single copies of the analysis may be obtained from Mr. Karl Kniel, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7359.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and record keeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.57(d), 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100-50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 50.34 is amended by adding a new paragraph (b)(9) to read as follows:

§ 50.34 Contents of applications; technical information.

(b) * * *

(9) A description of protection provided against pressurized thermal shock events, including projected values of the reference temperature for reactor vessel beltline materials as defined in § 50.61 (b)(1) and (b)(2).

3. A new § 50.61 is added to read as follows:

§ 50.61 Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events.

(a) *Definitions.* For the purposes of this section:

(1) "ASME Code" means the American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section III, "Rules for the Construction of Nuclear Power Plant Components," edition and addenda as specified by § 50.55a, Codes and Standards.

(2) "Pressurized Thermal Shock Event" means an event or transient in pressurized water reactors (PWRs) causing severe overcooling (thermal shock) concurrent with or followed by significant pressure in the reactor vessel.

(3) "Reactor Vessel Beltline" means the region of the reactor vessel (shell material including welds, heat affected zones, and plates or forgings) that directly surrounds the effective height of the active core and adjacent regions of the reactor vessel that are predicted to experience sufficient neutron radiation damage to be considered in the selection of the most limiting material with regard to radiation damage.

(4) "Initial RT_{NDT} " means the reference temperature for a reactor vessel material as defined in the ASME Code, Paragraph NB-2331. RT_{NDT} means the reference temperature as adjusted for the effects of neutron radiation for the period of service in question.

(5) " RT_{PTS} " means the reference temperature calculated by the method given in paragraph (b)(2) of this section for use as a screening criterion.

(b) *Requirements.*

(1) For each pressurized water nuclear power reactor for which an operating license has been issued, the licensee shall submit projected values of RT_{PTS} (at the inner vessel surface) of reactor vessel beltline materials by giving values from the time of submittal to the expiration date of the operating license. The assessment must specify the bases for the projection, including the assumptions regarding core loading patterns. This assessment must be

submitted by January 23, 1986, and must be updated whenever changes in core loadings, surveillance measurements, or other information indicate a significant change in projected values.

(2) The pressurized thermal shock (PTS) screening criterion is 270 °F for plates, forgings, and axial weld materials, or 300 °F for circumferential weld materials. For the purpose of comparison with this criterion, the value of RT_{PTS} for the reactor vessel must be calculated as follows. The calculation must be made for each weld and plate, or forging, in the reactor vessel beltline. For each material, RT_{PTS} is the lower of the results given by Equations 1 and 2.

$$\text{Equation 1: } RT_{PTS} = I + M + \left[\frac{-10 + 470}{Cu + 350 Cu Ni} \right] f^{0.370}$$

$$\text{Equation 2: } RT_{PTS} = I + M + 293 f^{0.194}$$

(i) "I" means the initial reference temperature of the unirradiated material measured as defined in the ASME Code, Paragraph NB-2331. If a measured value is not available, the following generic mean values must be used: 0 °F for welds made with Linde 80 flux, and -50 °F for welds made with Linde 0091, 1092 and 124 and ARCOS B-5 weld fluxes.

(ii) "M" means the margin to be added to cover uncertainties in the values of initial RT_{NDT} , copper and nickel content, fluence and the calculational procedures. In Equation 1, $M = 46$ °F if a measured value of I was used, and $M = 59$ °F if the generic mean value of I was used. In Equation 2, $M = 0$ °F if a measured value of I was used, and $M = 34$ °F if the generic mean value of I was used.

(iii) "Cu" and "Ni" mean the best estimate weight percent of copper and nickel in the material. The source of these values must be included in the assessment. The relationship of the material, on which any measurements were made, to the actual material in the pressure vessel must be described.

(iv) "f" means the best estimate neutron fluence, in unit of 10^{19} n/cm² (E greater than or equal to 1 MeV), at the clad-base-metal interface on the inside surface of the vessel at the location where the material in question receives the highest fluence for the period of service in question.

(3) For each pressurized water nuclear power reactor for which the value of RT_{PTS} for any material in the beltline is projected to exceed the PTS screening criterion before the expiration date of the operating license, the licensee shall submit by April 23, 1986, an analysis and schedule for implementation of such

flux reduction programs as are reasonably practicable to avoid exceeding the PTS screening criterion set forth in paragraph (b)(2). The schedule for implementation of flux reduction measures may take into account the schedule for submittal and anticipated Commission approval of detailed plant-specific analyses, submitted to demonstrate acceptable risk at values of RT_{PTS} above the screening limit due to plant modifications, new information or new analysis techniques.

(4) For each pressurized water nuclear power reactor for which the analysis required by paragraph (b)(3) of this section indicates that no reasonably practicable flux reduction program will prevent the value of RT_{PTS} from exceeding the PTS screening criterion before the expiration date of the operating license, the licensee shall submit a safety analysis to determine what, if any, modifications to equipment, systems, and operation are necessary to prevent potential failure of the reactor vessel as a result of postulated PTS events if continued operation beyond the screening criterion is allowed. In the analysis, the licensee may determine reactor vessel materials properties based on available information, research results, and plant surveillance data, and may use probabilistic fracture mechanics techniques. This analysis must be submitted at least 3 years before the value of RT_{PTS} as defined in paragraph (b)(2) of this section is projected to exceed the PTS screening criterion or by one year after issuance of the Commission Guidance and Acceptance Criteria for these analyses, whichever is later.

(5) After consideration of the licensee's analyses (including effects of proposed corrective actions, if any) submitted in accordance with paragraphs (b)(3) and (b)(4) of this section, the Commission may, on a case-by-case basis, approve operation of the facility at values of RT_{PTS} in excess of the PTS screening criterion. The Commission will consider factors significantly affecting the potential for failure of the reactor vessel in reaching a decision.

(6) If the Commission concludes, pursuant to paragraph (b)(5) of this section, that operation of the facility at value of RT_{PTS} in excess of the PTS screening criterion cannot be approved on the basis of the licensee's analyses submitted in accordance with paragraphs (b)(3) and (b)(4) of this section, the licensee must request and receive Commission approval prior to

any operation beyond the criterion. The request must be based upon modifications to equipment, systems, and operation of the facility in addition to those previously proposed in the submitted analyses that would reduce the potential for failure of the reactor vessel due to PTS events, or upon further analyses based upon new information or improved methodology.

Dated at Washington, DC, this 17th day of July 1985.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-17463 Filed 7-22-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. NM-16; Special Conditions No. 25-ANM-7]

Special Conditions: Aerospatiale Model ATR-42 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued pursuant to §§ 21.16 and 21.17 of the Federal Aviation Regulations (FAR) to Aerospatiale/Aeritalia, Toulouse, France, for a type certificate for the ATR-42 series airplane. The ATR-42 airplane will have novel or unusual design features associated with an automatic takeoff power control system (ATPCS) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. The ATPCS will allow the airplane to take off with less than maximum takeoff thrust approved for the airplane; and, if an engine fails, the system will automatically provide maximum takeoff thrust on the operating engine. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that provided by the regulations applicable to the ATR-42 series airplane because of the novel or unusual features.

EFFECTIVE DATE: August 22, 1985.

FOR FURTHER INFORMATION CONTACT: James Walker, Policy and Procedures Branch, Transport Standards Staff, ANM-110, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2116.

SUPPLEMENTARY INFORMATION:

Background

In February of 1982, Aerospatiale Division of Avions, 316 Route De Bayonne, 31060 Toulouse Cedex 3, France, applied for a United States Import Type Certificate for its Model ATR-42 series airplane.

The Model ATR-42 is a high wing, twin-engine, pressurized transport category airplane having a maximum takeoff weight of 34,720 pounds. The airplane is equipped with two Pratt and Whitney PW-120 turbopropeller engines, each producing 2,000 shaft horsepower. The airplane has a maximum seating capacity for 50 persons, including the crew, and a maximum permissible altitude of 25,000 feet.

The design covered under the type certificate is the installation of an ATPCS. Automatic takeoff power control system special conditions issued to date for other airplanes require the ATPCS be designed to permit manual decrease or increase in power up to the maximum takeoff power approved for the airplane under existing conditions through the use of power levers. The ATPCS system installed on the engines of the ATR-42 airplane contains an electronic fuel controller (EFC), which provides an automatic fixed speed increment increase in the event of an engine failure during takeoff. In the event of an engine failure, a signal from the ATPCS is transmitted to the EFC which up-trims the operating engine to the approved takeoff power. In the event of an ATPCS failure concurrent with engine failure, the crew would be required to advance the power lever to obtain the maximum power.

The type design of the ATR-42 series airplane with the automatic system installed contains a number of novel or unusual design features for which the applicable airworthiness requirements do not contain adequate or appropriate safety standards. Special conditions are necessary to provide a level of safety equal to that generally intended by the established certification basis and to support a finding by the Administrator that no feature or characteristic of the airplane with the automatic system installed makes it unsafe for the category in which certification is required. These special conditions specify limits on the maximum power increment which may be applied to the operating engines by the ATPCS, prescribe system reliability and status monitoring requirements, require provisions of manual selection of the maximum takeoff power approved for

the airplane under existing conditions, prohibit approval of the system if the automatic or manual application of approved maximum takeoff power would result in an engine operating limit being exceeded, and require the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

Discussion of Comments

Notice of proposed special conditions No. SC-85-1-NM for the ATR-42 series airplane was published in the *Federal Register* on February 26, 1985 [50 FR 7791]. Only one person, the applicant, commented.

The applicant notes that the description in the preamble of the control operation for a simultaneous engine and ATPCS system failure event incorrectly states that crew action is required to deactivate the system to obtain maximum takeoff power. In fact, the only crew action to obtain maximum power for the ATR-42 in the failure event is to manually advance the engine power lever.

The FAA notes the correct operation method; however, paragraph E2(b) of the special conditions is not revised as this paragraph still remains applicable for either an automatic system override or a manual system. It is understood the ATR-42 engines do not have the limiters referred to in paragraph E2(b) and that the manual method is required to obtain the engine power increase.

Another comment expressed by the applicant is that the proposed reliability requirements in paragraphs C1 and C2 of the special conditions are too conservative. The applicant states that in addition to avoiding unnecessary costs due to system complexity, relaxation of these reliability criteria can reduce the need for pre-flight checks of the system and thus reduce flightcrew workload. In lieu of paragraphs C1 and C2, the applicant proposes replacing these paragraphs with the corresponding text of the French Special Condition BB 1 (Issue 2, Oct. 1984).

The FAA has determined that

paragraphs C1 and C2 of the special conditions do provide the level of safety necessary to satisfy an equivalent safety finding on the issue of trading airplane performance for a calculated ATPCS reliability and to assure a minimum safety standard intended by the applicable regulations. The FAA notes the arguments of the commenter; however, it has been determined that the special conditions, as issued, are necessary for acceptance of a system that automatically increases power or thrust on operating engines when one engine fails during takeoff.

Type Certification Basis

The type certification basis for the Aerospatiale/Aeritalia ATR-42 series airplane with the ATPCS installed, to be incorporated in the type certificate, is Part 25 of the FAR, including Amendments 25-1 through 25-54; Part 36 of the FAR, including Amendments 36-1 through current amendment; § 21.29 of the FAR; SFAR 27, dated December 12, 1973, including Amendments 27-1 through current amendment; and the special conditions for and ATPCS contained herein.

The applicable airworthiness standards for import products are those regulations designated in accordance with § 21.29 and are known as the "type certification basis" for the airplane design. Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b) effective October 14, 1980, and become part of the type certification basis in accordance with § 21.17(a)(2).

Conclusion:

This action affects only certain unusual or novel design features on one model series of airplanes. It is

on one model series of airplanes. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 21

Air transportation, Aircraft, Aviation safety.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.49.

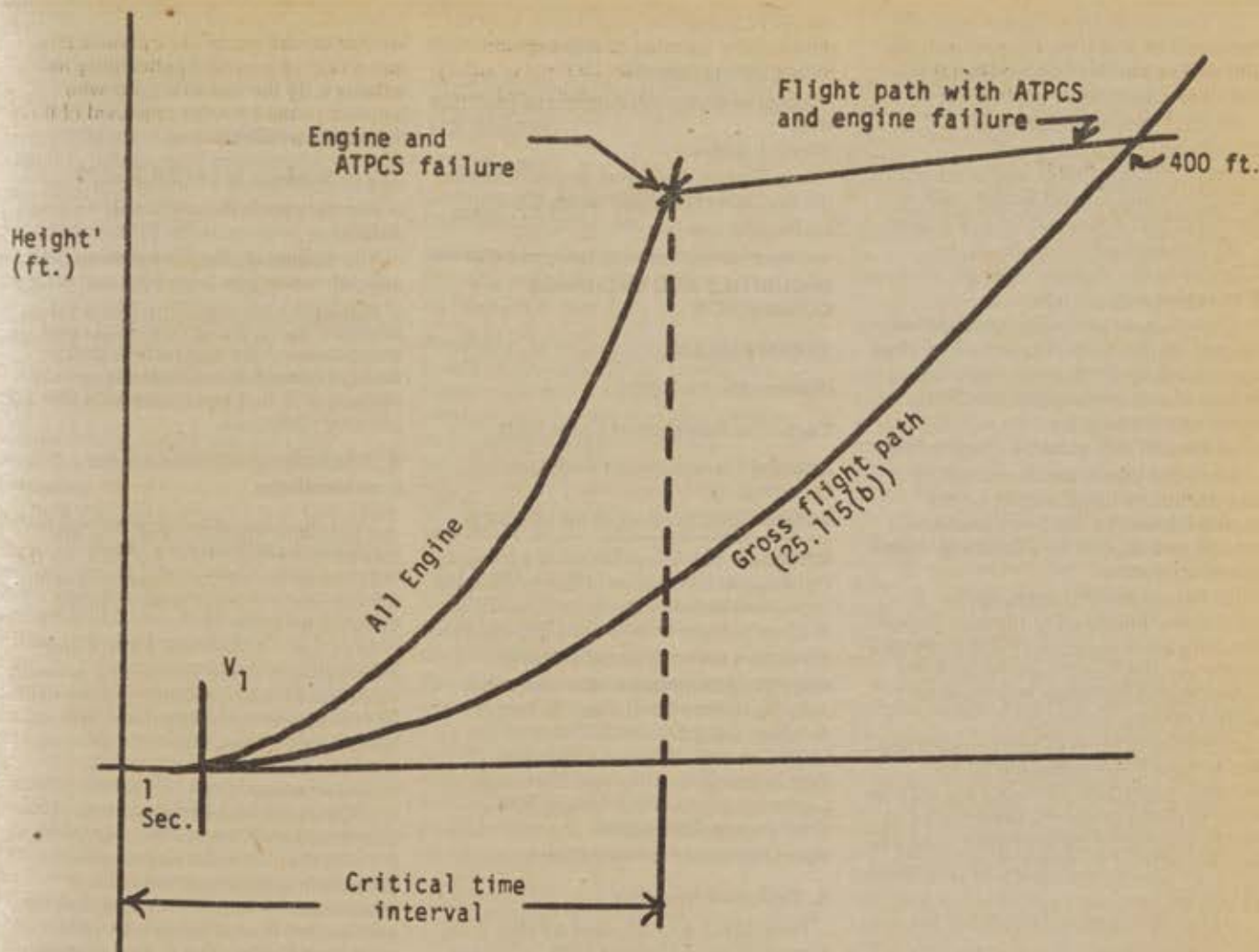
The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Aerospatiale/Aeritalia for the ATR-42 series airplane equipped with an automatic takeoff power control system (ATPCS):

(A) *General.* With the ATPCS and associated systems functioning normally as designed, all applicable requirements of Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase power.

(B) *Definitions.*—(1) *Automatic Takeoff Power Control System (ATPCS).* An ATPCS is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled power increase, and furnish cockpit information on system operation.

(2) *Critical Time Interval.* When conducting an ATPCS takeoff, the critical time interval is between V_1 minus 1 second and a point on the minimum performance, all-engine flight path where, assuming a simultaneous engine and ATPCS failure, the resulting minimum flight path thereafter intersects the Part 25 required gross flight path at not less than 400 feet from the takeoff surface. This definition is shown in the following graph.



(3) *Takeoff Power.* Notwithstanding the definition of "takeoff power" in Part 1 of the FAR, "takeoff power" means the horsepower obtained from each initial power setting approved for takeoff under these special conditions.

(C) *Performance Requirements.* The applicant must comply with the following performance and reliability requirements.

(1) An ATPCS system failure during the critical time interval must be shown to be improbable.

(2) The concurrent existence of an ATPCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

(3) All applicable performance requirements of Part 25 must be met with an engine failure occurring at the

most critical point during takeoff with the ATPCS system functioning.

(D) *Power Setting.* The initial takeoff power set on each engine at the beginning of the takeoff roll may not be less than:

(1) Ninety percent (90%) of the power level set by the ATPCS (the maximum takeoff power approved for the airplane under existing conditions);

(2) That required to permit normal operation of all safety related systems and equipment dependent upon engine power or power lever position; or

(3) That shown to be free of hazardous engine response characteristics when power is advanced from the initial takeoff power level to the maximum approved takeoff power.

(E) *Powerplant Controls*.—1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATPCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

(2) The ATPCS must be designed to:

(a) Apply power on the operating engine, following an engine failure during takeoff, to achieve the selected takeoff power without exceeding engine operating limits;

(b) Permit manual decrease or increase in power up to the maximum takeoff power approved for the airplane under existing conditions through the use of the power lever. For aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of power controlled by the power levers in the event of an ATPCS failure, provided the means:

(1) Is located on or forward of the power levers;

(2) Is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers; and

(3) Meets the requirements of § 25.777, paragraphs (a), (b), and (c);

(c) Provide a means to verify to the flightcrew prior to takeoff that the ATPCS is in a condition to operate; and

(d) Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

(F) *Powerplant Instruments*. In addition to the requirements of § 25.1305:

(1) A means must be provided to indicate when the ATPCS is in the armed or ready condition; and

(2) If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of

the ATPCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

Issued in Seattle, Washington, on July 11, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-17390 Filed 7-22-85; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-22208]

Technical Revision of Form MSD

AGENCY: Securities and Exchange Commission.

ACTION: Technical revisions of a form.

SUMMARY: The Commission is adding a Privacy Act Statement to Form MSD, the form used by bank municipal securities dealers to register with the Commission.

EFFECTIVE DATE: September 1, 1985.

FOR FURTHER INFORMATION CONTACT: Amy Natterson Kroll, Esq., Attorney-Advisor, (202) 272-2848, Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

A. Technical Revision

Form MSD was adopted by the Commission in October 1975, pursuant to Section 15B of the Securities Exchange Act of 1934 which requires all municipal securities dealers to register with the Commission. Form MSD is the application used by bank municipal securities dealers that register with the Commission. The Commission is now amending the General Instructions of Form MSD to include a Privacy Act Statement, pursuant to 5 U.S.C. Section 552a(e)(3), informing bank municipal securities dealers that the information they are required to disclose on Form MSD will be used primarily for determining whether to grant or deny their registration and social security numbers, if furnished, will be used only to assist the Commission in identifying applicants. The statement also indicates that information supplied on Form MSD will be included in the Commission's public files and will be available for inspection by any interested person. Specifically, the statement indicates: (1) the Commission's authority to solicit

information required on the Form MSD, (2) that disclosure of the information is mandatory, except for social security numbers, (3) the use of the information, including social security numbers, (4) the public availability of Form MSDs and the information they contain, (5) the unacceptability of a form which does not comply with the applicable disclosure requirements, (6) the absence of any finding by the Commission that an application has been filed correctly or contains true, current or complete information by the Commission upon acceptance of the application, and (7) that intentional misstatements or omissions of fact constitute federal criminal violations.

B. Administrative Procedure Act Considerations

The Commission has determined that the Administrative Procedure Act requirements of notice and public procedure are not applicable to this amendment pursuant to 5 U.S.C. Section 553(b).¹ The Commission finds that such notice and public procedure are impracticable and unnecessary because this amendment of Form MSD will impact neither the public nor the applicable industry. Rather, this technical amendment will merely inform applicants for registration as municipal securities dealers and their associated persons that the Commission will use the information they provide in processing the application and that the information is available to the public upon registration. The Commission also finds good cause for this amendment to be made effective as of September 1, 1985 in order to insure that all Form MSDs available after such date include the appropriate Privacy Act Statement. This is necessary in order to comply with requirements of the Paperwork Reduction Act, as administered by the Office of Management and Budget.

Because this amendment to Form MSD is a technical amendment, requiring no notice or public procedure, the provisions of the Regulatory Flexibility Act do not apply.

C. Statutory Authority

The Securities and Exchange Commission, acting pursuant to the Exchange Act, particularly Sections 15.

¹ This section excepts rulemaking from the general notice and public procedure requirements when an agency, for good cause, finds that "notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest."

15B, 17(a) 23(a) (15 U.S.C. 78o-4(a)(2), 78w(a)) hereby amends Chapter II, Title 17 of the Code of Federal Regulations adopting the following amendment to Section 249.1100.

Lists of Subjects in 17 CFR Part 249

Privacy Act, Securities, Municipal securities dealers.

Text of Amendment

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 249 continues to read as follows:

Authority: The Securities Exchange Act of 1934, 15 U.S.C. 78a, *et seq.*

2. By adding paragraph M to the general instructions of Form MSD as follows:

§ 249.1100 Form MSD, application for registration as a municipal securities dealer pursuant to rule 15Ba2-1 under the Securities Exchange Act of 1934 or amendment to such application.

M. Under Sections 15, 15B(a), 17(a) and 23(a) of the Securities Exchange Act of 1934 and the Rules and Regulations thereunder, the Commission is authorized to solicit the information required to be supplied by this form from applicants for registration as a municipal securities dealer (and persons associated with applicants). Disclosure of the information specified on this form is mandatory prior to processing of applications for registration as a municipal securities dealer, except social security numbers, disclosure of which is voluntary. The information will be used for the principal purpose of determining whether the Commission should grant or deny registration to an applicant; social security numbers, if furnished, will be used only to assist the Commission in identifying applicants and, therefore, in promptly processing applications. Information supplied on this form will be included routinely in the public files of the Commission and will be available for inspection by any interested person. A form which is not prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. Acceptance of this form, however, shall not constitute any finding that it has been filed as required or that the information submitted is true, current or complete. Intentional misstatements or omissions of fact constitute federal criminal violations. (See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)).

By the Commission.

John Wheeler,

Secretary.

July 2, 1985.

[FR Doc. 85-17437 Filed 7-22-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 10, 19, 24, 103, 113, 134, 141, 143, 145, 148, 152, 162, 171, 173, and 191

[T.D. 85-123]

Conforming Amendments to the Customs Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain conforming changes which are necessary because of various executive, legislative, and administrative actions. Several of the changes in the document implement provisions of the Trade and Tariff Act of 1984. The changes merely conform the regulations to existing law or practice. They are nonsubstantive and essentially are procedural.

EFFECTIVE DATE: July 23, 1985.

FOR FURTHER INFORMATION CONTACT :

Marvin M. Amernick, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to keep its regulations current, the Customs Service has determined that various executive, legislative, and administrative actions require conforming amendments to the Customs Regulations contained in Chapter 1, Title 19, Code of Federal Regulations (19 CFR Chapter 1). Following is a list of these actions, the affected sections of the regulations, and the necessary changes.

Discussion of changes

1. Section 204 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amends section 441(3), Tariff Act of 1930, as amended (19 U.S.C. 1441(3)), to add "vessels carrying passengers on excursions from the U.S. Virgin Islands to the British Virgin Islands and returning" to the list of types of vessels which are not required to make entry with Customs.

As footnote 5 of Part 4, Customs Regulations (19 CFR Part 4), corresponding to § 4.3, sets forth 19 U.S.C. 1441 in its entirety, the footnote is being amended to reflect the revision of subsection (3) of 19 U.S.C. 1441.

2. Section 4.7a, Customs Regulations (19 CFR 4.7a), contains instructions for

completing the Cargo Declaration, Customs Form 1302. Although the form has a column for indicating the name of the shipper, such information has not been required. To comply with section 203 of Pub. L. 98-573, the Trade and Tariff Act of 1984, § 4.7a(c) is being amended to reflect this new instruction.

3. Section 208 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amends section 466(e), Tariff Act of 1930, as amended (19 U.S.C. 1466(e)), to make the "special purpose vessel" exemption applicable to any U.S.-flag vessel subject to the vessel repair statute that arrives at a port of the U.S. two years or more after its last departure from a port in the U.S. The amendment further provides that this exemption will not apply to vessels designed and used primarily for transporting passengers and property if the vessel departed the U.S. for the sole purpose of obtaining equipment, parts, materials or repairs. Section 4.14(a)(2)(iii), Customs Regulations (19 CFR 4.14(a)(2)(iii)), is being amended to reflect this amendment to 19 U.S.C. 1466(e).

4. By T.D. 84-213, published in the Federal Register on October 19, 1984 (49 FR 41152), various parts of the Customs Regulations relating to the Customs bond structure were amended. One of the changes made by T.D. 84-213 was to amend § 4.34(h), Customs Regulations (19 CFR 4.34(h)), which concerns cargo undelivered at a foreign port and returned to the U.S., by making specific reference to a bond on Customs Form 301. It now has been discovered that paragraph (h) of § 4.34 contains the identical language as paragraph (g). Accordingly, § 4.34 is being amended by removing paragraph (h) and making the changes set forth in T.D. 84-213 to paragraph (g).

5. Item 808.00, Tariff Schedules of the United States (19 U.S.C. 1202), provided for the duty-free entry of both foreign-built containers in international traffic and of repair components for a particular container. Section 127, Trade and Tariff Act of 1984, amended Subpart C of Part 1 of Schedule 8, Tariff Schedules of the United States, to provide for the duty-free entry of repair components for any such container instead of for a particular container, and also for duty-free entry of accessories and equipment for any such container. Section 10.41a, Customs Regulations (19 CFR 10.41a), is being amended to reflect these changes.

6. It has been determined that the Declaration for Free Entry of Articles for Colleges, Religious Institutions, Etc. (Customs Form 3321), is no longer required in order for an importer of

articles for religious, educational, scientific, and other institutions, to obtain duty-free entry for the articles. Accordingly, it is necessary to amend §§ 10.43, 10.44, 10.52, 10.75, and 145.36, Customs Regulations (19 CFR 10.43, 10.44, 10.52, 10.75, 145.36), which refer to the use of Customs Form 3321 to obtain duty-free entry, to reflect the discontinued use of this form.

7. Pub. L. 93-438, the Energy, Reorganization Act of 1974, transferred to the Energy Research and Development Administration, all functions of the Atomic Energy Commission not specifically transferred to the Nuclear Regulatory Commission. Pub. L. 95-91, the Department of Energy Organization Act of 1978, transferred the functions of the Energy Research and Development Administration to the Department of Energy. Accordingly, § 10.102, Customs Regulations (19 CFR 10.102), which relates to the duty-free entry of articles for governmental agencies or offices, is being amended to delete reference to the abolished agency.

8. Section 115 of Pub. L. 97-446, amended section 321(a)(2)(A), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(A)), to provide that bona-fide gifts from persons in foreign countries to persons in the U.S. having an aggregate fair retail value in the country of shipment not exceeding \$50, may enter the U.S. free of duty and tax and without making a Customs entry. In the case of articles sent from persons in the U.S. Virgin Islands, Guam, and American Samoa, the value is \$100. Previously, the values were \$25 and \$40, respectively. Sections 10.152, 10.153 and 145.32, Customs Regulations (19 CFR 10.152, 10.153, 145.32), are being amended to reflect these changes.

9. Section 206 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended section 498(a)(1), Tariff Act of 1930, as amended (19 U.S.C. 1498(a)(1)), by increasing the informal entry limit from \$250 to \$1,250. However, it exempted all articles valued in excess of \$250 classified in Schedule 3, parts of Schedule 7, and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated or any other article for which formal entry is required without regard to value. Under 19 U.S.C. 1498(a)(1), the Secretary of the Treasury may specify the exact amount of the informal entry limit. The limit may vary for different classes or kinds of merchandise or different classes of transactions. After thorough consideration of the issue, it has been determined that, with the exception of the specific exclusions, the informal

limit for all articles will be set initially at \$1,000, with the option to increase it to \$1,250 in the future. This change is being reflected by amending §§ 10.173, 141.82, 143.21, 143.22, 143.23, 145.12, 145.35 and 145.41, Customs Regulations (19 CFR 10.173, 141.82, 143.21, 143.22, 143.23, 145.12, 145.35, 145.41).

10. By T.D. 84-109, published in the Federal Register on May 8, 1984 (49 FR 19447), § 10.183, Customs Regulations (19 CFR 10.183), relating to Civil Aircraft, was established. The sample form, entitled "BLANKET CERTIFICATION FOR CIVIL AIRCRAFT PARTS", which was included in § 10.183(d)(2), contains an incorrect reference to, "section 10.183, Customs Regulations (19 U.S.C. 10.183)." the correct reference should be to "§ 10.183, Customs Regulations (19 CFR 10.183)." Accordingly, § 10.183(d)(2) is being amended to correct the reference.

11. T.D. 84-213, published in the Federal Register on October 19, 1984 (49 FR 41152), amended § 19.14(d), Customs Regulations (19 CFR 19.14(d)), relating to the transfer of domestic spirits from the bonded premises of a distilled spirits plant to a bonded manufacturing warehouse, or for the transfer of domestic wines from a bonded wine cellar to a bonded manufacturing warehouse, by making specific reference to a bond on Customs Form 301. As amended, § 19.14(d) is an incomplete sentence. Accordingly, it is being further amended by adding the words "shall be required" at the end of the sentence.

12. Section 24.16(c), Customs Regulations (19 CFR 24.16(c)), relating to application and bond for overtime services performed by Customs officers, is being amended by removing an "s" at the end of the word "provisions". A bond only contains one provision to secure reimbursement.

13. Section 24.18(f), Customs Regulations (19 CFR 24.18(f)), regarding the reimbursable costs involved in preclearance of air travelers in a foreign country, incorrectly refers to § 24.15, Customs Regulations. Section 24.18(f) is being amended to correct the reference to § 24.16, Customs Regulations.

14. Section 103.11, Customs Regulations (19 CFR 103.11), contains a list of specific Customs Service records subject to disclosure. The list of administrative staff manuals and instructions in § 103.11(a) contains several obsolete publications. It is being revised and updated.

14a. Section 203 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amends section 431 of the Tariff Act of 1930, as amended (19 U.S.C. 1431), by removing the requirement that an importer/

consignee, in its biennial certification, state reasons for requesting confidentiality of its identity and/or the identity of its shipper. Accordingly, Customs is amending § 103.14, Customs Regulations (19 CFR 103.14), to reflect the changes made to 19 U.S.C. 1431. This change will relieve Customs of the requirement to make determinations regarding the legal sufficiency of importer/consignee claims for confidentiality.

15. Various parts of the Customs Regulations relating to the Customs bond structure were amended by T.D. 84-213, published in the Federal Register on October 19, 1984 (49 FR 41152). That document contained a typographical error. The title for the international carrier bond conditions in § 113.64(a), Customs Regulations (19 CFR 113.64(a)), is shown as "Agreement to Pay Penalties, Duties, Taxes, and Other Changes." The correct title is, "Agreement to Pay Penalties, Duties, Taxes, and Other Charges." Section 113.64(a) is being amended to make the correction.

16. Section 207 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended § 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), to provide that no exception shall be made for the country of origin marking of certain pipe and pipe fittings, compressed gas cylinders, and certain manhole rings or frames, covers, and assemblies thereof, by means of die stamping, cast-in-mold lettering, etching, or engraving, etc. Therefore, "Pipes, iron or steel, and pipe fitting of cast or malleable iron" must be removed from the J-list in § 134.33, Customs Regulations (19 CFR 134.33), which lists those articles which are excepted from the country of origin marking requirements of 19 U.S.C. 1304.

17. Customs Form 6061 and Customs Form 3299, were consolidated into a revised Customs Form 3299 to be used for the declaration for free entry of articles under item 817.00, Tariff Schedules of the United States (19 U.S.C. 1202).

Section 148.77(b), Customs Regulations (19 CFR 148.77(b)), which relates to the entry of effects of persons on the termination of assignment to extended duty, or on an evacuation, is being amended to change the reference from Customs Form 6061 to Customs Form 3299.

18. Various Executive Orders relating to the designation of organizations as public international organizations entitled to certain privileges, exemptions, and immunities, necessitate the following changes to the list of such

organizations in § 148.87(b), Customs Regulations (19 CFR 148.87(b)).

(a) The Coffee Study Group (E.O. 10943) and the Southeast Asia Treaty Organization (E.O. 10866) are being removed because they no longer exist by E.O. 12033 of January 10, 1978.

(b) The first reference to the International Telecommunications Satellite Organization (INTELSAT) (E.O. 11718) is being removed because that E.O. granted limited privileges only. E.O. 11966 of January 19, 1977, revoked E.O. 11718. The second reference to INTELSAT by virtue of E.O. 11966 remains as is on the list.

(c) By virtue of E.O. 12359 of April 22, 1982, the Multinational Force and Observers, and the International Food Policy Research Institute are added to the list. However, the International Food Policy Research Institute is not provided the privileges of section 2(a), section 2(b), section 2(c), that portion of the last clause of section 2(d) relating to official communications and section 7(b) of the International Organizations Immunities Act (22 U.S.C. 288a (a), (b), (c), the last clause of (d) and 288d(b)).

19. Section 152.105, Customs Regulations (19 CFR 152.105), referring to the use of deductive value for Customs purposes in determining the value of imported merchandise, incorrectly contains paragraph headings (h)(3)(a) and (b). These paragraph headings are being changed to read (h)(3)(i) and (h)(3)(ii).

20. Section 152.108, Customs Regulations (19 CFR 152.108), referring to unacceptable bases of appraisal for imported merchandise, incorrectly contains paragraphs numbered (1), (2), (3), (4), (5), (6) and (7). These paragraph headings are being changed to read (a), (b), (c), (d), (e), (f) and (g).

21. Section 213 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended several sections of the Tariff Act of 1930, as amended, relating to seizures and forfeitures. This causes changes in the administrative forfeiture limits and cost bond requirements contained in Part 162, Customs Regulations (19 CFR Part 162).

Previously, the value of property that could be seized and summarily forfeited to the government was \$10,000. Now it is \$100,000, except that there is no limit to the value of merchandise the importation of which is prohibited that can be summarily forfeited nor is there a limit to the value of vessels, vehicles, or aircraft used to import, export, transport or store any controlled substances, that can be summarily forfeited.

Previously, a bond for costs in the amount of \$250 had to be filed with Customs by anyone claiming an interest

in property seized by the government. Now the amount is \$2500 or 10% of the value of the claimed property, whichever is lower, but not less than \$250.

These changes are being reflected by amending §§ 162.43, 162.45, 162.46, 162.47 and 162.48, Customs Regulations (19 CFR 162.43, 162.45, 162.46, 162.47, 162.48).

22. Section 171.12, Customs Regulations (19 CFR 171.12), is being amended to conform with existing practice in regard to petitions for remission of forfeitures of conveyances. The regulations currently refer to seizure of a conveyance used *in connection with* the importation of illegal drugs or large amounts of firearms. Seizure of conveyances now takes place *after* the importation, exportation, transportation or storage of illegal drugs or firearms.

23. Section 212 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended § 520 of the Tariff Act of 1930, as amended (19 U.S.C. 520), to provide for the refund, prior to liquidation, of excess duties, fees, charges, or exactions, deposited or paid on an entry by reason of clerical error. Part 173, Customs Regulations (19 CFR Part 173), is being amended to include this new provision for correcting clerical errors.

24. Section 202 of Pub. L. 98-573, the Trade and Tariff Act of 1984, amended section 313 of the Tariff Act of 1930, as amended (19 U.S.C. 1313), by establishing a new type of drawback called "same condition substitution drawback." It also extends direct identification same condition drawback to include drawback on packaging material used to package or repackaged merchandise exported under this type of drawback.

Also, as a result of section 202, the tradeoff provision of drawbacks relating to petroleum has been extended to cover all merchandise under manufacturing drawback (19 U.S.C. 1313 (a) and (b)).

Several sections of Part 191, Customs Regulations (19 CFR Part 191), are being revised to reflect the changes made by section 202.

Inapplicability of Public Notice and Delayed Effective Date Provisions

Inasmuch as these amendments merely conform the Customs Regulations to existing law or practice, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this document will not result in a "major rule" as defined by section

1(b) of E.O. 12291, the regulatory analysis and review prescribed by the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act". That Act does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551, *et seq.*) or any other statute.

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

In General

Customs duties and inspection.
Imports, Exports.

19 CFR Part 4

Cargo vessels, Fishing vessels, Maritime carriers, Passenger vessels, Vessels.

19 CFR Part 10

Art, Wildlife, Packaging and containers.

19 CFR Part 19

Exports, Surety bonds, Warehouses.

19 CFR Part 24

Accounting.

19 CFR Part 103

Administrative practice and procedure, Freedom of information, Information.

19 CFR Part 113

Surety bonds.

19 CFR Part 134

Labeling, Packaging and containers.

19 CFR Part 141

Imports.

19 CFR Part 143

Imports.

19 CFR Part 145

Postal service.

19 CFR Part 148

Household goods, International Organizations, Military Personnel.

19 CFR Part 152

Packaging and containers.

19 CFR Part 162

Administrative practice and procedures, Penalties, Seizures and forfeitures.

19 CFR Part 171

Administrative practice and procedure, Penalties, Seizures and forfeitures.

19 CFR Part 173

Administrative practice and procedure.

19 CFR Part 191

Drawback.

Amendments to the Regulations

Parts 4, 10, 19, 24, 103, 113, 134, 141, 143, 145, 148, 152, 162, 171, 173, and 191, Customs Regulations (19 CFR Parts 4, 10, 19, 24, 103, 113, 134, 141, 143, 145, 148, 152, 162, 171, 173, 191), are amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The general authority citation for Part 4 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 86, 1624; 46 U.S.C. 3, 2103 * * *

1. Paragraph (3) of footnote 5 to § 4.3 is revised to read as follows:

§ 4.3 Vessels required to enter.

(3) Vessels carrying passengers on excursion from the United States Virgin Islands to the British Virgin Islands and returning, and licensed yachts or undocumented American pleasure vessels not engaged in trade: *Provided*, That such vessels do not in any way violate the customs or navigation laws of the United States and have not visited any hovering vessel: *Provided further*, That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the appropriate customs officer within twenty-four hours after arrival.

3. Section 4.7a(c) is amended by inserting, between the second and third sentences, a new sentence to read as follows:

§ 4.7a Inward manifest; information required; alternative forms.**(c) Cargo Declaration. (1) * * ***

The name of the shipper shall be set forth in the column calling for such information and on the same line where the bill of lading is listed for that

shipper's merchandise. When more than one bill of lading is listed for merchandise from the same shipper, ditto marks or the word "ditto" may be used to indicate the same shipper. * * *

4. Section 4.14 is amended by revising § 4.14(a)(2)(iii) to read as follows:

§ 4.14 Foreign equipment purchases by, and repairs to, American vessels.

(a) * * *

(2) * * *

(iii) *Vessels outside U.S. for two years or more.*

(A) *Requirements for declaration and entry of dutiable items.* If a vessel which is documented with a registry, coastwise trade, or Great Lakes trade endorsement is operated in international or foreign waters two years or more after its last departure from the U.S., the only dutiable items are fish nets and nettings whenever purchased and any other items purchased or repairs made during the first six months after the vessel's last departure from the U.S. Under these circumstances, only those items (with the exception of fish nets and nettings) purchased and repairs made outside the U.S. during the first six months after the vessel's last departure from the U.S. shall be declared and entered. Fish nets and netting purchased or repaired outside the U.S. shall be declared and entered whether or not purchased or repaired during the first six months after departure.

(B) *Exception.* The provisions of § 4.14(a)(2)(iii)(A) do not apply to a vessel designed and used primarily for transporting passengers and property if such vessel departed the U.S. for the sole purpose of obtaining equipment, parts, materials, or repairs.

5. Section 4.34 is amended by removing paragraph (h) and by revising paragraph (g) to read as follows:

§ 4.34 Prematurely discharged, overcarried, and undelivered cargo.

(g) *Cargo undelivered at foreign port and returned to the U.S.* Merchandise shipped from a domestic port, but undelivered at the foreign destination and returned, shall be manifested as "Undelivered-to be returned to original foreign destination," if such a return is intended. The district director may issue a permit to retain the merchandise on board, or he may, upon written application of the steamship company, issue a permit on a Delivery Ticket, Customs Form 6043, allowing the merchandise to be transferred to another vessel for return to the original foreign destination. No charge shall be made against the bond on Customs

Form 301, containing the bond conditions relating to international carriers set forth in section 113.64 of this chapter. The items shall be remanifested outward and an explanatory reference of the attending circumstances and compliance with export requirements noted.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE ETC.

1. The authority citation for Part 10 continues to read as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1623, 1624;

a. Section 10.17 also issued under 19 U.S.C. 1401a, 1402;

b. Section 10.22 also issued under 19 U.S.C. 1304;

c. Sections 10.41, 10.41a, 10.107 also issued under 19 U.S.C. 1322;

d. Section 10.53 also issued under 16 U.S.C. 1521, *et seq.*

e. Section 10.59 also issued under 19 U.S.C. 1309, 1317;

f. Sections 10.61–10.64a also issued under 19 U.S.C. 1309;

g. Sections 10.62a, 10.65 also issued under 19 U.S.C. 1309, 1317, 1555, 1556, 1557, 1646a;

h. Sections 10.70, 10.71 also issued under 19 U.S.C. 1486;

i. Sections 10.80–10.83 also issued under 19 U.S.C. 1313 (e) and (i);

j. Sections 10.152, 10.153 also issued under 19 U.S.C. 1321;

k. Sections 10.171–10.178 also issued under 19 U.S.C. 2461 *et seq.*

l. Sections 10.191–10.198 also issued under 19 U.S.C. 2701 *et seq.*

2. Section 10.41a(a)(2) is revised to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

(a)(1) * * *

(2) Repair components, accessories, and equipment for any container of foreign production which is an instrument of international traffic may be entered or withdrawn from warehouse for consumption without the deposit of duty if the person making the entry or withdrawal from warehouse files a declaration that the repair component was imported to be used in the repair of a container of foreign production which is an instrument of international traffic, or that the accessory or equipment is for a container of foreign production which is an instrument of international traffic. The district director must be satisfied that the importer of the repair component, accessory, or equipment had

the declared intention at the time of importation.

3. Section 10.43 and the section heading are revised to read as follows:

§ 10.43 Duty-Free status.

(a) The district director may, at his discretion, require appropriate proof of duty-free status for articles for institutions claimed to be exempt from duty under items 850.10, 850.40, 850.70, 851.10, 851.20, 851.30, 851.40, 851.50, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) Appropriate proof may be a copy of the charter or other evidence of the character of the institution for the use of which the articles are imported.

§ 10.44 [Removed]

4. Part 10 is amended by removing

§ 10.44 and marking it "Reserved".

5. Section 10.52 is revised to read as follows:

§ 10.52 Painted, colored or stained glass windows for religious institutions.

When painted, colored, or stained glass windows or parts thereof, are claimed free of duty under item 850.30, Tariff Schedules of the United States (19 U.S.C. 1202), the district director may, at his discretion, require appropriate proof that the importation was designed by, and produced by or under the direction of, a professional artist, and that it is for the use of an institution established solely for religious purposes.

6. Section 10.75 is revised to read as follows:

§ 10.75 Wild animals and birds; zoological collections.

When wild animals or birds are claimed to be free of duty under item 852.20, Tariff Schedules of the United States (19 U.S.C. 1202), the district director may, at his discretion, require appropriate proof that the animals or birds were specially imported pursuant to negotiations conducted prior to importation for the delivery of animals or birds of a named species meeting agreed specifications of reasonable particularity and that they are intended at the time of importation for public exhibition in a collection maintained for scientific or educational purposes and not for sale or for use in connection with any enterprise conducted for profit. That fact that an animal or bird may have been sent on approval shall not preclude free entry under item 852.20 when it is actually accepted as a part of the zoological collection and so exhibited.

§ 10.102 [Amended]

7. Section 10.102(b)(3) is amended by removing the words, "Energy Research

and Development Administration" both places where they appear, and inserting, in their place, "Department of Energy".

§ 10.152 [Amended]

8. Section 10.152 is amended by removing "\$25", and inserting, in its place, "\$50", and by removing "\$40", and inserting, in its place, "\$100".

§ 10.153 [Amended]

9. Sections 10.153(b), (d)(2), (d)(3) and (f) are amended by removing "\$25", and inserting, in its place, "\$50", and by removing "\$40", and inserting, in its place, "\$100".

§ 10.173 [Amended]

10. Section 10.173 is amended by revising the heading of paragraph (a) to read, "Shipments covered by a formal entry"; Paragraph (a) is further amended by deleting, "\$250", and inserting in its place, "\$1,000 (except for articles valued in excess of \$250 classified in Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated)".

§ 10.183 [Amended]

11. The sample form in § 10.183(d)(2) is amended by removing "(19 U.S.C. 10.183)" and inserting, in its place, "(19 CFR 10.183)".

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

1. The authority citation for Part 19 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624;

Section 19.1 also issued under 19 U.S.C.

1311, 1312, 1555, 1556, 1557, 1560, 1561, 1562;

Section 19.7 also issued under 19 U.S.C.

1555, 1556;

Section 19.11 also issued under 19 U.S.C.

1556, 1562;

Section 19.15 also issued under 19 U.S.C.

1311;

Section 19.16 also issued under 19 U.S.C.

1311, 26 U.S.C. 5723, 5752;

Sections 19.17-19.25 also issued under 19

U.S.C. 1312;

Section 19.40(a) also issued under 19 U.S.C.

1450, 1499, 1623;

Sections 19.41-19.43 also issued under 19

U.S.C. 1499;

Section 19.44 also issued under 19 U.S.C.

1448;

Section 19.45 also issued under 19 U.S.C.

1551, 1565;

Section 19.48 also issued under 19 U.S.C.

1499, 1623;

Section 19.49 also issued under 19 U.S.C.

1484.

2. All other statutory authority cited at the end of various sections in Part 19 is removed.

3. Section 19.14(d) is amended to read as follows:

§ 19.14 Materials for use in manufacturing warehouse.

(d) *Domestic spirits and wines.* For the transfer of domestic spirits from the bonded premises of a distilled spirits plant to a bonded manufacturing warehouse, or for the transfer of domestic wines from a bonded wine cellar to a bonded manufacturing warehouse, a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, shall be required.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The authority citation for Part 24 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, 31 U.S.C. 9701;

Section 24.1 also issued under 19 U.S.C.

197, 198, 1648;

Section 24.4 also issued under 19 U.S.C.

1623, 26 U.S.C. 5007, 5054, 5061, 7805;

Section 24.11 also issued under 19 U.S.C.

1485(d);

Section 24.12 also issued under 19 U.S.C.

1524, 46 U.S.C. 927;

Section 24.14 also issued under 19 U.S.C. 1;

Section 24.16 also issued under 19 U.S.C.

261, 267, 1450, 1451, 1452, 1623, 46 U.S.C. 2111,

2112;

Section 24.17 also issued under 19 U.S.C.

261, 267, 1450, 1451, 1452, 1456, 1524, 1557,

1562, 46 U.S.C. 2110, 2111, 2112;

Section 24.32 also issued under 5 U.S.C.

5582, 5583;

Section 24.36 also issued under 26 U.S.C.

6423.

§ 24.16 [Amended]

2. The third sentence of § 24.16(c) is amended by removing the "s" at the end of the word "provisions".

§ 24.18 [Amended]

3. Section 24.18(f) is amended by removing "§ 24.15" and inserting, in its place, "§ 24.16".

PART 103—AVAILABILITY OF INFORMATION

1. The authority citation for Part 103 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 19 U.S.C. 66, 1624, 31 U.S.C. 9701.

2. All other statutory authority cited at the end of various sections in Part 103 is removed.

3. Section 103.11(a) is revised to read as follows:

§ 103.11 Specific Customs Service records subject to disclosure.

(a) *Administrative staff manuals and instructions.* Except as exempted by § 103.12, all administrative staff manuals and instructions to staff that affect any member of the public, and indexes thereto, are available for public inspection and copying in the Customs Service public reference facilities (see § 103.1), including the following:

Forms Catalog. Customs and other agency forms currently available from the Customs Service.

Legal Precedent Retrieval System. The directory is a listing by selected keywords of all classification rulings issued since early 1974 that affect a substantial volume of imports or transactions or are of general interest or importance, and of all published classification rulings issued since August 31, 1963, including classification decisions, and classification rulings circulated within the Customs Service by the Customs Information Exchange and the Office of Regulations and Rulings. The directory also contains limited information on decisions and rulings pertaining to entry, value, drawback, marking, country of origin, and vessel repairs. The directory is maintained on microfiche and is continually updated. Duplicate microfiche are available for 15¢ each, through subscription or in individual sets. The costs of a set will depend upon the number of microfiche it contains.

Fines, Penalties, and Forfeitures Handbook. Collects in one document information relating to the total management of the fines, penalties, and forfeitures program.

Inspector Rate Book. A ready reference guide for inspection personnel. Contains an abbreviated Tariff Schedules of the United States and other reference material.

Customs Issuance System (CIS) Index. The index provides a brief description of circulars, manuals, legal rulings, decisions, and other Customs documents.

Operational Handbook of Other Agency Requirements Enforced by the U.S. Customs Service.

Customs Valuation under the Trade Agreements Act of 1979.

Fundamentals of Customs Tariff and Trade Operations Handbook. Material relating to the duties and responsibilities of import specialists: entry of merchandise, restrictions, prohibitions and other agency requirements, special trade programs, invoicing and related documentation, examination of merchandise, Customs valuation, tariff classification, liquidation, protests, and miscellaneous import specialist concerns.

4. Section 103.14(d)(1) is revised to read as follows:

§ 103.14 Information on vessel manifests and summary statistical reports.

(d) *Confidential treatment.* (1) *Inward manifest.* An importer or consignee may request confidential treatment of its name and address contained in inward

manifests, to include identifying marks and numbers. In addition, an importer or consignee may request confidential treatment of the name and address of the shipper or shippers to such importer or consignee by using the following procedure:

(i) An importer or consignee, or authorized employee, attorney or official of the importer or consignee, must submit a certification (as described in subparagraph (ii) of this paragraph) claiming confidential treatment of its name and address. The name and address of an importer or consignee includes marks and numbers which reveal the name and address of the importer or consignee. An importer or consignee may file a certification requesting confidentiality for all its shippers.

(ii) There is no prescribed format for a certification. However, the certification shall include the importer's or consignee's Internal Revenue Service Employer Number, if available. There is no requirement to provide sufficient facts to support the conclusion that the disclosure of the names and addresses would likely cause substantial harm to the competitive position of the importer or consignee.

(iii) The certification must be submitted to the Disclosure Law Branch, Regulations Control and Disclosure Law Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2325, Washington, D.C. 20229.

(iv) Each initial certification will be valid for a period of two years from the date of receipt. Renewal certifications should be submitted to the Disclosure Law Branch at least 60 days prior to the expiration of the current certification. Information so certified may be copied, but not published, by the press during the effective period of the certification. An importer or consignee shall be given written notification by Customs of the receipt of its certification of confidentiality.

5. Section 103.14(d)(2) (iii) and (iv) are revised to read as follows:

§ 103.14 Information on vessel manifests and summary statistical reports.

(d) *Confidential treatment.* * * *

(2) *Outward manifest.* * * *

(iii) The certification must be submitted to the Disclosure Law Branch, Regulations Control and Disclosure Law Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2325, Washington, D.C. 20229.

(iv) Each certification will be valid for a period of two (2) years from the date of its approval.

PART 113—CUSTOMS BONDS

1. The authority citation for Part 113 is revised to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624. Subpart E also issued under 19 U.S.C. 1484.

§ 113.64 [Amended]

2. The heading to § 113.64(a), is amended by removing "Changes" and inserting, in its place, "Charges."

PART 134—COUNTRY OF ORIGIN MARKING

1. The authority citation for Part 134 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Headnote 11), 1304, 1624.

2. All other statutory authority cited at the end of various sections in Part 134 is removed.

§ 134.33 [Amended]

3. Section 134.33 is amended by removing "Pipes, iron or steel, and pipe fittings of cast or malleable iron (except cast iron soil pipe and fittings) T.D. 71-89.", from the list of articles excepted from country of origin marking requirements.

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for Part 141 is revised to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624. Subpart G also issued under 19 U.S.C. 1505

Section 141.1 also issued under 31 U.S.C. 3713

Section 141.4 also issued under 19 U.S.C. 1498

Section 141.19 also issued under 19 U.S.C. 1485, 1486

Section 141.20 also issued under 19 U.S.C. 1485, 1623

Section 141.66 also issued under 19 U.S.C. 1490, 1623

Section 141.69 also issued under 19 U.S.C. 1315

Section 141.89 also issued under 19 U.S.C. 1202 (Gen Hdnote 11), 1481

Section 141.90 also issued under 19 U.S.C. 1487

Section 141.112 also issued under 19 U.S.C. 1564

Section 141.113 also issued under 19 U.S.C. 1499, 1623

2. All other statutory authority cited at the end of various sections in Part 141 is removed.

§ 141.82 [Amended]

3. Section 141.82(d) is amended by removing "\$250", and inserting, in its

place, "\$1,000 [except for articles valued in excess of \$250 classified in Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated]"

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. The authority citation for Part 143 is revised to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1498, 1624.

2. All other statutory authority cited at the end of various sections in Part 143 is removed.

§ 143.21 [Amended]

3. Section 143.21(a) is amended by removing, "\$250 in value", and inserting, in its place, "\$1,000 in value [except for articles valued in excess of \$250 classified in Schedule 3; Parts 1, 4A, 7B, 12A, 12D and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated]."

4. Section 143.21(b) is amended by removing, "\$250", and inserting, in its place, "\$1,000".

5. Section 143.21(c) is amended by removing, "\$250" and inserting, in its place, "\$1000". Paragraph (c) is further amended by adding the sentence, "This paragraph does not apply to shipments of articles valued in excess of \$250 classified in items from Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated."

6. Section 143.21(f) and (g) are amended by removing, "\$250", and inserting, in its place, "\$1,000".

§ 143.22 [Amended]

7. Section 143.22 is amended by removing "\$250" and inserting, in its place, "\$1,000".

§ 143.23 [Amended]

8. Section 143.23(d) is amended by removing "\$250 in value" and inserting, in its place, "\$1,000 in value (except for articles valued in excess of \$250 classified in Schedule 3; Parts 1, 4A, 7B, 12A, 12D, and 13B of Schedule 7; items 772.30 and 772.35; and Parts 2 and 3 of the Appendix of the Tariff Schedules of the United States Annotated)".

PART 145—MAIL IMPORTATIONS

1. The authority citation for Part 145 is revised to read as follows:

Authority: 19 U.S.C. 66, 1201 (Gen. Hdnote 11); 1624.

Section 145.4 also issued under 18 U.S.C. 545, 19 U.S.C. 1618;

Section 145.11 also issued under 19 U.S.C. 1481, 1485, 1498;

Section 145.12 also issued under 19 U.S.C. 1315, 1484, 1498;

Sections 145.22-145.23 also issued under 19 U.S.C. 1501, 1514;

Section 145.31 also issued under 19 U.S.C. 1321;

Section 145.32 also issued under 19 U.S.C. 1321, 1498;

Sections 145.35-145.38, 145.41, also issued under 19 U.S.C. 1498;

Section 145.51 also issued under 19 U.S.C. 1305;

Section 145.54 also issued under 19 U.S.C. 1618.

2. All other statutory authority cited at the end of various sections in Part 145 is removed.

§ 145.12 [Amended]

3. Section 145.12(a)(2), is amended by removing "\$250" and inserting, in its place, "\$1,000".

4. Section 143.12(a)(3) is amended by removing "\$250", both places where it appears, and inserting, in its place, "\$1,000".

5. Section 145.12(b), is amended by removing "\$250" and inserting, in its place, "\$1,000".

6. Section 145.12(c) is amended by removing "\$250" from the sub-section heading and from the paragraph, and inserting, in both places, "\$1,000".

§ 145.32 [Amended]

7. Section 145.32 is amended by removing "\$25", and inserting, in its place, "\$50", and by removing "\$40", and inserting, in its place, "\$1.00".

§ 145.35 [Amended]

8. Section 145.35 is amended by removing "\$250" and inserting, in its place, "\$1,000".

§ 145.36 [Amended]

9. Section 145.36 is amended by removing, "on Customs Form 3321" from the last sentence.

§ 145.41 [Amended]

10. Section 145.41 is amended by removing "\$250" and inserting, in its place, "\$1,000".

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. The authority citation for Part 148 is revised to read as follows:

Authority: 19 U.S.C. 66, 1498, 1624. The provisions of this part, except for Subpart C, are also issued under 19 U.S.C. 1202 (Gen. Hdnote 11);

Section 148.21 also issued under 19 U.S.C. 1461, 1462;

Sections 148.43, 148.51, 148.63, 148.64, 148.74 also issued under 19 U.S.C. 1321;

Section 148.87 also issued under 22 U.S.C. 288.

2. All other statutory authority cited at the end of various sections in Part 148 is removed.

§ 148.77 [Amended]

3. Section 148.77(b) is amended by removing "6061" and inserting, in its place, "3299".

§ 148.87 [Amended]

4. The list in § 148.87(b) is amended by making the following changes:

(a) The references to the "Coffee Study Group, E.O. 10943, May 19, 1961" and the "Southeast Asia Treaty Organization, E.O. 10866, February 23, 1960" are removed.

(b) The first reference to the "International Telecommunications Satellite Organization (INTELSAT)—Limited privileges only, E.O. 11718, May 14, 1973" is removed.

(c) The list is further amended by inserting the following in appropriate alphabetical order:

§ 148.87 Officers and employees of, and representatives to public international organizations.

* * * * *

(b) * * *

Organization	Executive order	Date
International Food Policy Research Institute—Limited Privileges only.	12359	Apr. 22, 1982.
Multinational Force and Observers.	12359	Apr. 22, 1982.

PART 152—CLASSIFICATION AND APPRAISEMENT OF VALUE

1. The authority citation for Part 152 is revised to read as follows:

Authority: 19 U.S.C. 66, 1401a, 1500, 1502, 1624. Subpart B also issued under 19 U.S.C. 1315. Subpart C also issued under 19 U.S.C. 1503. Subpart D also issued under 19 U.S.C. 1202 (Gen. Hdnote 12).

Section 152.3 also issued under 19 U.S.C. 1499;

Sections 152.13, 152.24 also issued under 19 U.S.C. 1202 (Gen. Hdnote 7);

Sections 152.31-152.32 also issued under 19 U.S.C. 1401a

2. All other statutory authority cited at the end of various sections in Part 152 is removed.

3. Part 152 is amended in the following manner:

§ 152.105 [Amended]

In § 152.105, paragraph headings (h)(3) (a) and (b) are changed to (h)(3) (i) and (ii), respectively.

§ 152.108 [Amended]

4. Part 152 is further amended by changing the paragraph headings in § 152.108 from (1), (2), (3), (4), (5), (6), and (7) to (a), (b), (c), (d), (e), (f) and (g), respectively.

PART 162—RECORDKEEPING, INSPECTION, SEARCH AND SEIZURE

1. The authority citation for Part 162 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624.

Subpart B also issued under 19 U.S.C. 1505;

Subpart G also issued under 19 U.S.C. 1466, 1584, 1592, 1613, 1618;

Section 162.3 also issued under 19 U.S.C. 1581;

Section 162.4 also issued under 39 U.S.C. 604, 605;

Section 162.5 also issued under 19 U.S.C. 1581, 49 U.S.C. 1509.

Section 162.6 also issued under 19 U.S.C. 1461, 1467, 1496;

Section 162.7 also issued under 19 U.S.C. 482;

Section 162.21 also issued under 19 U.S.C. 482, 1581, 1582, 1602;

Section 162.22 also issued under 18 U.S.C. 546, 19 U.S.C. 1459, 1460, 1594, 1701, 1703-1708;

Section 162.32 also issued under 19 U.S.C. 1603, 1610;

Section 162.43 also issued under 19 U.S.C. 1606, 1609;

Section 162.44 also issued under 19 U.S.C. 1614;

Section 162.46 also issued under 19 U.S.C. 1609, 1611;

Section 162.47 also issued under 19 U.S.C. 1608;

Section 162.48 also issued under 19 U.S.C. 1612;

Section 162.49 also issued under 19 U.S.C. 5698;

Section 162.50 also issued under 19 U.S.C. 1611, 1705;

Section 162.61 also issued under 21 U.S.C. 592, 953, 957;

Section 162.62 also issued under 21 U.S.C. 592, 956;

Sections 162.63, 162.64 also issued under 21 U.S.C. 881, 966;

Section 162.65 also issued under 19 U.S.C. 1584, 21 U.S.C. 960, 961.

2. All other statutory authority cited at the end of various sections in Part 162 is removed.

§ 163.43 [Amended]

3. Section 162.43 is amended by removing paragraph (c).

§ 163.45 [Amended]

4. The heading to § 162.45 is amended by removing "\$10,000" and inserting, in its place, "\$100,000".

5. Section 162.45(a) is revised to read as follows:

§ 162.45 Summary forfeiture where value not over \$100,000 Property other than Schedule 1 controlled substances. Notice of seizure and sale.

(a) *Contents.* The notice required by section 607, Tariff Act of 1930, as amended (19 U.S.C. 1607), of seizure and intent to forfeit and sell or otherwise dispose of according to law property not exceeding \$100,000 in value, or any seized merchandise the importation of which is prohibited, or any seized vessel, vehicle or aircraft that was used to import, export, transport, or store any controlled substance, shall:

(1) Describe the property seized and in the case of motor vehicles, specify the motor and serial numbers;

(2) State the time, cause, and place of seizure;

(3) State that any person desiring to claim property must appear at a designated place and file with the district director within 20 days from the date of first publication of the notice a claim to such property and a bond in the sum of \$2,500 or 10% of the value of the claimed property, whichever is lower, but not less than \$250, in default of which the property will be disposed of in accordance with the law; and

(4) State the name and place of residence of the person to whom any vessel or merchandise seized for forfeiture under the navigation laws belongs or is consigned, if that information is known to the district director.

* * * * *

§ 162.45 [Amended]

5. Section 162.45(c) is amended by removing "\$10,000" and inserting, in its place, "\$100,000 (excluding merchandise, the importation of which is prohibited, and vessels, vehicles or aircraft used to import, export, transport or store and controlled substance, for which there is no value limit)".

§ 162.46 [Amended]

6. Section 162.46 is amended by removing "\$10,000" from the section heading and inserting, in its place, "\$100,000".

§ 162.47 [Amended]

7. Section 162.47(a) is amended in the following manner:

(a) The figure "\$10,000" is removed and "\$100,000" is inserted in its place.

(b) Immediately after the word "value", insert "(however there is no

limit in value of merchandise, the importation of which is prohibited, or in the value of vessels, vehicles or aircraft used to import, export, transport, or store any controlled substance, that may be seized and forfeited)."

8. Section 162.47(b) is amended by removing "\$250" and inserting, in its place, "\$2,500 or 10% of the value of the claimed property, whichever is lower, but not less than \$250."

§ 146.48 [Amended]

9. Section 162.48 is amended by removing "\$10,000" from the section heading and the text, and inserting, in those places, "\$100,000".

PART 171—FINES, PENALTIES, AND FORFEITURES

1. The authority citation for Part 171 is revised to read as follows:

Authority: 19 U.S.C. 66, 1592, 1618, 1624.

Subpart C also issued under 22 U.S.C. 401, 46 U.S.C. 320, 2107.

Section 171.44 also issued under 40 U.S.C. 304j, 304k.

2. All other statutory authority cited at the end of various sections in Part 171 is removed.

3. Section 171.12(c) is revised to read as follows:

§ 171.12 Filing of petition.

(c) *Petitions for remission of forfeitures of certain conveyances.* Petitions for remission of forfeiture of a conveyance seized in connection with the illegal importation, exportation, transportation, or storage of any amount of heroin, 5 pounds or more of cocaine, 10 pounds or more of hashish, 250 pounds or more of other controlled substances, or with the illegal importation, exportation, or transportation of firearms in a quantity clearly in excess of personal use needs, shall be filed within 30 days from the date of mailing of the notice of fine, penalty or forfeiture incurred.

PART 173—ADMINISTRATIVE REVIEW IN GENERAL

1. The authority citation for Part 173 is revised to read as follows:

Authority: 19 U.S.C. 66, 1501, 1520, 1521, 1624.

2. All other statutory authority cited at the end of the various sections of Part 173 is removed.

3. Part 173 is amended by adding a new section, designated § 173.4a to read as follows:

§ 173.4a Correction of clerical error prior to liquidation.

Pursuant to § 520(a)(4), Tariff Act of 1930, as amended (19 U.S.C. 1520(a)(4)), the district director may, prior to liquidation of an entry, take appropriate action to correct a clerical error that resulted in the deposit or payment of excess duties, fees, charges, or exactions.

PART 191—DRAWBACK

1. The authority citation for Part 191 is revised to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1313, 1624.

Section 191.7 also issued under 19 U.S.C. 1514;

Section 191.8 also issued under 19 U.S.C. 1557;

Section 191.9 also issued under 18 U.S.C. 550;

Section 191.94 also issued under 19 U.S.C. 1309;

Sections 191.131(a), 191.133, 191.137, 191.139 also issued under 19 U.S.C. 1557;

Sections 191.162-191.166 also issued under 19 U.S.C. 81c.

2. All other statutory authority cited at the end of various sections of Part 191 is removed.

§ 191.2 [Amended]

3. Section 191.2(b) is amended by removing the period from the end of the section, and inserting, in its place, "or (j)(2)."

§ 191.4 [Amended]

4. Section 191.4(a)(9) is amended by revising the hearing to read, *Direct identification same condition drawback*, and by adding a "(1)" after 313(j) and after 1313(j) in this section.

5. Sections 191.4(a)(10), (a)(11), and (a)(12) are renumbered §§ 191.4(a)(12), (a)(13), and (a)(14), respectively.

6. Part 191 is further amended by adding new §§ 191.4(a)(10) and (a)(11) to read as follows:

§ 191.4 Types of drawback.

(a) . . .

(10) *Substitution same condition drawback.* Drawback of duties is provided for in § 313(j)(3), Tariff Act of 1930, as amended (19 U.S.C. 1313(j)(3)), on merchandise fungible with imported merchandise when exported or destroyed under Customs supervision, provided all the conditions described under § 191.141(h) are complied with.

(11) *Packaging materials.* Drawback of duties is provided for in § 313(j)(4), Tariff Act of 1930, as amended (19 U.S.C. 1313(j)(4)), on packaging material used to package or repackage merchandise exported with direct identification same condition drawback.

(19 U.S.C. 1313(j)) contains two paragraphs numbered (4). See first paragraph (4).

§ 191.12 [Amended]

7. Section 191.12 is amended by removing "19 U.S.C. 1313(l)", and inserting, in its place, "19 U.S.C. 1313(m)".

8. Part 191 is further amended by adding a new § 191.27 to read as follows:

§ 191.27 Tradeoff.

(a) *Exchanged Merchandise.* To comply with §§ 191.22(a)(ii) and 191.32(a)(3), the use of domestic merchandise taken in exchange for imported merchandise of the same kind and quality shall be treated as use of the imported merchandise if no certificate of delivery (Customs Form 7543) is issued covering the imported merchandise. This provision shall be known as tradeoff and is authorized by section 313(k), Tariff Act of 1930, as amended (19 U.S.C. 1313(k)).

(b) *Requirements.* Tradeoff must occur between two separate legal entities, but it is not necessary that the entity exchanging the imported merchandise be the importer thereof. In addition, tradeoff must be a straight tradeoff of same kind and quality merchandise, with no additional payments of any type, including additional payment in kind.

(c) *Application.* Each would-be user of tradeoff, except those operating under a general drawback contract covering substitution, must apply to the Drawback and Bonds Branch, Office of Regulations and Rulings, Customs Headquarters, for a determination of whether the imported and domestic merchandise are same kind and quality. For those users manufacturing under substitution drawback, this request should be contained in the drawback proposal. For those users manufacturing under direct identification drawback, the request should be made by a separate letter. General drawback contracts covering substitution will be revised to provide for tradeoff.

§ 191.32 [Amended]

9. Section 191.32 is amended by removing paragraph (c). Section 191.32 is further amended by redesignating paragraphs (d) as (c), and (e) as (d), respectively.

10. Section 191.141 is amended by adding a new subparagraph (h) to read as follows:

§ 191.141 Same condition drawback.

(h) *Substitution same condition drawback.* If legal person X possesses imported merchandise (the designated merchandise) during some time interval in period A (defined below) and also possesses other merchandise fungible with it (the substituted merchandise) during the same or different time interval in period A, then 99 percent of the duty paid on the designated merchandise will be refunded as drawback, provided that:

(1) The designated merchandise was in the same condition as imported either at the time of substitution, the time X used it in manufacturing, or at the time X transferred it to another person, whichever occurs first;

(2) The substituted merchandise is in the same condition when exported or destroyed under Customs supervision as was the designated merchandise when imported;

(3) X does not issue a certificate of delivery covering the designated merchandise nor a certificate of manufacture and delivery covering articles manufactured or produced therefrom; and

(4) X maintains records to establish requirements, (1), (2), and (3) of this section and also complies with all relevant requirements of §§ 191.141 (a) through (g) of this chapter.

Period A (referred to above) begins when X receives the merchandise and ends three years after the importation of said merchandise.

William von Raab,

Commissioner of Customs.

Approved: June 13, 1985.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 85-17440 Filed 7-22-85; 8:45 am]

BILLING CODE 4820-02-M

RAILROAD RETIREMENT BOARD**20 CFR Part 200****Debt Collection**

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations to provide for waiver of interest, penalties, and collection costs, as authorized by the Debt Collection Act of 1982, in connection with the collection of certain debts arising from erroneous benefit payments under the several Acts administered by the Board. The Debt Collection Act of 1982 requires the Board to charge interest on claims for money owed the Board, to assess the

penalties on delinquent debts, and to assess charges to cover the costs of processing claims for delinquent debts. The Act permits, and in certain cases requires, an agency to waive the collection of interest, penalties, and charges. This new section contains the circumstances under which the Board may waive the collection of interest, penalties and charges which arise from benefit or annuity overpayments made under any of the Acts the Board administers.

EFFECTIVE DATES: July 23, 1985.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 (312) 751-4935 (FTS 387-4935).

SUPPLEMENTARY INFORMATION: The Board published this rule as a proposed rule on March 7, 1985, and invited public comment (50 FR 9285-9286). No comments were received by the Board on the proposed rule.

Section 11 of the Debt Collection Act of 1982 (Pub. L. 97-365) amended section 3(e) of the Federal Claims Collection Act of 1966 to provide that the head of an agency shall charge interest on claims owed the agency, assess penalties on delinquent debts, and assess charges to cover the costs of processing delinquent claims. Section 11 imposes a mandatory requirement that interest, penalties, and charges be assessed except as specifically provided in that section. Paragraphs (3) and (6) of the amended section 3(e) provide, respectively, for waiver of interest and penalties under agency regulations adopted in accordance with standards established by the Attorney General and the Comptroller General and for a thirty-day grace period within which payment may be made and no interest charged.

The amended § 200.6 implements the exception contained in the amended section 3(e)(6) of the Federal Claims Collection Act by establishing criteria for waiver in conformity with the standards adopted by the Attorney General and the Comptroller General and published as a final rule in the *Federal Register* on March 9, 1984. The new § 200.6 provides that interest must be waived if the underlying debt is paid within 30 days after notice of the debt or, where waiver of recovery of the overpayment is available, within 30 days after the expiration of the period within which the debtor may request waiver of recovery of the erroneous payment if no request is made or within 30 days after a decision denying waiver of recovery if such was requested. The new § 200.6 also provides for discretionary waiver of interest,

penalties, and administrative costs when it is determined that assessing such charges would be against equity and good conscience or not in the best interests of the United States.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no Regulatory Impact Analysis is required.

List of Subjects in 20 CFR Part 200

Claims, Employee benefit plans, Railroad employees, Railroad retirement, Railroad unemployment insurance, Debt collection.

PART 200—[AMENDED]

Title 20 CFR Chapter II, is amended as follows:

1. The authority citation for 20 CFR Part 200 is revised to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362, unless otherwise noted. Section 200.6 also issued under 31 U.S.C. 3717.

2. The table of contents for Title 20, Chapter II, Subchapter A, Part 200 is amended by adding at the end thereof the following: "200.6 Waiver of interest, penalties, and collection costs with respect to collection of certain debts."

3. A new § 200.6 is added to Subchapter A and reads as follows:

§ 200.6 Waiver of interest, penalties, and collection costs with respect to collection of certain debts.

(a) *Purpose.* The Debt Collection Act of 1982 requires the Board to charge interest on claims for money owed the Board, to assess penalties on delinquent debts, and to assess charges to cover the costs of processing claims for delinquent debts. The Act permits, and in certain cases requires, an agency to waive the collection of interest, penalties and charges under circumstances which comply with standards enunciated jointly by the Comptroller General and the Attorney General. Those standards are contained in 4 CFR 102.13. This section contains the circumstances under which the Board may waive the collection of interest, penalties and charges which arise from benefit or annuity overpayments made under any of the Acts the Board administers.

(b)(1) The Board shall waive the collection of interest under the following circumstances:

(i) When the debt is paid within thirty days after the date on which notice of the debt was mailed or personally delivered to the debtor;

(ii) When in any case where a decision with respect to waiver of recovery of the overpayment must be made,

(A) The debt is paid within thirty days after the end of the period within which the debtor may request waiver of recovery if no request is received within the prescribed time period; or

(B) The debt is paid within thirty days after the date on which notice was mailed to the debtor that his or her request for waiver of recovery has been wholly or partially denied if the debtor requested waiver of recovery within the prescribed time limit; however, regardless of when the debt is paid, no interest may be charged for any period prior to the end of the period within which the debtor may request waiver of recovery or, if such request is made, for any period prior to the date on which notice was mailed to the debtor that his or her request for waiver of recovery has been wholly or partially denied;

(iii) When, in the situations described in paragraphs (b)(1)(i) and (b)(1)(ii) of this section, the debt is paid within any extension of the thirty-day period granted by the Board;

(iv) With respect to any portion of the debt which is paid within the time limits described in paragraphs (b)(1)(i), (b)(1)(ii), or (b)(1)(iii) of this section; or

(v) In regard to any debt the recovery of which is waived.

(2) The Board may waive the collection of interest, penalties and administrative costs in whole or in part in the following circumstances:

(i) When collecting interest, penalty and administrative costs is against equity and good conscience; or

(ii) Where collecting interest, penalty and administrative costs is not in the best interests of the United States.

(c)(1) In making determinations as to when the collection of interest, penalty and administrative costs is against equity and good conscience the Board will consider evidence on the following factors:

(i) The fault of the overpaid individual in causing the underlying overpayment; and

(ii) Whether the overpaid individual's reliance on the incorrect payment relinquished a valuable right or changed his or her position for the worse.

(2) In rendering a determination as to when the collection of interest, penalties and charges is "not in the interest of the United States" the Board will consider the following factors:

(i) Whether the collection of interest, penalties and charges would result in the debt never being repaid; and

(ii) Whether the collection of interest, penalties and charges would cause undue hardship.

Dated: July 15, 1985.

By Authority of the Board.

Beatrice Ezerski,

Secretary of the Board.

[FR Doc. 85-17402 Filed 7-22-85; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 48, 138 and 602

[T.D. 8036]

Income, Miscellaneous Excise, and Manufacturers and Retailers Excise Taxes, Temporary Excise Tax Regulations, Reporting and Recordkeeping Requirements; Gas Guzzler Tax

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the gas guzzler tax, as provided by section 4064 of the Internal Revenue Code of 1954. Changes to the applicable tax law were made by the Energy Tax Act of 1978. These final regulations provide manufacturers of automobiles with the guidance needed to comply with that Act.

DATE: This Treasury decision applies to 1980 and later model year automobiles, and is effective July 23, 1985.

FOR FURTHER INFORMATION CONTACT: Robert H. Ginsburgh of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On February 8, 1980, the Federal Register published proposed amendments to the Excise Tax Regulations (26 CFR Part 48) under sections 4064 and 4222 of the Code, as well as temporary regulations containing the same rules. A public hearing was held on June 19, 1980. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision. These regulations supersede the temporary regulations issued under §§ 138.4064-1 and 138.4222-1.

Explanation of Provisions

The Energy Tax Act of 1978 imposes on the sale by a manufacturer of an automobile a tax determined in accordance with prescribed tables. The

tax is applicable to model types of 1980 and later model year automobiles that have a fuel economy level below the applicable tax-free fuel economy level. A small manufacturer may apply to the Secretary for an alternate rate schedule by showing that it is not feasible for that manufacturer to meet the tax-free fuel economy level.

Determination of Fuel Economy

The proposed regulations provided for determination of fuel economy in accordance with testing and calculation procedures (weighted 55 percent urban cycle and 45 percent highway cycle) utilized by the Environmental Protection Agency Administrator. One comment requested that the urban fuel economy level be used for purposes of the tax. No change was made, however, since section 4064 clearly states that a weighted urban-highway figure should be used. Another comment noted that no provision dealt with the issue of how the fuel economy estimates calculated by the Environmental Protection Agency should be rounded for purposes of determining which model types are subject to the tax. It was suggested that the figures should be rounded to the nearest one-half mile per gallon increments since the tax is imposed in whole number of miles per gallon increments (e.g., "at least 16 but less than 17" miles per gallon). The regulations were changed to provide that rounding is to be done to the nearest .1 mile per gallon, the rounding rule used by the Environmental Protection Agency. One comment expressed at the public hearing inquired as to the tax status of an automobile that is sold, under certain circumstances, before the time the Environmental Protection Agency has made a determination of fuel economy for the model type. The final regulations provide that the sale of such automobile will be taxable if it is ultimately determined that the fuel economy level of the model type of such automobile is within the taxable range.

The regulations on determining fuel economy value have also been revised to take into account the rule requiring recalculation of fuel economy values that was promulgated by the Environmental Protection Agency.

Alternate Rate Schedule for Small Manufacturers

Section 4064(d) allows a small manufacturer to apply to the Secretary for an alternate rate schedule upon a showing that it is not feasible for that manufacturer to meet the tax-free fuel economy level. The proposed regulations required a small

manufacturer to establish not only that it was not economically feasible for that manufacturer to meet the tax-free fuel economy level, but also that the granting of an alternate rate schedule would serve a public policy purpose. The proposed regulations prescribed the public policy considerations that would be taken into account by the Secretary in deciding whether to grant an alternate rate schedule to a small manufacturer. One comment objected to the provision in the regulations that would make the availability of the alternate rate schedule dependent upon the public policy considerations. The comment pointed out that the small manufacturer provision provided in section 4064(d) was modeled after a similar provision provided in the Energy Policy and Conservation Act of 1975 ("EPCA"), which prescribes "fleet-wide average standards" and allows small manufacturers to seek an exemption from those standards. It noted that the National Highway Traffic Safety Administration ("NHTSA"), the agency administering EPCA, had interpreted the EPCA small manufacturer provision to allow an exemption from those standards without taking into account public policy considerations of the type prescribed in the proposed regulations under the gas guzzler tax. Although the small manufacturer provision provided in EPCA is similar to the provision provided in section 4064(d), it does not mean that those provisions must be given the same interpretation. EPCA and the Energy Tax Act of 1978 are different statutes that reflect different legislative concerns. In the case of the gas guzzler tax, the Ways and Means Committee Report (H.R. Rep. No. 95-496, Part III, 95th Cong., 1st Sess., 48-49 (1978)) made it clear that Congress was adopting the tax in addition to the existing EPCA system and that:

The committee believes that it is important for the tax to be highly visible to indicate to consumers that there is a serious energy problem and that the Congress has taken action to deal with it. When the consumer sees the amount of the gas guzzler tax shown on the car invoice, he will realize he is paying a premium (which, in many cases, is substantial) to purchase an inefficient car. Thus, consumers would be provided with a financial and, perhaps, psychological incentive to purchase more fuel-efficient automobiles.

The committee also feels that if individuals are to be permitted to purchase inefficient cars and detract from the conservation effort made by most others, they should as a matter of equity pay a considerable premium (in the form of a gas guzzler tax) for this privilege.

Although section 4064(d) grants the Secretary discretion to prescribe an

alternate rate schedule, that discretion is to be exercised only within the boundaries of the policy guidelines prescribed in the legislative history of the tax. Accordingly, the provisions in the proposed regulations regarding small manufacturers have not been changed in the final regulations.

Tax-Free Sales of Emergency Vehicles

Finally, section 4064(b)(1)(C) provides that emergency vehicles are not included in the definition of automobile and, accordingly, are not subject to the gas guzzler tax. The proposed regulations required registration under section 4222 in order for those vehicles to be sold tax free. One comment suggested adopting a procedure in lieu of registration that would allow a manufacturer under certain circumstances to make tax-free sales of vehicles for resale by the purchaser (dealer) to a second purchaser for emergency use. That suggestion was not adopted because there is no statutory authority for extending tax-free sales of emergency vehicles to resales. Furthermore, such a rule would create administrative and compliance problems. The comment also complained that there was no method prescribed for credit or refund of the gas guzzler tax when a vehicle is sold tax paid and resold for emergency use. The final regulations retain the registration procedure to ensure that only proper sales of emergency vehicles are made. A provision was added, however, to the final regulations to make it clear that a refund or credit of the gas guzzler tax may be obtained if a vehicle is sold tax paid and resold for emergency use under section 4064(b)(1)(C).

Special Analyses

The Commissioner of Internal Revenue has determined that a Regulatory Impact Analysis is not required because this final rule is not a major rule under Executive Order 12291. Because the notice of proposed rulemaking relating to this final rule was published prior to January 1, 1981, the provisions of the Regulatory Flexibility Act do not apply to this final rule.

Paperwork Reduction Act

The Collection of information requirements contained in this regulation has been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB.

Drafting Information

The principal author of this regulation is Robert H. Ginsburgh of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR Part 1.1001-1—1.1102-3

Income taxes, Gain and loss, Basis, Nontaxable exchanges.

26 CFR Part 48

Agriculture, Arms and munitions, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods, Tires.

26 CFR Part 138

Buses, Excise taxes, Motor vehicles, Energy Tax Act of 1978.

26 CFR Part 602

OMB control numbers, Paperwork Reduction Act, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1, 48, 138, and 602 are amended as follows:

PART 138—[AMENDED]

Paragraph 1. The authority citation for Part 138 continues to read as follows:

Authority: 26 U.S.C. 7805 and section 231 (b) and (c) of the Energy Tax Act of 1978 (Pub. L. 95-618; 92 Stat. 3174).

§§ 138.4064-1 and 138.4222-1 [Removed]

Par. 2. Sections 138.4064-1 and 138.4222-1 are removed.

PART 602—[AMENDED]

Par. 3. The authority citation for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 4. Section 602.101(c) is amended by inserting in the appropriate place in the table, "§ 48.4064-1(d) (5) and (6) . . . 1545-0014."

PART 1—[AMENDED]

Par. 5. The authority citation for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

Par. 6. Section 1.1016-5 is amended by adding a new paragraph (u) at the end thereof to read as follows:

§ 1.1016-5 Miscellaneous adjustments to basis.

(u) *Gas guzzler tax.* In the case of an automobile upon which the gas guzzler tax was imposed, the basis shall be reduced as provided in section 1016 (d).

PART 48—[AMENDED]

Par. 7. The authority citation for Part 48 is amended by adding the following citation:

Authority: 26 U.S.C. 7805; * * * § 48.4064-1(b)(3) also issued under 26 U.S.C. 4064(b)(1)(C)(iii); § 48.4064-1(d)(3)(iii) also issued under 26 U.S.C. 4064(d)(1); § 48.4064-1(d)(5) also issued under 26 U.S.C. 4064(d)(2).

Par. 8. The following new § 48.4064-1 is added immediately after § 48.4063-3:

§ 48.4064-1 Gas guzzler tax.

(a) *General rule—(1) In general.* Section 4064 imposes on the sale by the manufacturer of an automobile a tax determined in accordance with the tables in section 4064(a) (1) through (7), and in paragraph (a)(2) of this section. The tax is applicable to model types of 1980 and later model year automobiles that have a fuel economy level below the applicable tax-free fuel economy level. Paragraph (b) of this section defines the following terms: sale, manufacturer, automobile, model year, model type, fuel economy, and fuel. Paragraph (c) of this section contains rules relating to the determination of fuel economy. Paragraph (d) of this section contains a special rule for certain small manufacturers. Paragraph (e) of this section contains rules relating to the tax-free sales of emergency vehicles.

(2) *Tables.* (i) In the case of a 1980 model year automobile:

If the fuel economy of the model type in which the automobile falls is:

Miles per gallon:	The tax is—
At least 15.....	0
At least 14 but less than 15.....	\$200
At least 13 but less than 14.....	300
Less than 13.....	550

(ii) In the case of a 1981 model year automobile:

If the fuel economy of the model type in which the automobile falls is:

Miles per gallon:	The tax is—
At least 17.....	0
At least 16 but less than 17.....	\$200
At least 15 but less than 16.....	350

	The tax is—
At least 14 but less than 15.....	450
At least 13 but less than 14.....	550
Less than 13.....	650

(iii) In the case of a 1982 model year automobile:

If the fuel economy of the model type in which the automobile falls is:

	The tax is—
Miles per gallon:	
At least 18.5.....	0
At least 17.5 but less than 18.5 ...	\$200
At least 16.5 but less than 17.5 ...	350
At least 15.5 but less than 16.5 ...	450
At least 14.5 but less than 15.5 ...	600
At least 13.5 but less than 14.5 ...	750
At least 12.5 but less than 13.5 ...	950
Less than 12.5.....	1,200

(iv) In the case of a 1983 model year automobile:

If the fuel economy of the model type in which the automobile falls is:

	The tax is—
Miles per gallon:	
At least 19.....	0
At least 18 but less than 19.....	\$350
At least 17 but less than 18.....	500
At least 16 but less than 17.....	650
At least 15 but less than 16.....	800
At least 14 but less than 15.....	1,000
At least 13 but less than 14.....	1,250
Less than 13.....	1,550

(v) In the case of a 1984 model year automobile:

If the fuel economy of the model type in which the automobile falls is:

	The tax is—
Miles per gallon:	
At least 19.5.....	0
At least 18.5 but less than 19.5 ...	\$450
At least 17.5 but less than 18.5 ...	600
At least 16.5 but less than 17.5 ...	750
At least 15.5 but less than 16.5 ...	950
At least 14.5 but less than 15.5 ...	1,150
At least 13.5 but less than 14.5 ...	1,450
At least 12.5 but less than 13.5 ...	1,750
Less than 12.5.....	2,150

(vi) In the case of a 1985 model year automobile:

If the fuel economy of the model type in which the automobile falls is:

	The tax is—
Miles per gallon:	
At least 21.....	0
At least 20 but less than 21.....	\$500

	The tax is—
At least 19 but less than 20.....	600
At least 18 but less than 19.....	800
At least 17 but less than 18.....	1,000
At least 16 but less than 17.....	1,200
At least 15 but less than 16.....	1,500
At least 14 but less than 15.....	1,800
At least 13 but less than 14.....	2,200
Less than 13.....	2,650

(vii) In the case of a 1986 or later model year automobile falls is:

	The tax is—
Miles per gallon:	
At least 22.5.....	0
At least 21.5 but less than 22.5 ...	\$500
At least 20.5 but less than 21.5 ...	650
At least 19.5 but less than 20.5 ...	850
At least 18.5 but less than 19.5 ...	1,050
At least 17.5 but less than 18.5 ...	1,300
At least 16.5 but less than 17.5 ...	1,500
At least 15.5 but less than 16.5 ...	1,850
At least 14.5 but less than 15.5 ...	2,250
At least 13.5 but less than 14.5 ...	2,700
At least 12.5 but less than 13.5 ...	3,200
Less than 12.5.....	3,850

(3) **Liability for tax.** The tax imposed by section 4064 is payable by the manufacturer making the sale. An automobile sold before the time a determination of fuel economy is made for the model type (as defined in paragraph (b)(6) of this section) is subject to tax if it is subsequently determined that the fuel economy level of that model type of automobile is within the taxable range (see paragraph (a)(1) of this section).

(b) **Definitions—(1) Sale.** Sale includes the use (within the meaning of section 4218) or the first lease (within the meaning of section 4217(e)) of an automobile by the manufacturer.

(2) **Manufacturer.** The term "manufacturer" has the same meaning assigned to such term under § 48.0-2(a)(4). The term "manufacturer" includes a producer or importer. An importer is a person who imports an automobile whether or not in connection with a trade or business.

(3) **Automobile.** The term "automobile" means any four-wheeled vehicle—

(i) Propelled by an engine powered by fuel;

(ii) Manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails);

(iii) Rated at 6,000 pounds gross vehicle weight or less; and

(iv) Requiring no further manufacturing operations to perform its intended function, other than the

addition of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations, such as painting. For this purpose, gross vehicle weight means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle. An automobile does not include a nonpassenger automobile as defined in regulations in effect on November 9, 1978 (49 CFR 523.5 (1978)), which were prescribed by the Secretary of Transportation for section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001). In addition, an automobile does not include the following: any vehicle sold for use and used primarily as an ambulance or combination ambulance-hearse; any vehicle sold for use and used by the United States or by a State or local government primarily for police or other law enforcement purposes; or any vehicle sold for use and used primarily for firefighting purposes.

(4) **Model year.** The term "model year" means the manufacturer's annual production period (as determined by the Administrator of the Environmental Protection Agency) which includes January 1 of any particular calendar year. If the manufacturer has no annual production year, the model year is the calendar year.

(5) **Model type.** The term "model type" means a particular class of automobile, as determined by regulations in effect on November 9, 1978 (40 CFR 600.002-79(a)(19) (1978)), which were prescribed by the Administrator of the Environmental Protection Agency.

(6) **Fuel economy.** The term "fuel economy" means the average number of miles traveled by an automobile per gallon of fuel consumed, rounded to the nearest .1 mile per gallon. The fuel economy for any model type is determined by the Environmental Protection Agency (as determined in accordance with the procedures provided in paragraph (c) of this section). For this purpose, the fuel economy is a combined (urban-highway weighted average) mileage figure estimated in connection with the determination (or redetermination) of general label value (fuel economy information displayed on a sticker that is affixed to new automobiles) mandated under section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006) and regulations thereunder (40 CFR Part 600).

(7) **Fuel.** The term "fuel" means gasoline and diesel fuel.

(c) **Determination of fuel economy.** For purposes of this section, the fuel

economy for any model type is determined (or redetermined) in accordance with the testing and calculation procedures utilized by the Environmental Protection Agency Administrator for model year 1975 (weighted 55 percent urban cycle and 45 percent highway cycle), or any other procedures (yielding comparable results) established by the Administrator. The Environmental Protection Agency's determination (or redetermination) of a model type's fuel economy is made at the time the general label fuel economy value is calculated (or recalculated). This determination (or redetermination) is conclusive for purposes of this section. A redetermination of a model type's fuel economy value shall be effective only with respect to those automobiles for which the manufacturer is required (or is permitted and chooses) under Environmental Protection Agency regulations to affix labels with the recalculated general label fuel economy value.

(d) *Special rule for small manufacturers*—(1) *In general.* A small manufacturer (as defined in subparagraph (2)(i) of this paragraph) may apply for a determination that it is not feasible for that manufacturer to meet the statutory tax-free fuel economy level for the model year, with respect to all automobiles produced by that manufacturer, or with respect to a particular model type. For this purpose, the Commissioner (or his delegate) will make a determination of maximum feasible fuel economy level with respect to the automobiles that are the subject of the determination, but only after consultation with the Secretary of Energy, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency (or their delegates) to obtain their views. A finding that it is not feasible for the manufacturer to meet the statutory tax-free fuel economy level will be made by the Internal Revenue Service if the maximum feasible fuel economy level (as defined in subparagraph (3)(i) of this paragraph) of the automobiles that are the subject of the determination is lower than the statutory tax-free fuel economy level for those automobiles. If it is determined that it is not feasible for a small manufacturer to meet the statutory tax-free fuel economy level, the Secretary (or his delegate) has the discretion to grant to the manufacturer the alternate rate schedule prescribed in paragraph (d)(3)(iii) of this section in lieu of the applicable statutory tax table prescribed in section 4064(a). The decision whether to grant the alternate rate schedule shall be based on the

consideration set forth in paragraph (d)(3)(ii) of this section. If a small manufacturer for which an alternate rate schedule under this paragraph (d) is applicable sells an automobile to an importer, the alternate rate schedule applies to the sale by the importer of such automobile if such automobile is of the model year and type to which such alternate schedule applies.

(2) *Definitions*—(i) *Manufacturer.* A small manufacturer is any manufacturer who produced (whether or not in the United States) fewer than 10,000 automobiles in the second model year preceding the affected model year (the model year for which the determination under this paragraph is being made), and who can reasonably be expected to produce (whether or not in the United States) fewer than 10,000 automobiles in the affected model year.

(ii) *Manufacturer.* For purposes of this paragraph, the term "manufacturer" does not include a person who is only an importer, but does include a producer of automobiles outside the United States who is also an importer.

(iii) *Members of a controlled group.* For purposes of this paragraph, persons who are members of a controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code, except that "more than 50 percent" is substituted for "at least 80 percent" each place it appears in section 1563(a)) are treated as one manufacturer.

(3) *Basis for determination*—(i) *Maximum feasible fuel economy level.* For purposes of this paragraph, the maximum feasible fuel economy level is determined by taking into account the same factors used in determining the maximum feasible fuel economy level under section 502(e) of the Motor Vehicle Information and Cost Savings Act (as amended) and the regulations thereunder in effect on November 9, 1978. (Those regulations for small manufacturers are prescribed in 49 CFR Part 525 (1978).) In making this determination, the Commissioner (or his delegate) will consult with the National Highway Traffic Safety Administration of the Department of Transportation.

(ii) *Decision to grant alternate rate schedule.* In deciding whether to grant an alternate rate schedule, the Secretary (or his delegate) will consider whether the use (in the United States) of the automobile serves an important public policy (e.g., providing public transportation or transportation for the handicapped) that overrides the United States' need to conserve energy. The manufacturer has the burden of demonstrating that the public policy consideration involved overrides the

United States' need to conserve energy. The Commissioner (or his delegate), after consultation with the Secretary of Energy, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency (or their delegates), will review the information submitted by the manufacturer and report findings and recommendations to the Secretary (or his delegate).

(iii) *Alternate rate schedule and tax.* If an alternate rate schedule is granted, the maximum feasible fuel economy level shall be deemed to be the statutory tax-free fuel economy level. Accordingly, a tax is imposed only on automobiles sold that fail to meet the deemed tax-free fuel economy level. The alternate rate schedule shall be determined by substituting the maximum feasible fuel economy level for the tax-free fuel economy level in the applicable statutory tax table set forth in section 4064(a), and by substituting for the miles per gallon amount prescribed in that applicable table an amount that is the tax-free level decreased by one mile per gallon increments, while keeping the same corresponding tax amount prescribed in the applicable table. The rule for determining an alternate rate schedule may be illustrated by the following example:

Example. Manufacturer X, a small manufacturer of automobiles specifically designed to accommodate disabled passengers, applied for a determination that it is not feasible for X to meet the statutory tax-free fuel economy level for a particular model type of X's 1982 model year automobiles. It was determined that the maximum feasible fuel economy level for that model type was 15 miles per gallon. The Secretary decided to grant X an alternate rate schedule. The alternate rate schedule for the model type would be as follows:

If the fuel economy of the automobile is:		The tax is—
Miles per gallon:		
At least 15.....		0
At least 14 but less than 15.....		\$200
At least 13 but less than 14.....		350
At least 12 but less than 13.....		450
At least 11 but less than 12.....		600
At least 10 but less than 11.....		750
At least 9 but less than 10.....		950
Less than 9.....		1,200

Thus, if X's 1982 automobiles of that model year and type attain only 12 miles per gallon (because X fails to modify them to reach the maximum feasible fuel economy level before they are sold), the tax imposed upon the sale of each automobile is \$450 (instead of the \$1,200 tax [see the applicable statutory tax table set forth in section 4064(a)(3)], which would have been imposed had no alternate rate schedule been prescribed).

(4) *Duration of determination.* A determination under this paragraph does not apply to more than three model years.

(5) *Requirements for application.* Each application for a determination under this section must—

(i) Identify the model year or years, and particular model type or types for which a determination is requested;

(ii) (A) In the case of an application for model year 1980, be submitted not later than May 8, 1980;

(B) In case of an application for model year 1981, be submitted not later than 9 months before the beginning of that model year or March 10, 1980, whichever is later;

(C) In the case of an application for model year 1982 or any subsequent model year, be submitted not later than 9 months before the model year;

(iii) Be submitted in three copies to: Commissioner of Internal Revenue, Attention: Associate Chief Counsel (Technical), 1111 Constitution Avenue, NW., Washington, D.C. 20224;

(iv) Be written in the English language;

(v) Set forth the full name, address, and title of the official responsible for preparing the application;

(vi) State whether the applicant is a member of a controlled group of corporations (as defined in paragraph (d) (2) (iii) of this section);

(vii) State the total number of automobiles manufactured (whether or not in the United States) by the applicant (or the controlled group of corporations in the case where the applicant is a member of the group) in the second model year immediately preceding each affected model year and the total number of automobiles likely to be manufactured in the affected model year;

(viii) Set forth the same information required by an application pursuant to section 502 (c) of the Motor Vehicle Information and Cost Savings Act (as amended) and the regulations thereunder (see 49 CFR Part 525 (1978)) and state whether or not the applicant under this paragraph has also made an application pursuant to such Act; and

(ix) Set forth the reasons why an alternate rate schedule should be granted under paragraph (d) (3) (ii) of this section.

(6) *Update of application.* A manufacturer making an application under this section must update the application when a material change of circumstances occurs or material information not available at the time of applying becomes available. The manufacturer must also furnish any further information that may be required by the Internal Revenue Service.

(7) *Processing of applications.* If a manufacturer's application is found not to contain the information required by this paragraph, the applicant will be informed of the areas of insufficiency. The application will not receive further consideration until the required information is submitted. Each applicant will be informed in writing whether an application has been granted or denied.

(e) *Tax-free sales of emergency vehicles—*(1) *In general.* The tax imposed by section 4064 (a) shall not apply to vehicles sold by a manufacturer for use and used (i) primarily as an ambulance or combination ambulance-hearse, (ii) by the United States or by a State or local government primarily for police or other law enforcement purposes, or (iii) primarily for fire-fighting purposes. A vehicle may be sold tax-free by the manufacturer under this paragraph only in those cases where the sale is made directly to a purchaser for an emergency use prescribed in this subparagraph. In order to effect tax-free sale, the requirements of section 4222 and the regulations thereunder must be met.

(2) *Credit or refund.* Where tax is paid on the sale of a vehicle, but the vehicle is used or resold for an emergency use prescribed in subparagraph (1) of this paragraph, a claim for refund of the tax paid on such sale may be filed by the manufacturer on Form 843, or a credit may be taken on a subsequent return, in accordance with the provisions of sections 6402 (a) and 6416 (a) and § 48.6416 (a)-1.

Par. 9. Section 48.4217-1 is amended by adding a new sentence at the end thereof to read as follows:

§ 48.4127-1 Lease considered as sale.

*** However, in the case of the lease of an automobile the sale of which by the manufacturer would be taxable under section 4064, the term includes only the first lease (excluding any renewal or extension of the lease) of such automobile by the manufacturer.

Par. 10. Section 48.4217-2 is amended by adding a new paragraph (i) at the end thereof to read as follows:

§ 48.4217-2 Limitation on amount of tax applicable to certain leases.

(i) *Cross-reference.* In the case of the lease of an automobile the sale of which by the manufacturer would be taxable under section 4064, the foregoing provisions of this section shall not apply. See section 4217 (e) for the rules relating to the payment of the gas guzzler tax.

Par. 11. Section 48.4221-1 is amended by adding a new sentence immediately

before the flush material appearing immediately after paragraph (a)(5), to read as follows:

§ 48.4221-1 Tax-free sales; general rule.

(a) *In general.* ***

(5) *** Subparagraphs (4) and (5) of this paragraph do not apply to the tax imposed by section 4064. ***

Par. 12. Paragraph (a) of § 48.4221-5 is amended by revising the first sentence to read as follows:

§ 48.4221-5 Tax-free sale of articles to State and local governments for their exclusive use.

(a) *In general.* An article (excluding an automobile subject to tax under section 4064) subject to tax under Chapter 32 of the Code may be sold tax free by the manufacturer, pursuant to section 4221(a)(4) and this section, to a State or local government for the exclusive use of such State or local government. ***

Par. 13. Paragraph (a) of § 48.4221-6 is amended by revising the first sentence to read as follows:

§ 48.4221-6 Tax-free sales of articles to nonprofit educational organizations.

(a) *In general.* An article (excluding an automobile subject to tax under section 4064) subject to tax under Chapter 32 of the Code may be sold tax free by the manufacturer, pursuant to section 4221(a)(5) and this section, to a nonprofit educational organization for its exclusive use. ***

Par. 14. Paragraph (d) of § 48.4222(d)-1 is revised to read as follows:

§ 48.4222(d)-1 Registration in the case of certain other exemptions.

(d) Tax-free sales on or after March 10, 1980, under section 4064(b)(1)(C) (relating to emergency vehicles). Both the vendor and vendee (other than a State or local government) must be registered.

Par. 15. Paragraph (b) of § 48.6416(b)-2 is amended by adding a new sentence immediately after the first sentence to read as follows:

§ 48.6416(b)-2 Tax payments deemed to be overpayments by reason of certain uses, sales, or resales.

(b) *Uses, sales, and resales giving rise to right of refund or credit.* *** However, subparagraphs (3) and (4) of this paragraph do not apply in the case

of any tax paid under section 4064.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: June 24, 1985.

Ronald A. Pearlman,

Assistant Secretary of the Treasury.

[FR Doc. 85-17267 Filed 7-22-85; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Parts 31 and 602

[T.D. 8039]

Employment Taxes and Collection of Income Tax at Source; OMB Control Numbers Under the Paperwork Reduction Act; Employee Tip Reporting and Substantiation Requirements

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to employee tip reporting and substantiation requirements. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules Section of this issue of the *Federal Register*. The temporary regulations reflect amendments to the Internal Revenue Code of 1954 with respect to tipped employees made by section 1072 of the Tax Reform Act of 1984 and provide guidance to employers and employees with respect to the new provisions.

DATES: The regulations contained in this document in § 31.6053-3(h) and § 31.6053-3T(h) with respect to a lower allocation-of-tips percentage are to be effective on and after July 18, 1984. The provisions of § 31.6053-3(j)(g)(9) and § 31.6053-3T(j)(9) relating to the definition of a large food or beverage establishment apply to taxable years beginning after December 31, 1982, and are effective after December 31, 1982. The substantiation requirements contained in § 31.6053-(b)(5), § 31.6053-3T(b)(5), and § 31.6053-4T generally apply to tips received on or after October 1, 1985, and are effective after September 30, 1985. The amendment to Part 602 is effective July 23, 1985.

FOR FURTHER INFORMATION CONTACT:

Gail H. Morse of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington,

D.C. 20224 (Attention: CC:LR:T) (202-566-3297, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Under current law, all employees who receive cash tips of \$20 or more in a calendar month are required to report such tips to their employers for purposes of income, social security, and railroad retirement tax withholding requirements. To increase compliance with this requirement, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) provided rules which, under certain circumstances, require large food and beverage establishments to file an information report setting forth an allocation of tip amounts. Generally, whenever the employees of a large food or beverage establishment fail to report to their employer tips aggregating 8 percent or more of the gross receipts of an establishment, the employer must allocate to the employees (as tips for purposes of section 6053(c)) an amount equal to the difference between 8 percent of the establishment's gross receipts and the aggregate amount of tips reported by the employees. The Secretary of the Treasury is authorized to reduce the allocation figure based on a showing by an employer that the tip rate for its particular establishment was lower than 8 percent. Under the provisions enacted in TEFRA, the rate could not be lower than 5 percent. The TEFRA rules were amended by section 1072 of the Tax Reform Act of 1984 (the Act) [98 Stat. 1052, 26 U.S.C. 6053 note] to allow a majority of employees to petition for a reduced allocation rate and to permit a minimum allocation rate of 2 percent. In addition, the Act provides that for purposes of determining whether an establishment normally employed more than 10 employees and thus was a large food or beverage establishment, an individual who owns 50 percent or more in value of the stock of a corporation operating a food or beverage establishment is not considered an employee of such establishment. The Act also directed the Secretary to promulgate regulations with respect to recordkeeping requirements applicable to tipped employees.

The temporary regulations contained herein would provide guidance to employers and employees with respect to the provisions of section 1072 of the Act.

Explanation of Provisions

The temporary regulations reflect amendments to section 6053 with respect to the reduction of the minimum allocation rate from 5 percent to 2 percent (§ 31.6053-3T(h)(1)) and with

respect to the treatment of 50-percent stockholders as nonemployees (§ 31.6053-3T(j)(9)).

In addition, the temporary regulations provide rules with respect to employee-originated petitions for a reduction in the tip allocation rate. Section 31.6053-3T(h)(2) provides that employee-originated petitions must be consented to by a majority of employees, which, for this purpose, means more than one-half of the directly tipped employees employed by the establishment at the time the petition is filed. Further requirements of employee-originated petitions are set forth in § 31.6053-3T(h)(2)(iii), including a requirement that employers provide (in confidence) certain information to the district director.

In addition to the general recordkeeping requirements applicable to all taxpayers, these temporary regulations, in response to the congressional mandate to promulgate regulations with respect to recordkeeping requirements applicable to tipped employees, provide rules specifically applicable to tipped employees. Under the temporary regulations, an employee is required to maintain sufficient evidence to establish the amount of tip income received by the employee during a taxable year. The temporary regulations provide that sufficient evidence consists of either (i) a daily record, or (ii) other evidence of the tip income received which is as credible and as reliable as a daily record (§ 31.6053-4T). The daily record or other evidence may not be sufficient evidence if there are facts and circumstances which indicate that the employee received a larger amount of tip income (§ 31.6053-4T).

The effective date for these substantiation regulations is October 1, 1985. However, under the general recordkeeping provisions of section 6001 and the regulations thereunder tipped employees are required, for periods prior to that date, to have books and records adequate to substantiate the amount of tip income received. Substantiation considered sufficient as provided in these temporary regulations will also be considered sufficient for such prior periods.

Regulatory Flexibility Act; Executive Order 12291; Paperwork Reduction Act of 1980

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

Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. The reporting requirements added by this document have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. The reporting requirements have been approved by OMB.

Drafting Information

The principal author of these temporary regulations is Gail H. Morse of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue and Treasury Department participated in developing the regulations both on matters of substance and style.

List of Subjects

28 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding.

26 CFR Part 602

OMB control numbers, Paperwork Reduction Act, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 31 and Part 602 are amended as follows:

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Paragraph 1. The authority for Part 31 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Sections 31.6053-3T and 31.6053-4T are also issued under section 1072 of Pub. L. 98-369, 98 Stat. 1052; and 26 U.S.C. 6001.

Par. 2. Section 31.6053-3 is amended by revising paragraphs (b)(5), (h), and (j)(9) to read as set forth below:

§ 31.6053-3 Reporting by certain large food or beverage establishments with respect to tips.

(b) *Employer statement to employees.* * * *

(5) See paragraph (b)(5) of § 31.6053-3T.

(h) *Lowering the percentage to be used.* See paragraph (h) of § 31.6053-3T.

(j) *Definitions.* * * *

(9) *More than 10 employees on a typical business day.* See paragraph (j)(9) of § 31.6053-3T.

Par. 3. A new § 31.6053-3T is added immediately following § 31.6053-3 to read as follows:

§ 31.6053-3T Reporting by certain large food or beverage establishments with respect to tips. (Temporary)

(a) [Reserved]

(b) *Employer statement to employees—(1)–(4)* [Reserved]

(5) *Employee reporting of tip income.* Regardless of whether an employee receives an allocation under section 6053(c) and § 31.6053-3, the employee is required to report as income on his or her Federal income tax return all tips received. For tips received before October 1, 1985, an employee must be able to substantiate the amount of reported tip income as provided in section 6001 and the regulations thereunder. For tips received on or after October 1, 1985, an employee must be able to substantiate the amount of reported tip income as provided in § 31.6053-4T. The Internal Revenue Service may determine that a tipped employee received a larger amount of tip income than is reflected by the employee's allocation.

(c)–(g) [Reserved]

(h) *Lowering the percentage to be used—(1) In general.* On and after July 18, 1984, an employer or a majority of the employees (as defined in paragraph (h)(2)(iii) of this section) of an employer may petition the district director for the internal revenue district in which the employer's establishment is located to have the percentage of gross receipts that is used to determine the amount to be allocated under section 6053(c)(3)(A) and paragraph (d) of § 31.6053-3 reduced from 8 percent to the percentage that the petitioning employer or employees believe to be the actual percentage of the amount of the establishment's gross receipts that reflects the amount of tips. The district director may thereafter reduce the percentage of gross receipts used to determine the amount to be so allocated to the percentage that the district director determines to be the proper estimate of the actual percentage of gross receipts constituting tips. The district director, however, may not reduce the percentage below 2 percent. For the rules in effect prior to July 18, 1984, see 26 CFR 31.6053-3(h) (Rev. as of April 1, 1984).

(2) *Time and manner for petition to have percentage reduced—(i) In general.* The petition shall be in writing and shall include sufficient information to allow the district director to estimate with reasonable accuracy the actual tip rate of the establishment. For example, such information might include the charged tip rate, the type of establishment, menu prices, the location of the establishment, the amount of "self-service" required, the days and hours open for business, and whether the customer receives the check from or pays the server for the meal.

(ii) *Employer petitions.* In the case of employer-originated petitions, the employer has the burden of supplying sufficient information to allow the district director to estimate with reasonable accuracy the actual tip rate of the establishment. The employer also shall attach to the petition copies of Form 8027 (if any) filed for the establishment for the 3 immediately preceding calendar years.

(iii) *Employee petitions.* (A) In the case of employee-originated petitions, a majority of the employees of an establishment must consent to the petition. A majority for purposes of this paragraph is more than one-half of all the directly tipped employees (within the meaning of paragraph (j)(12) of § 31.6053-3) employed by the establishment at the time the petition is filed. In the case of a single petition for certain multi-establishment employers (see paragraph (h)(4) of this section), more than one half of the aggregate directly tipped employees (at the time the petition is filed) of the establishments covered by the petition must consent. The petition filed with the district director must state the total number of directly tipped employees employed by the establishment (or establishments) and the number of the directly tipped employees consenting to the petition.

(B) The petitioning employees have the burden of supplying sufficient information to allow the district director to estimate with reasonable accuracy the actual tip rate of the establishment to the extent they possess such information. If the employer possesses relevant information, the employer must provide such information to the district director upon the request of the petitioning employees or district director. Employees who file a petition under this paragraph must promptly notify their employer of the petition. Promptly upon receipt of such notification, their employer must submit to the district director copies of the Form 8027 (if any) filed for the

establishment for the 3 immediately preceding calendar years. Any information supplied by the employer during the petitioning process shall not be disclosed by the Internal Revenue Service to any employees of the employer nor to representatives of such employees.

(3) *Effective date for reduced percentage.* The district director shall determine the term for which the reduced percentage is to be effective. At the end of such term, the reduced percentage shall cease to apply unless previously extended by the district director for the district in which the large food or beverage establishment is located. In no event shall the reduced percentage be applied to payroll periods before the date the petition described in paragraph (h)(2) of this section is filed unless the establishment is a new business (as described in paragraph (i) of § 31.6053-3). In the case of a new business or a petition for reduction filed prior to September 30, 1983, the district director may allow the approved reduced percentage to be applied retroactively to the first day of the calendar year of the petition. Until such time as the employer is notified in writing by the district director of approval of a reduction, the employer must continue to use 8 percent of gross receipts for purposes of complying with section 6053(c) and this section.

(4) *Single petition for certain multi-establishment employers.* An employer (including a single employer as defined in section 52 (a) or (b)) or a majority of the employees of such employer may use a single petition for two or more of the employer's establishments if such establishments are essentially the same type of business, the petitioning employer or employees have made a good faith determination that the tip rates at such establishments are essentially the same, and the establishments are located in the same internal revenue region. Single petitions shall include the names and locations of the establishments for which a reduction is requested and the information required by paragraph (h)(2) of this section for a typical establishment. A single petition for multi-establishments located within an internal revenue region shall be filed with the district director for the internal revenue district in which the greatest number of the establishments included in the petition are located. If there is an equal number of establishments located in two or more internal revenue districts the employer or employees petitioning may choose the district to which the petition is sent.

(i) [Reserved]

(j) *Definitions—(1)–(8)* [Reserved]

(9) *More than 10 employees on a typical business day.* An employer shall be considered to have normally employed more than 10 employees on a typical business day during a calendar year if one-half of the sum of the average number of employee hours worked per business day during the calendar month in which the aggregate gross receipts from food or beverage operations were the greatest plus the average number of employee hours worked per business day during the calendar month in which the aggregate gross receipts from food or beverage operations were the least, is greater than 80 hours. The average number of employee hours worked per business day during a month shall be computed by dividing the total number of hours worked during the month by all employees of the employer who are employed in a food or beverage operation by the average of the number of days during the month that each food or beverage operation at which such employees worked was open for business. If an employer operates both a food or beverage operation and a nonfood or beverage operation, and one or more of his or her employees work for both operations, the employer may make a good faith estimate of the number of hours such employees worked for each operation in a given month. Similarly, in cases where one or more of an employer's employees work for more than one of such employer's food or beverage operations, a good faith estimate may be made of the number of hours such employees worked for each operation in a given month. For purposes of this subparagraph, employees who are employed in a food or beverage operation include all employees of the operation, not just food or beverage employees. The employees of an employer shall include all employees at all food or beverage operations who, along with the employees of such employer, would be treated as employees of a single employer under section 52 (a) or (b) (as in effect on September 3, 1982) and the regulations thereunder. For example, if an employer at a food or beverage operation is a member of a controlled group of corporations, then all employees of all corporations which are members of such controlled group of corporations shall be treated as employed by each such employer for purposes of this paragraph. However, an individual who owns 50 percent or more in value of the stock of a corporation operating an establishment shall not be treated as an employee of any establishment owned by the corporation.

Par. 4. A new § 31.6053-4T is added immediately after § 31.6053-3T to read as follows:

§ 31.6053-4T *Substantiation requirements for tipped employees. (Temporary)*

(a) *Substantiation of tip income—(1) In general.* An employee shall maintain sufficient evidence to establish the amount of tip income received by the employee during a taxable year. A daily record maintained by the employee (as described in paragraph (a)(2) of this section) shall constitute sufficient evidence. If the employee does not maintain a daily record, other evidence of the amount of tip income received during the year, such as documentary evidence (as described in paragraph (a)(3) of this section), shall constitute sufficient evidence, but only if such other evidence is as credible and as reliable as a daily record. However, notwithstanding any other provision of this paragraph (a)(1), a daily record or other evidence that is as credible and as reliable as a daily record may not be sufficient evidence if there are facts or circumstances which indicate that the employee received a larger amount of tip income. Moreover, oral statements of the employee, without corroboration, cannot constitute sufficient evidence.

(2) *Daily record.* The daily record shall state the employee's name and address, the employer's name, and the establishment's name. The daily record shall show for each work day the amount of cash tips and charge tips received directly from customers or from other employees, and the amount of tips, if any, paid out to other employees through tip sharing, tip pooling or other arrangements and the names of such employees. The record shall also show the date that each entry is made. Form 4070A, *Employee's Daily Record of Tips*, may be used to maintain such daily record. The daily record of tips received by an employee shall be prepared and maintained in such manner that each entry is made on or near the date the tip income is received. A daily record made on or near the date the tip income is received has a high degree of credibility not present with respect to a record prepared subsequent thereto when generally there is a lack of accurate recall. An entry is made "near the date the tip income is received" if the required information with respect to tips received and paid out by the employee for the day is recorded at a time when the employee has full present knowledge of those receipts and payments.

(3) *Documentary evidence.* Documentary evidence consists of copies of any documents that contain (i)

amounts that were added to a check by customers as a tip and paid over to the employee or (ii) amounts that were paid by a customer for food or beverages with respect to which tips generally would be received by the employee. Examples of documentary evidence are copies of restaurant bills, credit card charges, or charges under any other arrangement (see § 31.6053-3(j)(4)) containing amounts added by the customer as a tip.

(b) *Retention of records.* Records maintained under this section shall be kept at all times available for inspection by authorized internal revenue officers of employees, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(c) *Effective date.* The substantiation requirements of this § 31.6053-4T shall be effective for tips received on or after October 1, 1985. For the rules in effect prior to October 1, 1985, see section 6001 and the regulations thereunder. Substantiation considered sufficient as provided in this § 31.6053-4T will also be considered sufficient for tips received before October 1, 1985.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 5. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 6. Section 602.101(c) is amended by inserting in the appropriate places in the table "§ 31.6053-3T and § 31.6053-4T . . . 1545-0065."

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

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

Approved: July 12, 1985.

J. Roger Mentz,
Acting Assistant Secretary of the Treasury.
[FR Doc. 85-17458 Filed 7-18-85; 4:06 pm]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-210; Notice No. 559]

Establishment of Cumberland Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is establishing in portions of the States of Maryland and Pennsylvania an American viticultural area known as "Cumberland Valley." This final rule is the result of a petition filed jointly by Charles M. Webster, a grower of wine grapes in Sharpsburg, Maryland, and Robert W. Ziem, the proprietor of a Winery and bonded winery in Downsville, Maryland.

The establishment of the Cumberland Valley viticultural area and the use of the name as an appellation of origin in the labeling and advertising of wine allows the proprietor of a winery to designate the area as the locale in which grapes used in the production of a wine are grown and enables the consumer to identify and to differentiate between that wine and other wines offered at retail.

EFFECTIVE DATE: This final rule is effective August 26, 1985.

FOR FURTHER INFORMATION CONTACT: Michael J. Breen, Coordinator, FAA, Wine and Beer Branch, Room 6237, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20228, Telephone: (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Title 27, Code of Federal Regulations, Part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56892) which added to Title 27 a new Part 9 providing for the listing of approved American viticultural areas.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape growing region distinguishable by geographical features. Section 4.25a(e)(2), outlines the procedure for proposing an American viticultural area. Any interested person

may petition ATF to establish a grape-growing region as a viticultural area. The petition shall include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish features of the proposed area from surrounding areas;

(d) A description of the specific boundary of the proposed viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and,

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundary prominently marked.

Petition

In December 1982, ATF received the petition submitted by Mr. Webster and Mr. Ziem for the establishment of a viticultural area in Washington County, Maryland, to be known as "Cumberland Valley, Maryland." ATF's initial examination of the U.S.G.S. maps and the Washington County, Maryland, soil survey submitted with the petition indicated that the area for which the petition was submitted is more commonly known as the Hagerstown Valley, a portion of the larger Cumberland Valley which extends north above the Mason-Dixon Line, the geopolitical boundary between the States of Maryland and Pennsylvania. In light of this determination, the petitioners agreed to amend the petition to include the portions of the Cumberland Valley which are located in Franklin and Cumberland counties in Pennsylvania and to petition for the name "Cumberland Valley." In Notice No. 559 published in the *Federal Register* of February 28, 1985, ATF proposed the establishment of the Cumberland Valley viticultural area.

Comments

ATF received three comments during the comment period which closed April 29, 1985. All three commenters support the proposal to establish the viticultural area. One commenter, a proprietor of a bonded winery located in the vicinity of Shippensburg, Pennsylvania, states that the historical reference to Cumberland Valley is evidenced by the number of schools and businesses which include "Cumberland Valley" in their names.

Another comment, submitted by the Office of the Secretary of Agriculture of the State of Pennsylvania states the Cumberland Valley has been a locally and nationally recognized designation for this area since Colonial times and that use of this name continues to this day, both in common reference, and in the names of a host of agricultural, industrial, commercial and social organizations ranging from the Cumberland Valley Cooperative to the Cumberland Valley School District. This commenter describes the area of the Cumberland Valley as "located generally between South Mountain on the southeast and Blue Mountain and adjacent ridges of the Appalachian Mountains on the northwest, and by the Susquehanna and Potomac rivers on the northeast and southwest, respectively."

ATF received no comments expressing opposition to the proposal.

The Cumberland Valley

The Cumberland Valley is an 80-mile long valley which bends in a northeasterly direction from the Potomac River in Washington County, Maryland, to the Susquehanna River in Cumberland County, Pennsylvania. The valley is bordered on the southeast by South Mountain, which is the northernmost extension of the Blue Ridge Mountains, and on the northwest by the Allegheny Mountain complex. The principal streams that drain the valley are Conococheague Creek and Antietam Creek, tributaries of the Potomac River, and Conodoguinet Creek and Yellow Breeches Creek, tributaries of the Susquehanna River. The land drained by these streams shares similar geological history, topographical features, soils, and climatic conditions.

The boundary of the proposed viticultural area encompasses approximately 1,200 square miles or 765,000 acres. The petitioners state that within the Cumberland Valley there are approximately 60 acres devoted to the cultivation of wine grapes and there are three bonded wineries. Due to the effects of soil, drainage, rainfall, frost and winter kill, the areas of this valley which are devoted to viticulture consist primarily of high terraces along the north bank of the Potomac River, hills and ridges in the basin of the valley, and upland areas along the slopes of South Mountain.

Name

The name "Cumberland Valley" is well established by the petition. The area is known locally and nationally by the name "Cumberland Valley" and use of this name is well documented. The name was given to the valley in 1736 by

the earliest settlers who came from Cumberland County, England. In 1751 the name was formally adopted when the northeast part of the valley was named Cumberland County and the City of Carlisle (PA) was named for its counterpart in Cumberland County, England. Today, numerous references to the name of the valley are made in industrial, business and organizational names.

Geography

The Cumberland Valley viticultural area consists of a large elongated intermountain valley and the immediately surrounding upland areas. Mountains of the Allegheny Mountain complex form the western and northern portions of the boundary of the viticultural area and South Mountain, the northernmost extension of the Blue Ridge Mountain complex, forms the southern and eastern portions of the boundary. The southwestern and northeastern portions of the boundary are, respectively, the northeast bank of the Potomac River in Maryland and the southwest bank of the Susquehanna River in Pennsylvania. The valley is approximately 80 miles long from river to river. Its width is approximately 20 miles along the Potomac River (MD), approximately 24 miles at the Mercersburg-Waynesboro (PA) corridor, approximately 12 miles near Shippensburg (PA), and narrows to approximately 8 miles at Harrisburg (PA) along the Susquehanna River.

Distinguishing Characteristics

The viticultural area is distinguished geographically from surrounding areas by its topography, geology and soils, and to a lesser extent by climatological characteristics.

Topography

The topography of the basin of the Cumberland Valley is nearly level. The basin of the valley is a gently rolling plain which at its western edge along the Potomac River is approximately 300 feet above sea level and which over a distance of approximately 80 miles gradually ascends to an average elevation of 600 feet above sea level and then descends to an altitude of 300 feet above sea level along the Susquehanna River. The valley floor has some areas of higher elevation, i.e., lowlying hills and ridges.

The portions of the boundary to the northwest, north and southeast are higher due to the slopes of the mountains. The ridges and peaks of these mountains range from 1,000 feet to 2,100 feet above sea level. The areas of higher elevation range from 700 feet to

1,600 feet above the valley floor and include South Mountain (2,145 feet) to the south and east of the valley floor, the Bear Pond Mountains (2,062 feet), Cove Mountain (1,582 feet), and Kittatinny Mountain (2,056 feet) to the west and Blue Mountain to the north (2,000 feet). Most of the land above 1,000 feet in elevation along the southeastern portion of the boundary and above 700 feet in elevation along the northern and western portions of the boundary is stony and unsuitable for agriculture, and consequently, remains forested.

Geology

The Cumberland Valley is an example of a mountain landscape that has been formed by erosion during a long interval of geologic time and that has reached a condition of dynamic equilibrium in which the adjustment between the landforms and the rocks beneath is nearly complete.

The Cumberland Valley is a segment of the Great (Limestone) Valley, a long and fertile lowland trough, underlain by Cambrian and Ordovician limestone and shale, that extends along the axis of the Appalachian Highlands from the State of Alabama north into Canada. It is geologically well defined by South Mountain to the south and east and by the Allegheny Mountains to the west and north. The segment of the Great Valley lying to the northeast of the Cumberland Valley is known as the Lebanon Valley and the segment lying to the southwest is known as the Shenandoah Valley.

Soil Characteristics

The topography and soils of the Cumberland Valley result from the geology of the area. The valley is a limestone bed that has been weathered to a gently rolling plain. The valley lies at approximately 600 feet above sea level between low mountains that rise to an elevation of about 2,000 feet above sea level and belong to the easternmost fringes of the Appalachian Mountains. The mountains to the west, north and south of the valley are formed of sedimentary, metamorphic sedimentary, and igneous rocks while the valley is composed almost entirely of limestone.

The soils found in the Cumberland Valley are typical of those derived from limestone. The Shenandoah and Lebanon valleys, respectively to the southwest and northeast, are contiguous segments of the Great (Limestone) Valley and bear soil characteristics similar to those of the Cumberland Valley. The soils in these valleys are deep, well drained, generally alkaline, and highly productive with a high

moisture holding capacity whereas the mountains which border to the west, north and south, have soils generally of associations which are not as productive, deep, or well drained and which are acidic.

The General Soil Map of Pennsylvania, prepared by the Pennsylvania State University in collaboration with the Soil Conservation Service of the U.S. Department of Agriculture, and the General Soil Map of Maryland, prepared by the University of Maryland in collaboration with the Soil Conservation Service of the U.S. Department of Agriculture, show that the soils suitable for agriculture in the Cumberland Valley can, in fact, be used to delineate the basin of the valley from the surrounding highlands.

Data from the soil surveys for Washington County in Maryland and the counties of Franklin and Cumberland in Pennsylvania strongly support carrying the Cumberland Valley appellation all the way from the Potomac River to the Susquehanna River.

The major soil associations found in the three counties which make up the Cumberland Valley are Berks, Hagerstown and Murrill and are distributed within the total land area of each county as follows:

Name of county	Soil associations (in acres)			Area (in acres)
	Berk	Hagerstown	Murrill	
Washington (MD)	15,000	136,000	19,000	295,680
Franklin (PA)	150,000	154,000	43,500	482,680
Cumberland (PA)	61,000	58,000	12,700	335,000
Totals	226,000	348,000	75,200	1,113,360

Washington County, Maryland

Soils of the Waynesboro association are found almost entirely on the high terraces along the Potomac River. The Waynesboro soils consist of very old, acid alluvium, mostly gravelly, which have been eroded from highland areas and deposited in rather thick beds above the Potomac River. These soils are well-drained, deep and medium-textured, but require liming in order to be productive for grapegrowing.

Soils of the Berks association have differences in capability depending upon underlying rock formations which can be either limestone (alkaline) or other than limestone (acidic). Berks soils require periodic liming in order to be productive. Berks soils found on slopes hold less moisture than Berks soils found along the beds of creeks which drain the basin of the valley. However,

the Berks soil along creek beds is not used for the cultivation of fruit.

Soils of the Murrill association are underlain by limestone and are influenced by limestone materials. These soils are used generally for farming with emphasis on dairying and other livestock enterprises. There are orchards and vinyards on the somewhat higher intermediate slopes where air drainage is better. These soils occur on the lowest western slopes of South Mountain from the Pennsylvania line southward almost to Rohrersville, Maryland. These soils are also on the lowest western slopes of Elk Ridge from near Porterstown, Maryland, southward to the Potomac River; in a small isolated area just north of Antietam, Maryland; and in a large area on the lowest eastern slopes of Fairview Mountain from the Pennsylvania line southward beyond Clear Spring and southeastward to the Potomac in the vicinity of Two Locks.

Soils of the Hagerstown-Duffield-Franktown association occupy most of the main basin of the Great (Limestone) Valley that crosses Washington County between South Mountain and Fairview Mountain. These are the dominant soils which made up more than 90 percent of soils in the valley in Washington County and are the most important in its agricultural economy which lies chiefly in corn, small grains, hay crops, dairying, breeding of livestock, and fruit.

Franklin County, Pennsylvania

The land area of Franklin County, Pennsylvania, is located primarily in the Great Limestone Valley.

The principal soil associations in Franklin County are: Hagerstown-Duffield, Murrill-Laidig and Weikert-Berks-Bedington.

The deep and well drained Hagerstown-Duffield soils make up about 32 percent of the land in the county and are found in the limestone valleys which are dedicated to crops, fruit, hay, and pasture.

The Murrill-Laidig association consists of deep, well-drained, gently sloping to moderately steep soils formed in colluvium on the foot slopes and benchlike areas on mountainsides. Nearly all of the soils of this association have been cleared and are used for crops, hay, pasture and fruit. They are among the best in Franklin County for farming.

Soils of the Weikert-Berks-Bedington association are shallow to deep, well-drained soils formed in materials weathered from shale and interbedded shale, siltstone and sandstone and are found in the valleys where crops are planted.

Cumberland County, Pennsylvania

Although the soils in Cumberland County have been surveyed, the report of the survey has not yet been published. The Soil Conservation Service in Carlisle, Pennsylvania, furnished field data and a preliminary map which shows continuation into Cumberland County of the major soil types found in Washington and Franklin counties. The Hagerstown type soil (limestone) continues all the way to the floodplain of the Susquehanna River and the Murrill colluvial fans (sandstone over limestone) continue along the slopes of South Mountain.

Climatological Characteristics

Climate is a feature which differentiates the Cumberland Valley from surrounding areas. Because of the location of the Allegheny Mountain complex to the west and north and South Mountain to the south, as well as the movement of warm, moist air northward from the Gulf of Mexico over the basin of the Great (Limestone) Valley, the climate, including average temperature and precipitation, is relatively uniform throughout the Cumberland Valley.

The valley lies in an area of prevailing westerly winds which originate in the interior of North America. Warm, moist air from the Gulf of Mexico flows northward along the basin of the Great (Limestone) Valley into the Cumberland Valley. In addition, the Atlantic Ocean to the east is a modifying factor and an occasional source of warmth and moisture. These conditions give a "Humid Continental" type of climate, typical of the Middle Atlantic States. Most weather systems that affect this area originate in Canada or on the Central Plains of the United States, are caught up in the prevailing westerly flow aloft, move eastward over the Appalachian Mountains, and lose moisture in the form of precipitation over the basin of the valley.

By the time an air mass has passed over the Appalachian chain, it is considerably modified in both temperature and moisture. After cooling and losing moisture while traversing the mountains, an air mass tends to warm and at least partly replenish its moisture supply over the valley. Orographic uplift along the windward side of South Mountain, which forms the eastern portion of the border of the proposed viticultural area, results in increased cloudiness and the greatest precipitation along this eastern ridge. Annual temperatures generally average near 53 °F over the Cumberland Valley but at

higher elevations along the western and eastern borders average two to three degrees lower. Precipitation also follows topographical features; the annual average is 40 inches in the western mountain and valley region and approximately 45 inches in the South Mountain region. The lower totals along the western border are due to the drying of the air mass over the mountains farther west and the lack of a moisture source.

Average temperature and precipitation are relatively consistent throughout the valley. In addition to the data obtained by the petitioners from weather stations within and outside the proposed boundary of the petitioned area, ATF found evidence presented in the notices and Treasury decisions for the Catoctin, Lancaster Valley, and Shenandoah Valley viticultural areas that documents the climatological differences between the Cumberland Valley and surrounding areas.

The climate of the Catoctin viticultural area which lies to the south of the Cumberland Valley has an average annual rainfall of 36-42 inches, temperatures of 50-55 degrees F., and a frost-free season of 160-170 days. The Lancaster Valley viticultural area to the southeast of the Cumberland viticultural area has an average annual rainfall of 40-42 inches, temperatures of 55-60 degrees F., and a frost-free season of 170-180 days. The Shenandoah Valley viticultural area to the southwest of the Cumberland Valley has an average annual rainfall of 34-38 inches, temperatures of 54-56 degrees F., and a frost-free season of 150-160 days.

The petitioners cite data from three weather stations of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, specifically, the stations at Chewsville (elev. 640 feet) located near Hagerstown (MD) at the southern end of the valley, Chambersburg (PA) located centrally (elev. 570 feet), and Carlisle (PA) located in the northeastern end of the valley (elev. 465 feet). These stations show average temperatures ranging from 51.6 °F to 53.4 °F, total precipitation from 34.9" to 39.8", and degree growing days of 3,050 at Chewsville, 2,890 at Chambersburg, and 3,150 at Carlisle. The average annual temperature is 52° Fahrenheit with the coldest month being January (32° Fahrenheit) and the warmest month being July (75° Fahrenheit). Based upon data recorded at Chambersburg, annual precipitation averaging 38.25 inches occurred fairly evenly throughout the 30-year period from 1931 to 1960.

In summer, several periods of hot and humid weather are observed, however,

and valley temperatures reach into the nineties about 30 times during summer. On the average, daytime highs reach the middle to upper eighties and nighttime lows are near 60°. Temperatures in the mountains are lower.

Freezing temperatures have not been experienced during summer in the valley. Cloud cover is at a minimum in summer; the valley receives more than 60 percent of the available sunshine, and nights are generally clear.

The prevailing wind is from the southwest and averages 8 miles per hour. Rainfall is generally adequate but dry periods of 2 to 3 weeks duration are sometimes experienced. Summer rainfall is usually in the form of afternoon and evening thundershowers, which occur on an average of 24 days during the months of June, July and August.

The length of the growing season is fairly consistent over the valley and averages 160 to 170 days. Frost occurs as late as mid-May and as early as mid-September. A shorter growing season exists in the mountains. About 57 percent of the annual precipitation falls during spring and summer.

The Climatological characteristics of the Cumberland Valley and surrounding areas may be summarized as follows:

Name of area	Temperature degrees Fahrenheit	Rainfall inches	Frost-free days
Mountains (west)	46 to 50	40	Less than 160
Mountains (north)	48 to 50	40	Do
South Mountain	49 to 52	45	Do
Catoctin	50 to 55	36 to 42	160 to 170
Cumberland Valley	51 to 54	34 to 40	Do
Shenandoah Valley	54 to 56	34 to 38	150 to 160
Lancaster Valley	55 to 60	40 to 42	170 to 180

Boundary

The boundary of the Cumberland Valley viticultural area is found on 32 United States Geological Survey maps of the 7.5 minute series, scale 1:24,000. The boundary is described in § 9.105.

Viticulture in the Area

The following statistics were developed from information (not necessarily in the petition) available to ATF:

(1) Total acreage in the area—approximately 785,000 acres.

(2) Commercial vineyards (winegrapes)—approximately 20 acres in Maryland and approximately 40 acres in Pennsylvania.

(3) Commercial wineries—one in the Maryland portion of the area and two in the Pennsylvania portion.

Grapes grown commercially for winemaking are mainly *vitis Labrusca* and *vitis Labrusca-vitis vinifera* crosses (French hybrids). Only a few *vitis vinifera* varieties are grown commercially in the area.

Compliance with Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The notice of proposed rulemaking which resulted in this final rule contained a certification under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that if promulgated as a final rule, it would not have a significant economic impact on a substantial number of small entities. Therefore, the requirement contained in the Regulatory Flexibility Act (5 U.S.C. 603, 604) for a final regulatory flexibility analysis does not apply to this final rule.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, Wine.

PART 9—AMERICAN VITICULTURAL AREAS

27 CFR Part 9 is amended as follows:

Paragraph 1. The authority citation for 27 CFR Part 9 continues to read as follows:

Authority: August 29, 1935, Chapter 814, sec. 5, 49 Stat. 981, as amended (27 U.S.C. 205), unless otherwise noted.

Par. 2. The Table of sections in 27 CFR Part 9 is amended by adding § 9.105 to Subpart C to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.
§ 9.105 Cumberland Valley.

Par. 3. Subpart C is amended by adding § 9.105 which reads as follows:

§ 9.105 **Cumberland Valley.**

(a) *Name.* The name of the viticultural area described in this section is "Cumberland Valley."

(b) *Approved maps.* The appropriate maps for determining the boundary of the Cumberland Valley viticultural area are the following 32 U.S.G.S. topographical maps of the 7.5 minute series:

- (1) "Williamsport Quadrangle", edition of 1969.
- (2) "Shepherdstown Quadrangle", edition of 1978.
- (3) "Keedysville Quadrangle", edition of 1978.
- (4) "Middletown Quadrangle", edition of 1953, photo-revised 1979.
- (5) "Myersville Quadrangle", edition of 1953, photo-revised 1971.
- (6) "Smithsburg Quadrangle", edition of 1953, photo-revised 1971.
- (7) "Waynesboro Quadrangle", edition of 1944, photo-revised 1968 and 1973.
- (8) "Iron Springs Quadrangle", edition of 1953, photo-revised 1968 and 1973.
- (9) "Scotland Quadrangle", edition of 1944, photo-revised 1968 and 1973.
- (10) "Caledonia Park Quadrangle", edition of 1944, photo-revised 1968 and 1973.
- (11) "Walnut Botton Quadrangle", edition of 1952, photo-revised 1969 and 1977.
- (12) "Dickinson Quadrangle", edition of 1952, photo-revised 1969 and 1977.
- (13) "Mount Holly Springs Quadrangle", edition of 1952, photo-revised 1968 and 1973.
- (14) "Carlisle Quadrangle", edition of 1952, photo-revised 1968 and 1973.
- (15) "Mechanicsburg Quadrangle", edition of 1952, photo-revised 1968 and 1973.
- (16) "LeMoyné Quadrangle", edition of 1963, photo-revised 1972.

(17) "Steelton Quadrangle", edition of 1963, photo-revised 1972.

(18) "Harrisburg West Quadrangle", edition of 1969, photo-revised 1974.

(19) "Wertzville Quadrangle", edition of 1952, photo-revised 1968 and 1973.

(20) "Sherman's Dale Quadrangle", edition of 1952, photo-revised 1968 and 1973.

(21) "Landisburg Quadrangle", edition of 1952, photo-revised 1969 and 1977.

(22) "Andersonburg Quadrangle", edition of 1952, photo-revised 1969 and 1977.

(23) "Newville Quadrangle", edition of 1952, photo-revised 1969 and 1975.

(24) "Newburg Quadrangle", edition of 1966, photo-revised 1973.

(25) "Doyleburg Quadrangle", edition of 1966, photo-revised 1973.

(26) "Roxbury Quadrangle", edition of 1966, photo-revised 1973.

(27) "Fannettsburg Quadrangle", edition of 1966, photo-revised 1973.

(28) "St. Thomas Quadrangle" edition of 1944, photo-revised 1968 and 1973.

(29) "McConnellsburg Quadrangle", edition of 1944, photo-revised 1968 and 1973.

(30) "Mercersburg Quadrangle", edition of 1943, photo-revised 1968 and 1973.

(31) "Clear Spring Quadrangle", edition of 1955, photo-revised 1971.

(32) "Hedgesville Quadrangle", edition of 1979.

(c) *Boundary.* The Cumberland Valley viticultural area is located in Washington County in west-central Maryland and Franklin and Cumberland counties in south-central Pennsylvania. The boundary is as follows:

(1) Starting immediately west of the Town of Williamsport in Washington County, Maryland, at Lock 45 of the Chesapeake & Ohio (C&O) Canal National Historical Park and the confluence of the Potomac River and Conococheague Creek (see Williamsport Quadrangle), the boundary proceeds in a southeasterly direction along the perimeter of the park on the northeastern bank of the Potomac River to the confluence of Antitam Creek and the Potomac River;

(2) Then southeast of Limekiln Road which runs along the perimeter of the park from Antietam Creek to the intersection of Limekiln Road and Harpers Ferry Road;

(3) Then northeasterly a straight line approximately two miles to the 952-foot summit of Hawk's Hill;

(4) Then northerly on a straight line approximately 2.5 miles to the intersection of Red Hill Road and Porterstown Road;

(5) Then southeasterly along Porterstown Road to its intersection with Mount Briar—Trego Road;

(6) Then southerly along Mount Briar—Trego Road to its intersection with Millbrook Road;

(7) Then east along Millbrook Road to its intersection with State Route 67, approximately 0.5 mile north of Rohersville, Maryland;

(8) Then directly east approximately 1.25 miles in a straight line to the 1,000-foot contour line of South Mountain;

(9) Then in a north northeasterly direction along the 1,000-foot contour line of South Mountain in Washington County, Maryland, and Franklin and Cumberland counties in Pennsylvania to the point on South Mountain where the 1,000-foot contour line crosses State Hollow Road (Rt. 233);

(10) Then north along Rt. 233 to the point where it crosses the 750-foot contour of South Mountain;

(11) Then east along the 750-foot contour line of South Mountain to the point southwest of the Mount Holly Springs Reservoir where Cold Spring Run, a tributary of Yellow Breeches Creek, crosses the 750-foot contour line, approximately 3 miles southwest of the town of Mount Holly Springs, Pennsylvania;

(12) Then east northeast in a straight line approximately seven miles to Center Point Knob, elev. 1050 feet, approximately two miles southeast of Boiling Springs, Pennsylvania (see Mechanicsburg Quadrangle);

(13) Then continuing east northeast in a straight line approximately six miles to the point where U.S. Rt. 15 crosses Yellow Breeches Creek, approximately one mile east of Williams Grove, Pennsylvania;

(14) Then east and northeast in a meandering line along the north bank of Yellow Breeches Creek to its confluence with the Susquehanna River;

(15) Then north along the west bank of the Susquehanna River, which forms the western portion of the corporate boundary line of the City of Harrisburg, Pennsylvania, to the point where the 300-foot contour line and the west bank of the Susquehanna River meet;

(16) Then directly west to the 700-foot contour line of Blue Mountain overlooking the Susquehanna River;

(17) Then along the 700-foot contour line of Blue Mountain as it meanders west and around McClures Gap;

(18) Then along the 700-foot contour line of Blue Mountain to the point where the 700-foot contour line crosses State Rt. 233;

(19) Then northeast along Rt. 233 through Doubling Gap to the 1,000-foot contour line of Blue Mountain;

(20) Then in a generally southwesterly direction along the 1,000-foot contour line of Blue Mountain into Franklin County to the point where the 1,000-foot contour line meets the roadbed of the Pennsylvania Turnpike, Interstate 76;

(21) Then along the roadbed of the Pennsylvania Turnpike to the east entrance of the Blue Mountain Tunnel;

(22) Then in a straight line approximately 6.5 miles to the intersection of State Rt. 533 and the 1,000-foot contour line of Blue Mountain, approximately one mile west northwest of Upper Strasburg, Pennsylvania;

(23) Then southwest along the 1,000-foot contour line of Blue Mountain to and along the 1,000-foot contour line of Broad Mountain;

(24) Then along the 1,000-foot contour line as it meanders along and around Broad Mountain and Front Mountain to the point where the 1,000-foot contour line crosses Wilson Run near Franklin Furnace, Pennsylvania;

(25) Then southwest in a straight line approximately 3.5 miles to Parnell Knob, elev. 2060 feet;

(26) Then west northwest in a straight line approximately four miles to the point where the 1,000-foot contour line crosses Township Run near Cape Horn on Cove Mountain, approximately two miles north northwest of Fort Loudon, Pennsylvania;

(27) Then southwest along the 1,000-foot contour line of Cove Mountain into and out of Cove Gap;

(28) Then along the 1,000-foot contour line of Cove Mountain and Two Top Mountain in Franklin County, Pennsylvania, and Sword Mountain and Fairview Mountain in Washington County, Maryland, to the point on Fairview Mountain where the 1,000-foot contour line intersects the National Road (U.S. Rt. 40);

(29) Then west along U.S. Rt. 40 approximately 0.5 mile to the intersection of U.S. Rt. 40 and Cove Road;

(30) Then south in a straight line from the intersection of U.S. Rt. 40 and Cove Road approximately 1.25 miles to the intersection of McCoys Ferry Road and State Rt. 56;

(31) Then south along McCoys Ferry Road to the perimeter of the C&O Canal National Historical Park along the Potomac River;

(32) Then southeast along the

perimeter of the C&O National Historical Park to the point of beginning.

Signed: January 17, 1985.

W.T. Drake,

Acting Director.

Approved: June 28, 1985.

Edward T. Stevenson,

Deputy Assistant Secretary (Operations).

[FR Doc. 85-17452 Filed 7-22-85; 8:45 am]

BILLING CODE 4810-31-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Unused Ticket Refund Procedures; Completion of Review by the Office of Management and Budget

AGENCY: Office of the Comptroller, GSA.

ACTION: Confirmation of effective date.

SUMMARY: This general notice advises the public that a decision has been made by the Office of Management and Budget (OMB) regarding the final rule on unused ticket refund procedures published in the *Federal Register* on January 8, 1985 (50 FR 938), and submitted to OMB for review, as published in the *Federal Register* on March 12, 1985 (50 FR 9908) and confirms the effective date. OMB has determined that this rule is not subject to the Paperwork Reduction Act because it does not impose any information collection burden on the public.

The General Services Administration (GSA) urges those members of the carrier industry that may have problems meeting requirements of § 101-41.210-5a to contact GSA to discuss mutually satisfactory alternative arrangements, as outlined in § 101-41.210-5c.

EFFECTIVE DATE: Therefore, the provisions published at 50 FR 938 became effective on January 8, 1985.

ADDRESS: Requests should be addressed to: Thomas P. Wolf, Director, Office of Transportation Audits (BW), General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 786-3000.

FOR FURTHER INFORMATION CONTACT:

John W. Sandfort, 202-786-3014.

Dated: July 17, 1985.

Raymond A. Fontaine,

Comptroller.

[FR Doc. 85-17451 Filed 7-22-85; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Refuge-Specific Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) is revising sections of 50 CFR Part 33 by deleting the provision that requires the issuance of special fishing regulations on an annual basis and by amending § 33.1 to more accurately describe the Service's authority to permit fishing on national wildlife refuges. Also, the term "special regulations" is replaced by a more appropriate term "refuge-specific regulations." Refuge-specific fishing regulations are codified for certain national wildlife refuges.

EFFECTIVE DATE: August 22, 1985.

FOR FURTHER INFORMATION CONTACT:

James F. Gillett, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (telephone 202-343-4311).

SUPPLEMENTARY INFORMATION: 50 CFR Part 33 contains the provisions that govern fishing on national wildlife refuges. Fishing is regulated on refuges for two basic reasons: (1) To properly manage the fishery resource, and (2) to protect other refuge values. On many refuges, the Service policy of adopting State fishing regulations is an adequate way of meeting these objectives, but on other refuges it is necessary for the Service to issue fishing regulations in addition to State regulations to ensure that the Service meets its management responsibilities.

Section 33.3 contains the provision that requires the publication of fishing regulations for a given refuge on an annual basis. These regulations are generally limited to one season and historically have not been permanently codified in Title 50 of the Code of Federal Regulations (50 CFR). The Service implemented this provision in 1960 when the Department of the Interior revised and reorganized 50 CFR. Since then, the number of refuges on the list of areas open to sport fishing has doubled. Also, the authority to issue these regulations has been centralized in the Office of the Assistant Secretary for Fish and Wildlife and Parks to ensure the standardization of these refuge fishing regulations throughout the National Wildlife Refuge System. For these reasons, the provision in § 33.3

that requires annual publication of refuge fishing regulations has become a costly administrative burden and has adversely affected their timely issuance. Therefore, the Service is deleting this provision and issuing the refuge-specific fishing regulations listed in this rule. Once these regulations are codified, they will remain in place and control fishing activities on a given refuge unless and until they are amended by subsequent regulations published in the Federal Register.

The fishing regulations that have been developed for individual refuges are referred to as "special regulations" in Part 33. These "special regulations" are similar in effect to any other regulation governing an activity or use on national wildlife refuges, and they have no "special" value as the term implies. Therefore, the Service is making a technical amendment to change the term "special regulations" in Part 33 to "refuge-specific regulations" to clarify the fact that these fishing regulations govern individual fishing programs on particular refuges.

This rulemaking contains refuge-specific fishing regulations only for refuges that have been opened in previous rulemakings and does not add any refuges to the list of those open to sport fishing. This rulemaking represents an administrative technical amendment that is designed to place the regulations governing fishing on refuges in the Code of Federal Regulations. In the absence of such refuge-specific fishing regulations, fishing on national wildlife refuges open to this activity is permitted subject to State law and regulations and the provisions of 50 CFR Part 33.

Section 33.1 deals with the Service's authority to permit sport fishing by the public. The Service is amending this section to more accurately detail its responsibilities as mandated by the National Wildlife Refuge System Administration Act, as amended (NWRSA), and the Refuge System Recreation Act (RSRA).

On February 20, 1985, at 50 FR 7079, the Service published a proposed rule to amend portions of 50 CFR Part 33 as noted above and in the section entitled "Section-by-Section Analysis."

Technical and administrative changes have been made to several of the refuge-specific fishing regulations proposed in the February 20 rulemaking. Most of these modifications reflect minor corrections in the times or areas in which fishing activities are permitted on individual refuges. Some wording changes were also made, for clarity. In addition, regulations proposed in the February 20 rulemaking for Oxbow National Wildlife Refuge (NWR) are

withdrawn from this rule because the refuge has never been opened to sport fishing. Regulations for J.N. "Ding" Darling NWR and Monomoy NWR are included in this rule but did not appear in the proposed rule. These two refuges have been open to sport fishing for eight and 24 years, respectively, and their fishing programs were subject to public review when they were opened. Furthermore, although the fishing regulations contained herein for J.N. "Ding" Darling NWR and Monomoy NWR were not published in the proposed rule, the public has been made aware of the regulations in the past through the use of refuge signs and brochures, per 50 CFR 25.31.

Section-by-Section Analysis

Section 33.1 Public fishing authorization. This paragraph will be amended by adding, as an introductory statement, the Service's responsibility to determine if sport fishing is compatible with the purposes for which the refuge was established prior to opening the refuge to this activity. A statement to this effect more accurately reflects the Service's responsibilities as mandated by the NWRSA and the RSRA than the sentence in the paragraph that now states, "However, wildlife refuge areas will be opened to sport fishing only when a determination has been made that such activity is not detrimental to the objectives for which the area was established." This sentence will be deleted from the section.

Section 33.2 General regulations. The term "special regulations" will be replaced by "refuge-specific regulations" in paragraph (e) for the purposes of clarity. Also, the last sentence in paragraph (e) that states that special regulations are not codified will be replaced by one that states that refuge-specific fishing regulations are codified in §§ 33.5 through 33.54.

A new paragraph will be added to the section, that will list the approved information collection requirements related to sport fishing regulations.

Section 33.3 Procedure for publication of special regulations. The terms "special regulations" and "special fishing regulations" will be replaced wherever they are used in this section by the term "refuge-specific fishing regulations."

Paragraph (a) of this section will be revised to permit the issuance of refuge-specific fishing regulations for a refuge at the time of publication of the opening of that refuge to sport fishing. Paragraph (h) will be revised to include fish wherever wildlife is mentioned.

Paragraphs (b) and (e) will be deleted because these provisions contain

requirements relating to the annual publication of refuge-specific fishing regulations. Also, the statement that special regulations are not codified will be deleted from paragraph (g).

Section 33.5 Special regulations; sport fishing; for individual wildlife refuge areas. This section has traditionally contained all the special regulations for sport fishing on refuges. The Service is amending this section to contain only those refuge-specific fishing regulations for national wildlife refuges in the State of Alabama and adding sections 33.6 through 33.54 for the remaining States. Thus, the refuge-specific fishing regulations for national wildlife refuges in a particular State will be listed in a separate section of Part 33. (Although § 33.6 has been reserved for Alaska, fishing on national wildlife refuges in Alaska is permitted in accordance with State fishing regulations. There are no refuge-specific regulations for these refuges.)

Responses to Comments Received

It is the policy of the Service, whenever practicable, to afford the public an opportunity to participate in the Service's rulemaking process. Accordingly, the February 20 proposed rule had a 30-day comment period. Two written comments were received from organization's in response to the proposed rulemaking. Substantive comments are outlined and responded to below:

Issue 1: One commenter wanted to know whether the lack of refuge-specific regulations for Great Swamp NWR indicated that the Service feels State regulations are adequate in meeting the refuge's objectives.

Service Response: No regulations were proposed for Great Swamp NWR because the refuge has never been opened to sport fishing (see § 33.4, List of Open Areas: Sport Fishing).

Issue 2: One commenter preferred a more liberal fishing season than the July 20 through September 21 season proposed for Edwin B. Forsythe NWR.

Service Response: This season was proposed for a portion of the refuge's Brigantine Division known as William Vogt Pool. The restricted season is designed to prevent undue disturbance to nesting and migrating waterfowl and other migratory birds using the area. There is very little demand for fishing within the Pool's impoundments.

Issue 3: One commenter found the proposed prohibition on the possession of fish and minnows for use as bait at the Edwin B. Forsythe NWR of questionable value.

Service Response: The Service agrees and this restriction has been eliminated for the final rule.

Conformance With Statutory Authorities

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and the public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the Refuge System Administration Act authorizes the Secretary of the Interior, under such regulations as he may prescribe, to permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations and access when he determines that such uses are compatible with the major purposes for which such areas were established.

The Refuge Recreation Act authorizes the Secretary of the Interior to administer the refuge areas within the National Wildlife Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act.

Fishing plans are developed for each fishing program on a refuge prior to the opening of the refuge to fishing. In some cases refuge-specific fishing regulations are included as a part of the fishing plans to ensure the compatibility of the fishing programs with the purposes for which the affected national wildlife refuges were established. Compliance with the Refuge Administration and Refuge Recreation Acts is ensured when the fishing plans are developed, and the determinations required by these Acts are made prior to the addition of the refuge to the list of areas open to fishing in 50 CFR.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in cost of prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will

have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The Service is deleting its requirement for annual publication of refuge-specific fishing regulations and is codifying these regulations in 50 CFR. As described above, the elimination of this administrative burden will benefit the Federal government and affected individuals. These actions will not significantly alter existing refuge fishing programs and, therefore, are not expected to have any gross economic effect and will not cause an increase in costs or prices for consumers, individual industries, Federal, State, or local governments, agencies, or geographic regions.

Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

The Service has received approval from the Office of Management and Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements are presently approved by OMB as cited below:

Type of information collection	OMB approval No.
Off-road vehicle permit applications.....	1018-0041
Special use permits.....	1018-0046

These regulations impose no new reporting or recordkeeping requirements that must be cleared by OMB.

Environmental Considerations

The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" (FES 78-59) was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in the Federal Register on November 19, 1977 (41 FR 51131). Fishing plans are developed for each fishing program on a refuge prior to the opening of the refuge to fishing. Compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) is ensured when the fishing plans are developed, and the determinations required by these Acts

are made prior to the addition of the refuge to the list of areas open to sport fishing in 50 CFR. Also, refuge-specific fishing regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of the refuge. The changes in the general provisions governing fishing on national wildlife refuges and the refuge-specific fishing regulations contained in this rulemaking do not significantly alter the existing use of national wildlife refuges.

Stephen J. Lewis, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C., is the primary author of this rulemaking document.

Information regarding the conditions that apply to individual refuge fishing programs and a map of the refuge are available at refuge headquarters. This information can also be obtained from the regional offices of the U.S. Fish and Wildlife Service at the addresses listed below. Anglers should contact the refuge manager for further information regarding public use on a specific refuge so that they are aware of all the restrictions related to public use on a particular refuge.

Region 1—California, Hawaii, Idaho, Nevada, Oregon and Washington:

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1092, 500 Multnomah Street, Portland, Oregon 97232; telephone (503) 231-6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas:

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; telephone (505) 766-2324.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin:

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111; telephone (612) 725-3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Puerto Rico, Tennessee and the Virgin Islands:

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street SW, Atlanta, Georgia 30303; telephone (404) 221-3538.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia:

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700,

Newton Corner, Massachusetts 02158; telephone (617) 965-5100.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming:

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80255; telephone (303) 234-4608.

Region 7—Alaska:

Assistant Regional Director—Wildlife Resources, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; telephone (907) 786-3542.

List of Subjects in 50 CFR Part 33

Fishing, National wildlife refuge system, Wildlife refuges.

PART 33—[AMENDED]

For the reasons set forth in the preamble, Part 33, Subchapter C, Chapter I of Title 50 Code of Federal Regulations, is amended as set forth below:

1. The Table of Contents for Part 33 is revised to read as follows:

Subpart A—General Provisions

- Sec.
- 33.1 Opening of wildlife refuge areas to fishing.
- 33.2 General regulations and information collection requirements.
- 33.3 Procedure for publication of refuge-specific fishing regulations.
- 33.4 List of open areas; sport fishing.

Subpart B—Refuge-Specific Regulations for Sport Fishing

- 33.5 Alabama.
- 33.6 Alaska. [Reserved]
- 33.7 Arizona.
- 33.8 Arkansas.
- 33.9 California.
- 33.10 Colorado. [Reserved]
- 33.11 Connecticut. [Reserved]
- 33.12 Delaware. [Reserved]
- 33.13 Florida.
- 33.14 Georgia.
- 33.15 Hawaii. [Reserved]
- 33.16 Idaho.
- 33.17 Illinois.
- 33.18 Indiana.
- 33.19 Iowa.
- 33.20 Kansas. [Reserved]
- 33.21 Kentucky. [Reserved]
- 33.22 Louisiana.
- 33.23 Maine.
- 33.24 Maryland.
- 33.25 Massachusetts.
- 33.26 Michigan.
- 33.27 Minnesota.
- 33.28 Mississippi.
- 33.29 Missouri.
- 33.30 Montana.
- 33.31 Nebraska.
- 33.32 Nevada.
- 33.33 New Hampshire. [Reserved]
- 33.34 New Jersey.
- 33.35 New Mexico.
- 33.36 New York.
- 33.37 North Carolina.

- Sec.
- 33.38 North Dakota. [Reserved]
- 33.39 Ohio. [Reserved]
- 33.40 Oklahoma.
- 33.41 Oregon.
- 33.42 Pennsylvania.
- 33.43 Rhode Island. [Reserved]
- 33.44 South Carolina.
- 33.45 South Dakota. [Reserved]
- 33.46 Tennessee.
- 33.47 Texas.
- 33.48 Utah. [Reserved]
- 33.49 Vermont.
- 33.50 Virginia.
- 33.51 Washington.
- 33.52 West Virginia. [Reserved]
- 33.53 Wisconsin.
- 33.54 Wyoming. [Reserved]

2. The authority citation for Part 33 is revised to read as follows:

Authority: Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, 1270, sec. 4, 78 Stat. 654; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.

3. Sections 33.1—33.4 are designated as Subpart A—General Provisions.

3a. Section 33.1 is revised to read as follows:

Subpart A—General Provisions

§ 33.1 Opening of Wildlife refuge areas to fishing.

Wildlife refuge areas may be opened to sport fishing only after a determination is made that this activity is compatible with the purposes for which the refuge was established. In addition, the sport fishing program must be consistent with principles of sound fishery management and otherwise be in the public interest. The opening or closing of wildlife refuge areas to fishing is subject to the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). Lands acquired as "waterfowl-production areas" are open to sport fishing subject to the provisions of State laws and regulations and the pertinent provisions of Parts 25 through 31 of this subchapter: *Provided*, that fishing or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting, land, water, vegetation or fish and wildlife populations.

4. Section 33.2 is amended by revising the section title and paragraph (e), and by adding a new flush paragraph following paragraph (e), to read as follows:

§ 33.2 General regulations and information collection requirements.

• • • • •

(e) Each person shall comply with the provisions of any refuge-specific

regulation governing fishing on the wildlife refuge area. Regulations for a particular wildlife refuge are available at its headquarters office. In addition, refuge-specific fishing regulations are codified in §§ 33.5 through 33.54.

The Service has received approval from the Office of Management and Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements are presently approved by OMB under the OMB approval numbers cited:

Type of information collection	OMB approval No.
Off-road vehicle permit applications.....	1018-0041
Special use permits.....	1018-0046

These regulations impose no new reporting or record keeping requirements that must be cleared by OMB. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities that require recreational uses be compatible with the primary purposes for which the areas were established. The information is used to award benefits. A response is mandatory to obtain a benefit.

5. Section 33.3 is revised to read as follows:

§ 33.3 Procedure for publication of refuge-specific fishing regulations.

(a) Refuge-specific fishing regulations are issued only at the time of or after the opening of a wildlife refuge area to sport fishing.

(b) Refuge-specific fishing regulations may contain the following items:

- (1) Fish species that may be taken.
- (2) Seasons.
- (3) Creel limits.
- (4) Methods of fishing.
- (5) Description of areas open to fishing, or

(6) Other provisions as required.

(c) Refuge-specific fishing regulations will not liberalize existing State laws or regulations.

(d) Refuge-specific fishing regulations are subject to change and the public is invited to submit suggestions and comments for consideration at any time.

(e) Refuge-specific fishing regulations are initially published in the daily issue of the *Federal Register* and are codified in 50 CFR 33.5 through 33.54.

(f) Refuge-specific fishing regulations may be amended as needed when unpredictable changes occur in fish and wildlife populations, habitat conditions

or in other factors affecting a refuge's fish and wildlife resources.

6. Section 33.4 is amended by revising the introductory paragraph to read as follows:

§ 33.4 List of open areas; sport fishing.

Sport fishing is authorized on the following wildlife refuge areas in accordance with the provisions of §§ 33.1, 33.2, and 33.5 through 33.54.

7. A new Subpart B is added consisting of § 33.5, which is revised, and §§ 33.6 through 33.54 which are added to read as follows:

Subpart B—Refuge-Specific Regulations for Sport Fishing

§ 33.5 Alabama.

(a) *Choctaw National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted during daylight hours only.

(b) *Eufaula National Wildlife Refuge.* Fishing, frogging and turtle trapping are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing, frogging and turtle trapping are permitted year-round in all refuge waters contiguous with the Walter F. George Reservoir.

(2) Fishing, including bowfishing, is permitted from March 1 through October 31 during daylight hours only in all refuge impoundments and waters other than the Walter F. George Reservoir.

§ 33.6 Alaska. [Reserved]

§ 33.7 Arizona.

(a) *Cibola National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during respective State seasons in the channelized portions of the Colorado River in Zone I, Zone II, and the Old River Channel of the Colorado River.

(2) Fishing is permitted from March 15 through Labor Day in Cibola Lake and the channelized portion of the Colorado River in Zone III.

(b) *Havasu National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Designated portions of Topock Marsh are closed to all entry from October 1 through January 31.

(c) *Imperial National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Designated

portions of Martinez Lake and Ferguson Lake are closed to entry from October 1 to March 1.

§ 33.8 Arkansas.

(a) *Big Lake National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours only from March 1 through October 31 with the following exceptions: Bank fishing is permitted at any time in the area around Floodway Dam south of the Highway 18 bridge; and fishing during daylight hours only from nonmotorized boats and boats with electric motors is permitted in the Sand Slough—Mud Slough Area from November 1 through the end of February.

(2) The use of limb lines and toxic chemical containers for jug fishing is not permitted.

(3) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(b) *Felsenthal National Wildlife Refuge.* Fishing, frogging and the taking of turtles are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is not permitted in the waterfowl sanctuary area during the waterfowl hunting season with the exception of the main channel of the Ouachita River and the borrow pits along Highway 82.

(2) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(c) *Holla Bend National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from March 1 through October 31.

(d) *Wapanocca National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 15 through September 30 during daylight hours only.

(2) Only boats with motors 10 horsepower or less are permitted on Wapanocca Lake.

(3) The use of live carp, shad, buffalo, and goldfish for bait is not permitted.

(4) The use of yo-yos, jugs, drops, trotlines and all commercial fishing tackle is not permitted.

(e) *White River National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through October 31 except as posted and as follows: Fishing is permitted year-round in Jacks Bay, LaGrue Bayou, Moon Lake next to Highway 1, the portion of Indian Bay south of Highway 1, and those borrow ditches located adjacent to the west bank of the portion of the White River Levee north of the Arkansas Power and Light Company powerline right-of-way.

(2) A permit is required for the use of any fishing tackle other than hook and line.

(3) Trotlines must be reset when receding water levels expose them and cannot be left unattended. The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(4) Frogging is permitted from the beginning of the State season through October 31. The use of bow and arrow for taking bullfrogs is not permitted.

§ 33.9 California.

(a) *Antioch Dunes National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Vehicle access is limited to designated parking areas and foot access is limited to designated trails and fishing areas.

(2) Fishing is permitted year-round from one hour before sunrise to one hour after sunset.

(b) *Cibola National Wildlife Refuge.* [Refer to regulations for Arizona, Cibola NWR in § 33.7.]

(c) *Colusa National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishing and frogging are permitted from February 1 through October 15.

(d) *Delevan National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition: Fishing and frogging are permitted from February 1 through October 15.

(e) *Havasu National Wildlife Refuge.* [Refer to regulations for Arizona, Havasu NWR in § 33.7.]

(f) *Imperial National Wildlife Refuge.* [Refer to regulations for Arizona, Imperial NWR in § 33.7.]

(g) *Modoc National Wildlife Refuge.* Fishing is permitted only on Dorris Reservoir subject to the following condition: Fishing is not permitted during the migratory waterfowl hunting season.

(h) *Sacramento National Wildlife Refuge.* Fishing and frogging are permitted on designated areas of the refuge subject to the following condition:

Fishing and frogging are permitted from February 1 through October 15.

(i) *Salton Sea National Wildlife Refuge*. Fishing is permitted only on that portion of the refuge inundated by the Salton Sea subject to the following condition: Only boat fishing is permitted.

(j) *San Francisco Bay National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing from designated shoreline trail fishing areas and from the Dumbarton and Ravenswood Piers is permitted during the hours posted at the piers and refuge headquarters.

(2) Fishing and all other public entry is not permitted in the entire Mowry Slough from March 15 through June 15.

(3) The upper reaches of Mallard Slough are closed to fishing and all other public entry from March 1 through August 31.

(k) *San Luis National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only from one-half hour before sunrise to one-half hour after sunset.

(2) The use of boats is not permitted.

§ 33.10 Colorado. [Reserved]

§ 33.11 Connecticut. [Reserved]

§ 33.12 Delaware. [Reserved]

§ 33.13 Florida.

(a) *J. N. "Ding" Darling National Wildlife Refuge*. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in refuge waters except in the Mangrove Head Pond, Tower Pond, and Tarpon Bay Slough at the Bailey Tract.

(2) Crabbing is permitted with the use of dip nets only; lines, traps, and bait are not permitted.

(b) *Lake Woodruff National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours only.

(2) The use of snatch hooks is not permitted in refuge impoundments.

(3) The use of airboats is not permitted.

(c) *Loxahatchee National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours on all areas of the refuge except the management impoundments and those areas marked by sign as closed to public entry or to fishing.

(2) Only the use of rods and reels or poles and lines is permitted and this fishing equipment must be attended at all times.

(3) Commercial fishing and the taking of frogs or turtles is not permitted.

(4) The possession or use of trotlines, gigs or other fishing devices not described above is not permitted.

(d) *Merritt Island National Wildlife Refuge*. Fishing, crabbing, clamming, oystering and shrimping are permitted on designated areas of the refuge subject to the following conditions:

(1) A permit is required for night fishing.

(2) The daily limit for the Kennedy Athletic Recreational Site (K.A.R.S.) Marina in the Banana River and the Eddy Creek "trout hole" in Mosquito Lagoon is 20 fish during the period from November 15 through March 31.

(3) Fishing lines must be attended at all times.

(e) *St. Marks National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) The use of boats with motors of 10 horsepower or less is permitted on the St. Marks Unit only from March 15 through October 15.

(f) *St. Vincent National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(3) The use of live minnows as bait is not permitted.

§ 33.14 Georgia.

(a) *Blackbeard Island National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Freshwater fishing is permitted from March 15 through October 25 from sunrise until one-half hour after sunset.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(3) The use of live minnows as bait is not permitted.

(4) Boats may not be left on the refuge overnight.

(b) *Eufaula National Wildlife Refuge*. (Refer to regulations for Alabama, Eufaula NWR in § 33.5.)

(c) *Okefenokee National Wildlife Refuge*. Fishing is permitted on

designated areas of the refuge subject to the following conditions:

(1) The use of boats with motors larger than 10 horsepower is not permitted.

(2) The use of live minnows as bait is not permitted.

(3) Only the use of pole and line or rod and reel is permitted.

(d) *Piedmont National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from May 1 through September 30 during daylight hours only.

(2) The creel limit for black bass is five.

(3) Only the use of pole and line or rod and reel is permitted.

(4) The use of live minnows as bait is not permitted.

(5) Nonmotorized boats and boats with electric motors are permitted only in Pond 2A and Allison Lake.

(e) *Savannah National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on refuge impoundments from March 1 through October 25.

(2) Fishing is permitted from boats into tidal creeks from February 1 through October 25.

(3) Fishing is permitted from sunrise until one-half hour after sunset.

(4) Only nonmotorized boats and boats with electric motors are permitted on impounded waters.

(5) Boats may not be left on the refuge overnight.

§ 33.15 Hawaii. [Reserved]

§ 33.16 Idaho.

(a) *Bear Lake National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Boats are not permitted in fishing areas.

(b) *Deer Flat National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) During the waterfowl hunting season, fishing is permitted only within the area bounded by the water's edge extending to a point 200 yards lakeward in fishing Areas A and B on the Lake Lowell Sector.

(2) Nonmotorized boats are permitted throughout the year except during the waterfowl hunting season when they are restricted to that area within the area bounded by the water's edge extending to a point 200 yards lakeward in fishing

Areas A and B on the Lake Lowell Sector.

(3) Motorized and nonmotorized boats are permitted from one-half hour before sunrise to one-half hour after sunset from April 15 through September 30.

(4) Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

(c) *Kootenia National Wildlife Refuge*. Fishing is permitted only on Myrtle Creek subject to the following condition: Only bank fishing and nonmotorized boats are permitted.

§ 33.17 Illinois.

(a) *Chautauqua National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) All refuge waters are open to fishing from December 15 through October 15 during daylight hours. From October 16 through December 14 during daylight hours, fishing is permitted in the posted area that extends one-eighth of a mile around the recreation area, along Goofy Ridge Ditch, along the cross dike, and in all waters within the Public Hunting Area.

(2) Bank fishing is permitted only along the cross dike, at the Recreation Area and at Boatyard No. 3, as posted.

(3) The use of boats with motors of 10 horsepower or less is permitted on the waters of Lake Chautauqua.

(4) Private boats must be removed from refuge waters overnight or moored at either Boatyard No. 3 or the Recreation Area.

(b) *Crab Orchard National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Areas I and III are open to fishing year-round. Within these areas, specifically Devils Kitchen Lake and Little Grassy Lake, the use of boats with motors larger than 10 horsepower is not permitted. Floating trotlines and jug fishing are not permitted during daylight hours in the area west of the closed portion boundary line in Crab Orchard Lake (Zone 1) from Memorial Day through Labor Day.

(2) In Area II: Bank fishing is permitted from Wolf Creek Road and Highway 148 causeways during daylight hours; sport and jug fishing are permitted from Wolf Creek Road causeway west to the closed portion boundary line (Crab Orchard Lake Zone 2); sport and jug fishing are permitted from Wolf Creek Road causeway east (Crab Orchard Lake Zone 3) from March 15 through September 30 during daylight hours only; and bank fishing is permitted during daylight hours in the

A-41 pond from March 15 through September 30.

(3) The minimum size limit for largemouth black bass taken from Crab Orchard Lake is 14 inches.

(c) *Mark Twain Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in the Big Timber Division at all times.

(2) Fishing is permitted in the Louisa Division from February 1 until the start of the Iowa waterfowl hunting season with the exception of certain designated areas adjacent to the Port Louisa Road that are open through December 31.

(3) Fishing is permitted in the Upper, Middle and Lower Pools of the Batchtown Division, Calhoun County, Illinois, from December 15 through October 15.

(4) Fishing is permitted in the southern portion of Swan Lake on the Calhoun Division, Calhoun County, Illinois, from December 15 through October 15. Fishing is permitted in the upper section of Swan Lake (man-made ditch at Six Mile Island to the northern refuge boundary) at all times.

(5) Fishing is permitted in the Keithsburg Division from January 1 until the start of the Illinois waterfowl hunting season. Bank fishing at the Spring Slough access is permitted year-round.

(6) Fishing is permitted year-round on the Bear Creek Unit of the Gardner Division. On the remainder of the Gardner Division, fishing is permitted from February 1 through September 30.

(7) The Clarence Cannon and Delair Divisions of the refuge are closed to fishing.

(8) Fishing is permitted in the Gilbert Lake Division from January 1 through October 15 and December 15 through December 31.

(d) *Upper Mississippi River Wild Life and Fish Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions: Fishing on the Spring Lake Close Area, Carroll County, Illinois, is not permitted from October 1 through the last day of the Illinois waterfowl season.

§ 33.18 Indiana.

(a) *Muscatatuck National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on Stanfield Lake from designated bank areas and from nonmotorized boats from May 15 through October 15 and when ice conditions permit ice fishing.

(2) Only fishing with rod and reel or pole and line is permitted.

(3) Ice fishing is permitted when ice conditions are safe.

(4) The minimum size limit for largemouth black bass taken from refuge waters is 14 inches.

(5) Fishing is permitted during daylight hours only.

§ 33.19 Iowa.

(a) *De Soto National Wildlife Refuge*. Fishing is permitted in De Soto Lake subject to the following conditions:

(1) Ice fishing is permitted from January 1 through the end of February when conditions are safe.

(2) Motor- or wind-driven conveyances are not permitted on the lake from January 1 through the end of February.

(3) The use of portable ice fishing shelters is permitted on a daily basis from January 1 through the end of February.

(4) Only the use of pole and line or rod and reel is permitted from April 15 through September 30 with the exception that archery and spear fishing are permitted only for nongame fish from April 15 to September 30.

(5) Fishing with more than two lines or with more than two hooks on each line is not permitted.

(6) The use of trotlines and float lines is not permitted.

(7) Digging or seining for bait or taking frogs is not permitted.

(8) Minimum length limits are required as posted.

(b) *Mark Twain National Wildlife Refuge*. (Refer to regulations for Illinois, Mark Twain NWR in § 33.17.)

(c) *Union Slough National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 15 through September 30.

(2) The use of boats, canoes or other floating devices is not permitted.

(d) *Upper Mississippi Wild Life and Fish Refuge*. (Refer to regulations for Illinois, Upper Mississippi Wild Life and Fish Refuge in § 33.17.)

§ 33.20 Kansas. [Reserved]

§ 33.21 Kentucky. [Reserved]

§ 33.22 Louisiana.

(a) *Bogue Chitto National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(2) Only cotton limb lines are permitted.

(b) *Catahoula National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in Cowpen Bayou year-round during daylight hours only.

(2) Fishing is permitted in the Duck Lake Impoundment from March 1 through October 31 during daylight hours only.

(3) Only nonmotorized boats and boats with electric motors are permitted in Cowpen Bayou.

(4) Only nonmotorized boats and boats with motors of 10 horsepower or less are permitted in the Duck Lake Impoundment and adjacent waters. Boat launching is permitted from designated boat ramps only.

(5) Only the use of pole and line or rod and reel is permitted.

(c) *D'Arbonne National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(2) Only cotton limb lines are permitted.

(d) *Delta National Wildlife Refuge*. Fishing, shrimping and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing, shrimping and crabbing are permitted only during daylight hours.

(2) Only shrimping trawls of 16 feet or less are permitted.

(e) *Lacassine National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through October 15 during daylight hours only.

(2) Only boats with motors totaling 25 horsepower or less are permitted in Lacassine Pool.

(f) *Sabino National Wildlife Refuge*. Fishing, crabbing, crayfishing, and shrimp cast netting are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing, crabbing and shrimp cast netting are permitted year-round from the bank of the Highway 27 canal road during daylight hours only.

(2) Fishing, crabbing and shrimp cast netting are permitted during daylight hours only in the Grand and Lambert Bayous of East Cove except during the State waterfowl hunting seasons.

(3) Fishing, crabbing, crayfishing, and shrimp cast netting are permitted in refuge waters, only than those noted above, from March 1 through October 15 during daylight hours only.

(4) The crabbing, crayfishing, and shrimp netting creel limit is 96 quarts or 100 pounds of crab, crayfish, and/or shrimp per vehicle. Users must leave the area after they have reached their limit.

(5) Boats with motors totaling 25 horsepower or less are permitted on refuge impoundments. Boating access into open marsh and ponds is restricted to paddling or push-poling the boat. There are no horsepower restrictions for boats using refuge canals, bayous or lakes.

(g) *Upper Ouachita National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The ends of trotlines must consist of a length of cotton line that extends from the points of attachment into the water.

(2) Only cotton limb lines are permitted.

§ 33.23 Maine.

(a) *Moosehorn National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) The use of nonmotorized boats only is permitted on Bearce, Conic, and Cranberry Lakes.

(2) Fishing is permitted during daylight hours only.

§ 33.24 Maryland.

(a) *Blackwater National Wildlife Refuge*. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and crabbing are permitted from April 1 through October 1 during daylight hours only.

(2) All fish and crab lines must be attended.

(3) Boat launching from refuge lands is not permitted.

(4) The use of airboats is not permitted on refuge waters.

§ 33.25 Massachusetts.

(a) *Great Meadows National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted along the Concord River, Sudbury River, Heard Pond, and ponds in the West Bedford Area during daylight hours only.

(2) Only foot access is permitted.

(b) *Monomoy National Wildlife Refuge*. Fishing is permitted in designated areas of the refuge subject to

the following conditions: Anglers must be actively fishing between sunset and sunrise.

(c) *Parker River National Wildlife Refuge*. Saltwater fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Saltwater fishing is permitted on the ocean beach only.

(2) A permit is required for night fishing and for the use of over-the-sand surf-fishing vehicles.

§ 33.26 Michigan.

(a) *Seney National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Ice fishing.

(i) Fishing is permitted from January 1 through the end of February during daylight hours only.

(ii) Ice shanties, houses or shelters are not permitted on F Pool.

(iii) Snowmobiles or all-terrain vehicles are not permitted.

(2) Summer fishing.

(i) Fishing is permitted from July 1 through September 30 during daylight hours only.

(ii) Fishing is permitted on the Snow Pools from Memorial Day through September 30.

(iii) Fishing is permitted on the Creighton, Driggs and Manistique Rivers, Walsh Creek west of the Walsh Ditch and the Walsh Ditch south to its entry into the C-3 Pool.

(iv) Only bank fishing is permitted in refuge pools.

(v) Access to the Driggs and Creighton Rivers, Walsh Creek and Walsh Ditch is limited to canoes without motors and to foot traffic along these watercourses.

§ 33.27 Minnesota.

(a) *Big Stone National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing from nonmotorized boats is permitted only on the Minnesota River Channel Canoe Trail as designated by signs.

(2) Bank fishing only is permitted on refuge pools and open marshes.

(3) Ice fishing shelters must be removed from the refuge following each day's fishing activities.

(b) *Minnesota Valley National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Only bank fishing is permitted.

(c) *Rice Lake National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from May 1 through November 30.

(2) Fishing from nonmotorized boats is permitted only in designated areas.

(d) *Sherburne National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on the St. Francis River only.

(2) Nonmotorized boats are permitted only on designated areas of St. Francis River and must be launched from designated access points.

(e) *Tamarac National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in North Tamarac Lake and Pine Lake during the State fishing season.

(2) Fishing is permitted in Two Island, Wauboose, Lost and Blackbird Lakes from the first day of the State fishing season through Labor Day.

(3) Bank fishing is permitted only in an area 50 yards on either side of the Ottertail River Bridges on County Roads No. 28 and No. 126.

(f) *Upper Mississippi Wild Life and Fish Refuge*. (Refer to regulations for Illinois, Upper Mississippi Wild Life and Fish Refuge in § 33.17.)

§ 33.28 Mississippi.

(a) *Hillside National Wildlife Refuge*. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on all refuge waters year-round except for any borrow pond along the Corps of Engineers Hillside flood control levee that is designated as closed by signs.

(2) Frogging is permitted on all refuge waters during the State bullfrog season.

(3) Trotlines are not permitted in borrow ponds.

(4) Commercial fishing is not permitted.

(b) *Noxubee National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from March 1 through October 31.

§ 33.29 Missouri

(a) *Mark Twain National Wildlife Refuge*. (Refer to regulations for Illinois, Mark Twain NWR in § 33.17.)

(b) *Mingo National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours year-round in all waters west of Ditch 6 and in all other refuge waters from March 15 through September 30.

Fishing in May Pond and Fox Pond is permitted in accordance with posted regulations.

(2) Only nonmotorized boats are permitted.

(3) Nongame fish may be taken for personal use by nets and seines. All nets must be plainly labeled with the name and address of the user. Trammel and gill nets must be attended at all times. (All other nets may be left set and unattended but not for more than 24 hours.) Game fish may not be possessed by persons using nets or seines on the refuge.

(c) *Squaw Creek National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fish, amphibians, reptiles and crustaceans may only be taken with hand-held pole and line or rod and reel.

(d) *Swan Lake National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through October 15 during daylight hours only.

(2) Only nonmotorized boats are permitted on refuge waters with the exception that the use of motors of 10 horsepower or less is permitted on Silver Lake.

§ 33.30 Montana.

(a) *Red Rock Lakes National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from the third week of June through the end of the general State fishing season.

§ 33.31 Nebraska.

(a) *De Soto National Wildlife Refuge*. (Refer to regulations for Iowa, De Soto NWR in § 33.19.)

§ 33.32 Nevada.

(a) *Pahranagat National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted year-round in Upper Pahranagat Lake, North Marsh, Middle Pond, and Lower Lake.

(2) Only nonmotorized boats and boats with electric motors are permitted on Upper Pahranagat Lake, Middle Pond, and Lower Lake year-round.

(3) Boats are not permitted on North Marsh.

(b) *Ruby Lake National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from one hour before sunrise until two hours after sunset.

(2) Only bank fishing is permitted in the areas north of Brown Dike and east of the Collection Ditch with the exception that fishing by wading and from personal flotation devices is permitted in Unit 21 and portions of Unit 10.

(3) Only artificial lures may be used in the Collection Ditch and the associated springs that are open to fishing.

§ 33.33 New Hampshire. [Reserved]

§ 33.34 New Jersey.

(a) *Edwin B. Forsythe National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Saltwater fishing is permitted from the beach on Holgate Peninsula and Little Beach Island with the exception of those areas posted as closed.

(2) Fishing is permitted along the South Dike of the William Vogt Pool from July 20 through September 21 during daylight hours.

(3) South Dike anglers may park at the headquarters and south town parking areas only.

§ 33.35 New Mexico.

(a) *Bitter Lake National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 1 through October 15.

(2) Fishing is permitted only in Pools 5, 6, 7, 15, and 16.

(3) Fishing is permitted from one hour before sunrise until one hour after sunset.

(4) The use of boats is not permitted.

(b) *Bosque del Apache National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from the Saturday of Memorial Day weekend through September 30.

(2) Fishing is permitted from one-half hour before sunrise until one-half hour after sunset.

(3) Frogging and the use of trotlines, spears, bows and arrows, boats and other flotation devices are not permitted.

(c) *Maxwell National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from the last Saturday in February through the Sunday nearest October 16.

(2) Boats are permitted only on Lake 13 and Lake 14 and only during the fishing season.

(3) Fishing is not permitted within 150 feet of headgates.

§ 33.36 New York.

(a) *Elizabeth A. Morton National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only on the beach and in areas not designated as closed.

(2) Fishing is permitted only during daylight hours.

(b) *Iroquois National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) Fishing is permitted from July 15 through September 30 and from December 1 through the end of February with the exception that fishing is permitted at all times in Feeder Canal and Oak Orchard Creek.

(3) Ice fishing is permitted on Ringneck, Schoolhouse and Center Marshes only from December 15 through the last day of February when conditions are safe.

(4) The use of boats or other flotation devices is not permitted with the exception that nonmotorized boats may be used on Oak Orchard Creek from Knowlesville Road to the cable across the creek approximately two miles downstream.

(5) Boats, structures or other equipment must be removed from the refuge after the completion of the day's fishing activities.

(c) *Wertheim National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Shore and boat fishing is permitted on that portion of the Carmans River between Sunrise and Montauk Highways.

(2) Only boat fishing is permitted from Montauk Highway south to the mouth of the Carmans river.

(3) Fishing is permitted only during daylight hours.

(4) Spearfishing and taking of baitfish and frogs is not permitted.

§ 33.37 North Carolina.

(a) *MacKay Island National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours only from March 15 through October 15 with the exception that bank fishing is permitted in Corey's Ditch and the canal adjacent to the Knotts Island Causeway year-round.

(2) All fishing lines must be attended.

(3) Airboats are not permitted.

(b) *Mattamuskeet National Wildlife Refuge*. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and crabbing are permitted from March 1 through November 1 from one-half hour before sunrise to one-half hour after sunset.

(2) Bank fishing and crabbing are permitted year-round along the Highway 94 Causeway and in the immediate vicinity of the Lake Landing water control structure, the Outfall Canal water control structure, and Central Canal Bridge.

(3) Herring (alewife) dipping is permitted from the canal banks and water control structures in the immediate vicinity of Waupoppin Canal, Outfall Canal and Lake Landing Canal from March 1 through May 15 from one-half hour before sunrise until 10:00 p.m.

(4) All crabbing equipment must be attended.

(5) Airboats are not permitted.

(c) *Pee Dee National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 1 through October 15.

(2) Fishing is permitted only during daylight hours.

(3) Only nonmotorized boats and boats with electric motors are permitted on Arrowhead Lake and Andrews Pond.

(4) Only the use of pole and line or rod and reel is permitted.

(5) The use of live minnows as bait is not permitted.

§ 33.38 North Dakota. [Reserved]

§ 33.39 Ohio. [Reserved]

§ 33.40 Oklahoma.

(a) *Salt Plains National Wildlife Refuge*. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) The northern portion of Great Salt Plains Reservoir is closed.

(2) Fishing is permitted from April 15 through October 15.

(3) The use of firearms for taking frogs is not permitted.

(4) Trolines must be attended daily and removed when fishing is completed.

(5) Trolines are not permitted within 500 feet of the shoreline of the Jet Recreation Area.

(6) Posts used to secure or anchor trolines must reach a minimum of two feet above the water surface and must

be marked so that they are clearly visible to boaters.

(7) The use of any metallic posts or stakes to secure or anchor trolines is not permitted.

(8) Taking any type of bait from refuge lands or waters is not permitted.

(b) *Sequoyah National Wildlife Refuge*. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are not permitted in the posted area located south of Vian Creek to Tuff Ramp and north along the western shore of Sally Jones Lake to the mouth of Horton Slough from January 1 through February 15 and October 1 through December 31.

(2) Fishing and frogging are not permitted in the Sandtown Bottom area from one hour after sunset to 4:00 a.m.

(3) The use of firearms for taking frogs is not permitted.

(c) *Tishomingo National Wildlife Refuge*. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are permitted on all refuge waters from March 1 through September 30 except as noted below in (3).

(2) Bank fishing and frogging are permitted in the immediate area of the refuge headquarters boat launching ramp, Goose Pen Pond, Dick's Pond, Big Sandy Creek, Bell Creek and Rock Creek from October 1 through the last day of February.

(3) All refuge waters are closed to fishing during the special fall deer hunts.

(4) The use of trolines, juglines, throwlines and other set tackle is permitted only in Cumberland Pool of Lake Texoma and the Washita River from March 1 through September 30, and set tackle must be removed from these waters by October 1.

(5) The use of firearms for taking frogs is not permitted.

(d) *Washita National Wildlife Refuge*. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are permitted from March 15 through October 14 with the exception that the eastern shore of Foss Reservoir from the Lakeview Recreation Area to the Pitts Creek Recreation Area and the eastern bank of Pitts Creek are open to bank fishing and frogging year-round.

(2) Access to fishing and frogging is permitted only from the McClure, Riverside, Owl Cove, Pitts Creek and Lakeview Recreation Areas and by boat from Foss Reservoir.

(3) Boats and other flotation devices are not permitted on refuge waters from October 15 through March 14.

(4) Trotlines must be attended daily and must be removed when fishing is completed.

(5) Taking any type of bait from refuge lands and waters is not permitted.

(6) The use of firearms for taking frogs is not permitted.

(e) *Wichita Mountains Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fish may be taken only with pole and line or rod and reel except that in Elmer Thomas Lake only, nongame fish may be taken with any technique permitted by State regulations.

(2) Taking any type of bait from refuge lands or waters is not permitted.

(3) Taking of frogs and turtles is not permitted.

§ 33.41 Oregon.

(a) *Cold Springs National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through September 30.

(2) Bank fishing only is permitted from October 1 through the last day of February.

(3) Only nonmotorized boats and boats with electric motors are permitted.

(b) *Deer Flat National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Shoreline fishing is not permitted on the islands of the Snake River Sector from February 1 through May 31.

(c) *Hart Mountain National Antelope Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only in Rock Creek, Guano Creek, and Warner Pond.

(d) *Klamath Forest National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Bank fishing is permitted in the borrow ditches adjacent to the Silver Lake Highway and along the shoreline of Wocus Bay.

(2) The use of boats is not permitted.

(e) *Malheur National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during the State trout season.

(2) Boats are not permitted with the exception that nonmotorized boats are permitted on Krumbo Reservoir.

(f) *McKoy Creek National Wildlife Refuge*. Fishing is permitted on

designated areas of the refuge subject to the following condition: Fishing is permitted from March 1 through September 30.

(g) *Umatilla National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on refuge impoundments and ponds from May 16 through September 30. Other refuge waters (Columbia River and its backwaters) are open in accordance with State regulations.

(2) Only nonmotorized boats and boats with electric motors are permitted on refuge impoundments and ponds.

(h) *Upper Klamath National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in Pelican Bay, Recreation Creek, Crystal Creek, Odessa Creek, Thomas Creek, Pelican Cut and that portion of Upper Klamath Lake located on the east side of the refuge.

(2) Motorized boats shall not exceed 10 miles per hour in any stream, creek or canal and on that portion of Pelican Bay west of a line beginning at designated points on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to the opposite shore of the lake.

(i) *William L. Finley National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on Muddy Creek from the beginning of the State trout season in April through October 31.

(2) The use of boats is not permitted.

§ 33.42 Pennsylvania.

(a) *Erie National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours.

(2) Boats without motors are permitted 3,000 feet (to the buoyline) above the Pool 9 dike from the second Saturday in June through September 15.

(3) Ice fishing is permitted on Pools K and 9 when conditions are safe.

(4) Only minnows may be taken as bait from refuge lands and waters and a special use permit is required for taking minnows.

(5) A permit is required to take turtles.

(6) The taking of frogs is not permitted.

(b) *Tinicum National Environmental Center*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only during daylight hours in non-state-controlled areas.

(2) Boats are not permitted.

(3) Bow fishing is not permitted.

(4) A permit is required to take turtles.

(5) The taking of frogs is not permitted.

§ 33.43 Rhode Island. [Reserved]

§ 33.44 South Carolina.

(a) *Cape Romain National Wildlife Refuge*. Fishing, crabbing, and shell fishing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through September 30 during daylight hours only.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(3) The use of cast nets from Moores Landing Pier is not permitted.

(b) *Carolina Sandhills National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 1 through September 30 with the exception that fishing is permitted year-round in Lake Bee, Lynches River and the Black Creek Bridge Areas on State Road 33, State Road 145, Highway 1 and Wire Road.

(2) Fishing is permitted only during daylight hours.

(3) Only bank fishing is permitted with the exception that nonmotorized boats and boats with electric motors are permitted in Martins Lake, Lake Bee, Lake 16, Lake 17 and May's Lake.

(4) Fish baskets, nets, set hooks and trotlines are not permitted.

(c) *Santee National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on inland ponds only during daylight hours except as posted.

(2) Fishing is permitted in Cantey Bay, Black Bottom, Savannah Branch and refuge ponds and impoundments from March 1 through September 30.

(d) *Savannah National Wildlife Refuge*. (Refer to regulations for Georgia, Savannah NWR in § 33.14.)

§ 33.45 South Dakota. [Reserved]

§ 33.46 Tennessee.

(a) *Cross Creeks National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted in refuge pools and reservoirs from March 1 through October 31 during daylight hours only.

(2) Boat fishing is permitted at any time on Lake Barkley waters.

(3) Trotlines, limb lines, jugs and slat baskets are not permitted in refuge pools and reservoirs.

(4) Taking of frogs is not permitted.

(5) Boats are restricted to "slow speed/minimum wake" on all refuge pools.

(b) *Hatchie National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted during daylight hours only.

(2) Only nonmotorized boats and boats with electric motors are permitted.

(3) Fishing is permitted only with pole and line or rod and reel.

(c) *Lake Isom National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from March 15 through October 15 during daylight hours only.

(2) Only boats with motors of 20 horsepower or less are permitted.

(d) *Lower Hatchie National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted with pole and line or rod and reel only.

(e) *Reelfoot National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on the Long Point Unit (north of Upper Blue Basin) from March 15 through October 15 and on the Grassy Island Unit (south of the Upper Blue Basin) from the day following the closing day of the winter waterfowl hunting season through the day preceding the opening day of the fall waterfowl hunting season.

(2) Fishing is permitted only during daylight hours.

(3) Only boats with motors of 10 horsepower or less are permitted.

§ 33.47 Texas.

(a) *Anahuac National Wildlife Refuge*. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Boats and other flotation devices are not permitted on inland waters. Boats may be launched from the refuge into East Bay.

(2) Fishing is permitted only with pole and line, rod and reel or hand-held line.

(3) The use of trotlines, setlines, bows and arrows, gigs, or spears is not permitted in inland waters.

(b) *Aransas National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 15 through October 15 from sunrise to sunset.

(2) Boat launching from refuge lands is not permitted.

(3) Access by foot to bays is permitted only at designated entry points.

(c) *Brazoria National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permitted only in Nick's Lake, Salt Lake, and Lost Lake.

(d) *Hagerman National Wildlife Refuge*. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are permitted from April 1 through September 30.

(2) Frogs may be taken only by dip net, hands, gigs, or hook and line.

(3) Trotlines must be attended daily and removed when fishing is completed.

(4) Fishing is not permitted from bridges and roadways.

(e) *Laguna Atascosa National Wildlife Refuge*. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is only permitted by pole and line, rod and reel, or hand-held line. Bait may be taken with cast nets.

(2) Crabs may be taken only with dip net, setline, hand-held line, gig or crab trap.

(f) *McFaddin National Wildlife Refuge*. Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing in inland waters is permitted only with pole and line, rod and reel, or hand-held line.

(2) The use of trotlines, setlines, bows and arrows, gigs, or spears is not permitted in inland waters.

(g) *San Bernard National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permitted on the refuge portions of Cowtrap Lake and Cedar Lake only.

(h) *Texas Point National Wildlife Refuge*. Fishing and crabbing are permitted on designated areas of the refuge subject to the following condition: Fishing in inland waters is permitted only with pole and line, rod and reel, or hand-held line.

§ 33.48 Utah. [Reserved]

§ 33.49 Vermont.

(a) *Missisquoi National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted only from refuge lands along Lake Champlain and the Missisquoi River.

§ 33.50 Virginia.

(a) *Back Bay National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing access from refuge headquarters is permitted only by foot, bicycle, and hand-launched boat.

(2) Launching trailered boats in the refuge headquarters area is not permitted.

(b) *Chincoteague National Wildlife Refuge*. Fishing, crabbing and clamming are permitted on designated areas of the refuge subject to the following conditions:

(1) Sport fishing, crabbing and clamming are permitted in salt water areas and in that portion of Swan Cove adjacent to Beach Road. All other refuge ponds, impoundments and channels are closed to these activities.

(2) Traps and crab pots must be attended.

(3) A permit is required to remain on the refuge after normal closing hours.

(c) *Great Dismal Swamp National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Boat fishing is permitted in Lake Drummond and in the Feeder Ditch on the east side of the lake during daylight hours only.

(2) Bank fishing is not permitted.

(3) All fishing lines must be attended.

(4) A permit is required for vehicular access to the boat ramp on Interior Ditch Road on the west side of Lake Drummond from April 1 through June 15.

§ 33.51 Washington.

(a) *Columbia National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Only nonmotorized boats are permitted on the chain of lakes extending from Soda Lake through Upper Hampton and on Crab Creek and its impoundments.

(2) Motorized boats are permitted on all other refuge waters open to fishing.

(b) *McNary National Wildlife Refuge*. Fishing is permitted on designated areas of the McNary, Hanford Islands and

Strawberry Island Divisions of the refuge subject to the following conditions:

(1) Fishing is permitted on the Hanford Islands and Strawberry Island Divisions from August 1 through September 30.

(2) Fishing is not permitted on the McNary Division during the migratory waterfowl hunting season.

(3) The use of boats and other flotation devices is not permitted on the McNary Division.

(c) *Ridgefield National Wildlife Refuge*. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing and frogging are only permitted from March 1 through September 30.

(2) Fishing and frogging are only permitted during daylight hours.

(d) *Umatilla National Wildlife Refuge*. (Refer to regulations for Oregon, Umatilla NWR in § 33.41.)

§ 33.52 **West Virginia. [Reserved]**

§ 33.53 **Wisconsin.**

(a) *Horicon National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted from April 15 through September 15.

(2) Only bank fishing is permitted.

(b) *Necedah National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted only in Sprague and Goose Pools including their outlets as far south as Sprague-Mather Road.

(2) Fishing is permitted from December 15 through March 15 and from June 1 through September 15.

(3) Nonmotorized boats are permitted.

(c) *Upper Mississippi River Wild Life and Fish Refuge*. (Refer to regulations for Illinois, Upper Mississippi River Wild Life and Fish Refuge in § 33.17.)

§ 33.54 **Wyoming. [Reserved]**

Dated: June 28, 1985.

J. Craig Potter,
Acting Assistant Secretary for Fish and
Wildlife and Parks.

[FR Doc. 85-17403 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 50, No. 141

Tuesday, July 23, 1985

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

Federal Grain Inspection Service

7 CFR Part 800

Fees for Supervision of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects typographical errors appearing in a proposed rule of Fees for Supervision of Official Services that appeared at page 28104 in the Federal Register of Wednesday, July 10, 1985 (50 FR 28104). This action is necessary to correct typographical errors in Schedule C, Table 2, Fees assessed by the Service.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, S.W., Washington, DC, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: In Federal Register docket 85-16374 beginning on page 28104 in the issue of Wednesday, July 10, 1985, the following correction should be made:

§ 800.71 [Corrected]

TABLE 2, (1) Official weighing services, line item, (iv) Ship (per carrier),³ under column heading Class X, 57.40 should read 49.20; line item (v) All other lots (per lot or part lot), under column heading Class X, 0.35 should read 0.30.

Dated: July 18, 1985.

K.A. Gilles,
Administrator.

[FR Doc. 85-17457 Filed 7-22-85; 8:45 am]

BILLING CODE 3410-EN-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 563

(No. 85-505)

Preferred Stock as Regulatory Net Worth

Date: June 21, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is proposed to revise its regulations concerning the use of non-permanent preferred stock as regulatory net worth. First, the Board is proposing to allow preferred stock that is redeemable to the option of the issuer to be included as regulatory net worth only if the security form of the preferred stock has been approved by the FSLIC prior to issuance of the security and the form of the security states that no redemption may be made if, after giving effect to such redemption, the insured institution would fail to meet its regulatory net worth requirement. Second, the Board is proposing to allow mandatorily redeemable preferred stock to be included as regulatory net worth only if an application to include such preferred stock has been filed with and approved by the FSLIC. In addition, the proposal would require that mandatorily redeemable preferred stock be subject to an amortization schedule which would reduce the amount of such preferred stock that may be included as regulatory net worth based on the time remaining to require redemption. Finally, the Board is proposing to explicitly prohibit any insured institution from including as regulatory net worth any capital instrument or security issued by the insured institution if such capital instrument or security is owned by a service corporation or other subsidiary controlled by the issuing insured institution.

DATE: Comments must be received by September 17, 1985.

ADDRESS: Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be publicly available at this address.

FOR FURTHER INFORMATION CONTACT: James H. Underwood, Attorney, Corporate and Securities Division, Office of General Counsel, (202) 377-8649, or Francis M. Passarelli, Deputy Director, Office of Examinations and Supervision, (202) 377-6493, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Resolution No. 85-292, dated April 18, 1985 (50 FR 20550; May 17, 1985), the Board adopted a final rule concerning the issuance and use of subordinated debt as regulatory net worth. In that rulemaking proceeding, and earlier, in the resolution proposing the revisions to the net worth and subordinated debt regulations, Resolution No. 84-680, dated November 30, 1984 (49 FR 47499; December 5, 1984), the Board indicated that it did not consider subordinated debt to be the equivalent of permanent capital stock and retained earnings for purposes of satisfying the Board's minimum net worth requirement since subordinated debt is a non-permanent liability that must be repaid upon maturity. Upon further consideration of the items that are eligible to be included in regulatory net worth, the Board has preliminarily concluded that 12 CFR 561.13 should be further revised to distinguish between permanent preferred stock and non-permanent preferred stock as regulatory net worth.

The current regulation permits permanent preferred stock to be included as regulatory net worth without limitation, which is consistent with the accounting treatment permitted under generally accepted accounting principles ("GAAP"). The Board does not propose to make any changes regarding permanent preferred stock except to clarify in the text of the regulation that treasury shares of permanent preferred stock (and other types of equity securities) will not be includable as net worth, which is consistent with prior interpretations and policy of the Board. Similarly, the proposed revisions would not alter the current regulation's prohibition of the inclusion of preferred stock which is redeemable at the option of the holder as regulatory net worth.

The treatment of preferred stock that is redeemable at the option of the issuer and preferred stock that is required to be redeemed by the issuer would, however, be revised by this proposal.

First, the proposal would specify that the security form of preferred stock that is redeemable at the option of the issuer must be approved pursuant to 12 CFR 563.1, which requires that the security form be approved by the Corporation prior to its issuance. In addition, the security form would be required to include a statement that no redemption may be made if, after giving effect to such redemption, the issuing insured institution would fail to meet its net-worth requirement under 12 CFR 563.13. The Board believes that the proposed revision to § 561.13 concerning the form of preferred-stock securities that are redeemable at the option of the issuer would ensure that no redemptions are made in violation of § 561.13 and that the investing public is aware of the regulatory restrictions of the redemption of the preferred stock.

The second revision to § 561.13 proposed by the Board would change the net-worth treatment of preferred stock that is required to be redeemed by the issuing insured institution. The Board believes that mandatorily redeemable preferred stock, in terms of the degree of protection it affords the FSLIC, is substantially similar to other non-permanent capital instruments with a fixed maturity or redemption date. For that reason, the Board is proposing to require the written approval of the Board to include mandatorily redeemable preferred stock as regulatory net worth and to require that such preferred stock be subject to an amortization schedule which reduces the amount of the outstanding preferred stock that can be included as net worth based on the time remaining to required redemption. The Board believes that this proposed revision would appropriately recognize that preferred stock with mandatory redemption features does not provide the FSLIC with the same degree of protection as permanent capital stock, and would ensure that all non-permanent capital instruments with a fixed maturity or redemption date are treated consistently.

The Board is also proposing to adopt a new § 563.7-5 to set forth the criteria for review of applications for approval of mandatorily redeemable preferred stock as regulatory net worth. The provisions of proposed § 563.7-5 are substantially similar to § 563.8-1 and are intended to provide a basis for the Board's review of the financial condition of the issuing institution and the terms and conditions of the mandatorily redeemable preferred stock to ensure that inclusion of the preferred stock as regulatory net worth would result in a decrease in risk to the FSLIC.

The final revision that the Board is proposing to § 561.13 would provide that any capital instrument of security issued by an insured institution that is held by a service corporation or other subsidiary directly or indirectly controlled by an insured institution must be excluded from the issuing insured institution's regulatory net worth in reports filed with the Board. This proposal is intended to formalize the Board's current policy concerning the treatment of capital instruments or securities of an insured institution that qualify as regulatory net worth that are held by a service corporation or other subsidiary that is controlled by the insured institution. The Board notes that under GAAP, insured institutions would be required to report their holdings in majority-owned subsidiaries on a consolidated basis, which would result in any equity securities of the parent institution held by the subsidiary being netted against the parent institution's equity. Under the Board's regulatory reporting procedures however, the parent institution reports its investment in its service corporation by the "equity method of accounting", which could result in an overstatement of an insured institution's net worth if the service corporation or other subsidiary has invested in capital instruments or securities issued by the parent insured institution. It has always been the Board's position that the regulatory reporting procedures utilized by insured institutions should not be employed to overstate an insured institution's regulatory net worth, and the proposed revision would explicitly prohibit such a result by disallowing net-worth treatment for capital securities of the parent held by the subsidiary.

The Board notes that the proposal does not define what percentage of ownership of a service corporation or other subsidiary would constitute control for purposes of determining whether capital instruments or securities held by a service corporation or other subsidiary of the insured institution should be excluded from the insured institution's regulatory net-worth. Further, the proposal would not necessarily prohibit net worth treatment by the parent of capital securities held by other entities such as partnerships or trusts that are controlled by the insured institution. In that regard, the Board is particularly interested in receiving comments on the following issues:

(1) For purposes of this proposal, what percentage of ownership or other tests should be used to determine when an insured institution is in control of a service corporation or other subsidiary?

(2) If the Board were to determine that less than fifty-percent ownership constituted control, should the percentage of a capital instrument or security issued by the insured institution that is excluded from the insured institution's regulatory net worth be based on the insured institution's percentage of ownership of the service corporation or other subsidiary?

(3) Should the proposed prohibition be expanded to include not only service corporations and other subsidiaries but any entity in which the insured institution has an equity investment?

The Board notes that pursuant to this rulemaking proceeding, it could adopt in a final rule new net-worth requirements that would be applied to all non-permanent preferred stock, both prospective and outstanding issuances. The Board, however, does not believe, if it adopted the new restrictions substantially as proposed, that it would be appropriate to impose these restrictions on non-permanent preferred stock which was issued by insured institutions prior to today's action. Thus, the proposed rule would specifically grandfather non-permanent preferred stock which was issued in conformity with § 561.13 prior to the date this proposed rule is published in the Federal Register.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objectives and legal basis underlying the proposed rule.* These elements are incorporated above in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule would apply.* The proposed rule would apply to institutions whose accounts are insured by the FSLIC.

3. *Impact of the proposed rule on small institutions.* The proposed rule would restrict the use of non-permanent preferred stock as regulatory net worth by small institutions.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that duplicate, overlap, or conflict with this proposal.

5. *Alternatives to the proposed rules.* There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed in the supplementary information set forth above.

Lists of Subjects in 12 CFR Parts 561 and 563

Insurance of accounts, Savings and loan associations.

Accordingly, the Board hereby proposes to amend Parts 561 and 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

1. The authority citations for 12 CFR Parts 561 and 563 would continue to read:

Authority: Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 1 and 5, 48 Stat. 128 and 132, as amended (12 U.S.C. 1462 and 1464); sec. 409, 94 Stat. 160, sec. 5A, 47 Stat. 736, as amended (12 U.S.C. 1404); secs. 401, 402, 403, 405, 406, 407, 48 Stat. 1255, 1256, 1257, 1259, 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1729, 1730). Reorg. Plan No. 3 of 1974, 12 FR 4981, 3 CFR, 1943-1948 Comp., p. 1071; sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425a).

2. Amend § 561.13 by revising paragraph (a); redesignating paragraph (d) as paragraph (f); and adding new paragraphs (d) and (e); as follows:

§ 561.13 Regulatory net worth.

(a) The term "regulatory net worth" means the sum of all reserve accounts (except specific or valuation reserves), retained earnings, permanent common stock, permanent preferred stock, non-permanent preferred stock issued prior to July 23, 1985, mutual capital certificates (issued pursuant to § 563.7-4 of this chapter), securities which constitute permanent equity capital in accordance with generally accepted accounting principles (if approved by the Corporation), appraised equity capital (as defined in § 563.13(c) of this chapter), and any other nonwithdrawable accounts of an insured institution (excluding any treasury shares held by the insured institution); *Provided*, that for any non-permanent instrument qualifying as regulatory net worth under this paragraph, either (1) the remaining period to maturity or required redemption (or time of any required sinking fund or other prepayment or reserve allocation, with respect to the amount of such prepayment or reserve) is not less than one year, or (2) the redemption or prepayment is only at the option of the issuing insured institution and such payments would not cause the insured institution to fail or continue to fail to meet its net-worth requirement under § 563.13 of this chapter; and *Provided further*, that capital stock may

be included as net worth without limitation if it would otherwise qualify but for either (i) a provision permitting redemption, in the event of a merger, consolidation, or reorganization approved by the Corporation where the issuing institution is not the survivor, or (ii) a provision permitting a redemption where the funds for redemption are raised by the issuance of permanent stock.

(d) The term "regulatory net worth" also includes:

(1) Preferred stock that is redeemable at the option of the issuer which was issued after July 23, 1985; *Provided*, that the form of the security is approved pursuant to § 563.1 of this subchapter and states that no redemption may be made by the issuing insured institution if, after giving effect to such redemption, the insured institution would fail to meet its net-worth requirement under § 563.13 of this subchapter;

(2) Mandatorily redeemable preferred stock which is issued pursuant to § 563.7-5 of this subchapter, or was issued after July 23, 1985, and was approved in writing by the Corporation for inclusion as net worth; *Provided*, that unless otherwise approved by the Corporation in writing, mandatorily redeemable preferred stock issued after July 23, 1985, may be included as net worth only in accordance with the schedule set forth in paragraph (c)(1) of this section and consistent with the provisions of paragraphs (c) (2) and (3) of this section.

(e) Notwithstanding paragraphs (a), (b), (c), and (d) of this section, the term "regulatory net worth" does not include any capital instrument or security which may be included as regulatory net worth pursuant to any of those paragraphs if such capital instrument or security is held by a service corporation or other subsidiary directly or indirectly controlled by the insured institution, unless such inclusion is specifically approved by the Corporation in writing.

PART 563—OPERATIONS

3. Add new § 563.7-5 to read as follows:

§ 563.7-5 Mandatorily redeemable preferred stock.

(a) *General*. No insured institution shall issue mandatorily redeemable preferred stock pursuant to this section or amend the terms of such preferred stock unless it has obtained written approval of the Corporation. Approval of the issuance under this section, in order to qualify as regulatory net worth under § 561.13 of this subchapter, may

be obtained either before or after the preferred stock is issued, but no approval shall be granted unless the issuance of preferred stock and the form and manner of filing of the application are in accordance with the provisions of this section.

(b) *Eligibility requirements*. In determining whether the Corporation will process an application by an insured institution for approval of the issuance of mandatorily redeemable preferred stock pursuant to this section, the Corporation will consider the following factors:

(1) Whether the issuance of such preferred stock by the applicant is authorized by applicable law and regulation and is not inconsistent with any provision of the applicant's charter, constitution, or bylaws;

(2) Whether, in the opinion of the Corporation, the overall policies, condition, and operation of the applicant do not afford a basis for supervisory objection to the application. Bases for supervisory objection may include the following:

(i) Net worth, without regard to the amount of any mandatorily redeemable preferred stock to be included in net worth, does not meet the requirements of § 563.13;

(ii) Scheduled items exceed 2.5 percent of specified assets;

(iii) Losses have not been offset by specific reserves to the extent required pursuant to § 563.17-2;

(iv) Actual and anticipated income from operations, after distribution of earnings to the holders of savings accounts, payment of dividends on outstanding equity securities and payment of interest on borrowings but before income taxes, is not demonstrably sufficient for payment of dividends and redemption price, discount, and related expenses of the proposed issues; and

(3) Whether the issuance of such securities by the applicant in the transaction and any related transactions will result in a transfer of risk from the Corporation to parties other than insured institutions.

(c) *Application form; supporting information*. An application for approval of the issuance of mandatorily redeemable preferred stock by an insured institution pursuant to this section shall be in the form prescribed by the Corporation. Such application and instructions may be obtained from the Supervisory Agent. Information and exhibits shall be furnished in support of the application in accordance with such instructions, setting forth all of the terms and provisions relating to the proposed

issue and showing that all of the requirements of this section have been or will be met.

(d) *Requirements as to securities.* Mandatorily redeemable preferred stock issued pursuant to this section shall meet all of the following requirements unless one or more of such requirements, not including paragraph (d)(1)(i) of this section which is not eligible for waiver, are waived by the Corporation.

(1) *Form of certificate.* Each certificate evidencing mandatorily redeemable preferred stock issued by an insured institution pursuant to this section shall:

(i) Bear on its face, in bold-face type, the following legend: "This security is not a savings account or deposit and it is not insured by the Federal Savings and Loan Insurance Corporation";

(ii) Clearly state that the security is unsecured and is not eligible as collateral for any loan by the issuing institution; and

(iii) State or refer to a document stating that no redemption, other than scheduled redemptions, may be made by the issuer if after giving effect to such redemption the institution would fail to meet the net-worth requirements of § 563.13;

(2) *Limitation as to term.* No mandatorily redeemable preferred stock issued by an insured institution pursuant to this section shall have an original period to required redemption of less than seven years. During the first six years that such a security is outstanding, the total of all required purchase-fund payments, required reserve allocations and required redemptions with respect to the portion of such six years as have elapsed shall at no time exceed the original redemption price thereof multiplied by a fraction the numerator of which is the number of years which have elapsed since the issuance of the security and the denominator of which is the number of years covered by the original period to required redemption.

(e) *Filing of application.* The application for approval of the issuance of mandatorily redeemable preferred stock under this section shall be filed with the Corporation by transmitting the original and two copies of the application and all supporting documents to the Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant is located or any other officer or employee of such Bank designated by the Board as agent of the Corporation, as provided by § 501.10 or § 501.11 of this chapter.

(f) *Additional requirements.* The Corporation may impose on the applicant such requirements or conditions with regard to the securities or the offering or issuance thereof as it may deem necessary or desirable for the protection of purchasers, the applicant, or the Corporation.

(g) *Limitation on offering period.* Following the date of approval of the application by the Corporation, the institution shall have an offering period of not more than one year in which to complete the sale of the mandatorily redeemable preferred stock issued pursuant to this section. The Corporation may in its discretion extend such offering period if a written request showing good cause for such extension is filed with it not later than 30 days before the expiration of such offering period or any previous extension thereof.

(h) *Reports.* Within 30 days after completion of the sale of the mandatorily redeemable preferred stock issued pursuant to prior approval under this section, the institution shall transmit a written report to the Supervisory Agent stating the number of purchasers, the total dollar amount of securities sold, and the amount of net proceeds received by the institution.

(i) *Delegations.* The Director of the Office of Examinations and Supervision with the concurrence of the General Counsel or their designees, are authorized to approve any mandatorily redeemable preferred stock applications filed pursuant to this section if they are in compliance with regulatory requirements, unless they are of the opinion that the application involves policy considerations which warrant formal consideration by the Corporation.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85-17226 Filed 7-22-85; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-CE-25-AD]

Airworthiness Directives; Mooney Aircraft Corporation Models M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K and M22 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to Mooney Aircraft Corporation Models M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K and M22 airplanes. This AD would require inspection of fuel tanks and fuel filler cap assemblies and establish periodic inspection of the filler cap assemblies. Water can be trapped in the fuel bays due to improper fuel tank sealant application and the fuel filler cap assemblies can have improper sealing characteristics allowing water leakage into the wing fuel tanks. These inspections and modification of the tanks will preclude fuel contamination which could be detrimental to satisfactory engine operation.

DATES: Comments must be received on or before August 26, 1985.

ADDRESSES: Mooney Aircraft Corporation Service Bulletins (S/Bs) M20-229 and M20-230 both dated April 10, 1985, applicable to this AD may be obtained from Mooney Aircraft Corporation, Post Office Box 72, Kerrville, Texas 78028-0072, or the Rules Docket at the address below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-CE-25-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Parker, Airplane Certification Branch, ASW-150, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Texas; Telephone (817) 877-2449.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall

regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-CE-25-AD, Room 1556, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports on certain Mooney Model M20 and M22 airplanes which indicate that deterioration of fuel tank filler cap seals (O-rings) has allowed leakage of water into the wing fuel tanks and that improper fuel tank sealant application can result in water being entrapped between wing fuel bay ribs. There have been a number of accidents and incidents in which water in the fuel was determined to be a causal factor. Prior to an FAA audit conducted last year, the manufacturer did not have detailed tank sealing requirements for production airplanes which identified critical rib drain holes within the fuel tanks that must be open after tank sealing, nor were there any manufacturer's service instruction available for resealing of fuel tanks after field modifications. The combination of water entering the wing fuel tanks through fuel filler ports and the entrapment of such water and/or other contaminants in the fuel tanks could result in engine fuel supply contamination when airplanes are maneuvered in certain ways. The applicable service or maintenance manuals do not require inspection of fuel tank sealing applications or fuel filler cap assemblies nor had any service bulletins been issued regarding required inspections of the subject fuel tanks and fuel filler caps.

The National Transportation Safety Board (NTSB) has recommended to the FAA that an AD be issued to: (1) inspect fuel tank filler cap assemblies for deterioration of sealing components to assure proper sealing and (2) require necessary action to eliminate the potential for water entrapment in the fuel tanks. In addition, the NTSB recommended that the manufacturer be required to generate a service bulletin concerning the inspection and maintenance of the fuel tank filler cap

assemblies. Mooney Aircraft Corporation has issued the following: (1) Service Bulletin S/B M20-229, dated April 10, 1985, describing inspection and maintenance procedures which will restore and ensure continued sealing capability of the fuel tank filler cap assemblies, and (2) Service Bulletin S/B M20-230, dated April 10, 1985, requiring the inspection of fuel tank sealing application to ensure all required wing rib fuel drain holes are open to prevent water entrapment.

The FAA has examined the available information relating to the issuance of the NTSB safety recommendation and the aforementioned service bulletins and agrees that rulemaking action is appropriate. Since the condition described is likely to exist or develop in other airplanes of the same design, the AD would require initial and repetitive inspections of the fuel tank filler cap assemblies and a one-time inspection of the fuel tank sealant application on certain Mooney Model M20 and M22 series airplanes. The FAA has determined there are approximately 7800 airplanes affected by the proposed AD. The cost of compliance with the proposed AD is estimated to be \$328 per airplane. The total cost is estimated to be \$2,558,400 to the private sector. The cost is so small that compliance with the proposal will not have a significant financial impact on any small entities owning affected airplanes.

Therefore, I certify that this action: (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Mooney Aircraft Corporation: Applies to Models M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K and M22 (all Serial Numbers [S/N]) airplanes certificated in any category.

Compliance: Required as indicated, after the effective date of this AD, unless already accomplished.

To preclude fuel contamination and water entrapment in the fuel tanks accomplish the following:

(a) For Models M20B, M20C, M20D, M20E, M20F, M20G (all S/N), M20J (S/N 24-001 through 24-1498), M20K (S/N 25-0001 through 25-0854) and M22 (all S/N) airplanes, within the next 100 hours time-in-service (TIS) after the effective date of this AD, visually inspect all fuel tank bays and rib stations in accordance with the instructions contained in Mooney S/B M20-230, dated April 10, 1985. Repair all discrepancies found prior to further flight.

(b) For Models M20C (S/N 2623 through 20-1258), M20D (S/N 201 through 260), M20E, M20F, M20G, M20J, M20K and M22 (all serial numbers) airplanes, within the next 100 hours TIS after the effective date of this AD, and each 100 hours TIS thereafter, visually inspect the fuel tank filler cap assemblies in accordance with the instructions contained in Mooney S/B M20-229, dated April 10, 1985. Repair all discrepancies found prior to further flight.

(c) For Models M20J (S/N 24-1499 and on) and M20K (S/N 25-0855 and on) airplanes that have had any fuel tank resealed after initial installation at the factory, within the next 100 hours TIS after the effective date of this AD visually inspect all fuel tank bays and rib stations in accordance with the instructions contained in Mooney S/B M20-230 dated April 10, 1985. Repair all discrepancies found prior to further flight.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) The intervals between the repetitive inspections required by Paragraph (b) of this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance on the airplane.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Airplane Certification Branch, ASW-150, Federal Aviation Administration, Southwest Region, Post Office Box 1689, Fort Worth, Texas 76101.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Mooney Aircraft Corporation, Post Office Box 72, Kerrville, Texas 78028-0072 or FAA, Office of Regional Counsel, Room 1556, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on July 11, 1985.

Edwin S. Harris,

Acting Director, Central Region.

[FR Doc. 85-17388 Filed 7-22-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[LR-162-84]

Employee Tip Reporting and Substantiation Requirements; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the *Federal Register*, the Internal Revenue Service is issuing temporary employment tax regulations relating to the reporting and substantiation requirements applicable to tipped employees. The text of the temporary regulations serve as the comment document for this notice of proposed rulemaking.

DATES:

Proposed Effective Date

The proposed amendments with respect to a lower allocation-of-tips percentage would be effective on and after July 18, 1984. The provisions relating to the definition of a large food or beverage establishment would apply to taxable years beginning after December 31, 1982, and would be effective after December 31, 1982. The substantiation requirements would generally apply to tips received on or after October 1, 1985, and would be effective after September 30, 1985.

Dates for Comments and Requests for a Public Hearing

Written comments and requests for a public hearing must be delivered or mailed by September 23, 1985.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-162-84) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Gail H. Morse of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3297, not a toll-free call).

SUPPLEMENTARY INFORMATION: Background

The Temporary regulations in the Rules and Regulations portion of this issue of the *Federal Register* amend the Employment Tax Regulations (26 CFR Part 31) under section 6053.

For the text of the temporary regulations see T.D. published in the Rules and Regulations portion of this issue of the *Federal Register*. The preamble to the temporary regulations explains the addition to the regulations.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written requests to the commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*. The collection of information requirements contained herein have been submitted for OMB review under the Paperwork Reduction Act, and comments on them should be sent to the Office of Information and Regulatory Affairs of OMB, Attn: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests persons submitting comments to OMB to also send copies of the comments to the Service.

Drafting Information

The principal author of these proposed regulations is Gail H. Morse of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel

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

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 85-17455 Filed 7-18-85; 4:06 pm]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Medical Services

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration is amending its medical regulations, (38 CFR Part 17) to more clearly reflect the specific action that the Department of Medicine and Surgery will take when a patient breaks a medical appointment, and to more accurately define the eligibility requirements for claims filed for VA payment of unauthorized medical services. The costs allowed for unauthorized repairs to certain prosthetic items are increased also. The amendments will more clearly define the prerequisite for the benefits.

DATES: Comments must be received on or before August 22, 1985. It is proposed to make this amendment effective 30 days after publication of final regulations.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until September 6, 1985.

FOR FURTHER INFORMATION CONTACT: Joseph F. Fleckenstein, (202) 389-3785.

SUPPLEMENTARY INFORMATION: Section 628 of Title 38 United States Code authorizes the Administrator, subject to regulations the Administrator shall prescribe, to reimburse veterans for certain medical expenses. The proposed amendments to 38 CFR Part 17 more precisely define the prerequisites for this benefit, and will increase the costs allowed for the repair of certain prosthetic items. In addition, editorial changes are made to more clearly define action to be taken by the Veterans

Administration when appointments are broken by persons under medical treatment.

The Administrator has determined that this amendment to VA regulations is considered nonmajor under the criteria of Executive Order 12291 on Federal Regulation. It will not have an annual effect on the economy of \$100 million or more; it will not result in major increases in costs for consumers, individual industries, Federal, State or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Administrator of Veterans Affairs certifies that this amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA (Regulatory Flexibility Act), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory flexibility analyses requirements of sections 603-604. The reason for this certification is that this change will regulate only the eligibility of individuals to these benefits.

The catalog of Federal Domestic Assistance Program numbers are: 64.009, 64.011 and 64.013]

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: June 18, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, MEDICAL, is amended as follows:

1. Section 17.61 and the heading preceding the title of the section are revised to read as follows:

Breaking Appointments

§ 17.61 Refusal of treatment by unnecessarily breaking appointments.

A patient under medical treatment who breaks an appointment without a reasonable excuse will be informed that breaking an additional appointment will be deemed to be a refusal to accept VA

treatment. If such a patient fails to keep a second appointment, without at least 24 hours notice, such action will be deemed as a refusal to accept VA treatment. Thereafter, no further treatment will be furnished until a new application is filed, and the veteran has agreed to cooperate by keeping appointments. Treatment will not be discontinued until the treating physician has reviewed the treatment files, concurred in the action and signed a statement to this effect in the record. Consideration will be given to the veteran's ability to make a rational decision concerning the need for medical care and/or examination. The veteran will be advised of the final decision. Nothing in this section will be construed to prevent treatment for an emergent condition that may arise during or subsequent to this action. Where an appointment is broken without notice and satisfactory reasons are advanced for breaking the appointment and circumstances were such that notice could not be given, the patient will not be deemed to have refused treatment.

(38 U.S.C. 4115)

2. In § 17.80, paragraphs (a) and (c) are revised to read as follows:

§ 17.80 Payment or reimbursement of the expenses of hospital care and other medical services not previously authorized.

(a) For veterans with service-connected disabilities. Care or services not previously authorized were rendered to a veteran in need of such care or services: (1) For an adjudicated service-connected disability; (2) for nonservice-connected disabilities associated with and held to be aggravating an adjudicated service-connected disability; (3) for any disability of a veteran who has a total disability permanent in nature resulting from a service-connected disability (does not apply outside of the States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico); (4) for any illness, injury or dental condition in the case of a veteran who is participating in a rehabilitation program under 38 U.S.C. Ch. 31 and who is medically determined to be in need of hospital care or medical services for any of the reasons enumerated in § 17.48(g). (38 U.S.C. 624, 628); and

(c) When Federal facilities are unavailable. VA or other Federal facilities were not feasibly available, and an attempt to use them beforehand or obtain prior VA authorization for the

services required would not have been reasonable, sound, wise, or practicable, or treatment had been or would have been refused.

(38 U.S.C. 624, 628, 4115)

3. In § 17.81, the introductory paragraph and paragraph (b) are revised to read as follows:

§ 17.81 Payment or reimbursement of the expenses of repairs to prosthetic appliances and similar devices furnished without prior authorization.

The expenses of repairs to prosthetic appliances, or similar appliances, therapeutic or rehabilitative aids or devices, furnished without prior authorization, but incurred in the care of an adjudicated service-connected disability (or, in the case of a veteran who is participating in a rehabilitation program under 38 U.S.C. Ch. 31 and who is determined to be in need of the repairs for any of the reasons enumerated in § 17.48(g)) may be paid or reimbursed on the basis of a timely filed claim, if

(38 U.S.C. 628)

(b) The costs were reasonable, except that where it is determined the costs were excessive or unreasonable, the claim may be allowed to the extent the costs were deemed reasonable and disallowed as to the remainder. In no circumstances will any claim for repairs be allowed to the extent the costs exceed \$125.

(38 U.S.C. 628, 4115)

4. In § 17.84, paragraphs (a) and (d) are revised to read as follows:

§ 17.84 Where to file claims. * * *

(a) For services rendered in the U.S. Claims for the expenses of care or services rendered in the United States, including the Territories or possessions of the United States, should be filed with the Chief, Outpatient Service or Clinic Director of the VA facility designated as a clinic of jurisdiction which serves the region in which the care or services were rendered, and (38 U.S.C. 4115)

(d) For services rendered in other foreign countries. Claims for the expenses of care or services rendered in other foreign countries may be filed with the American Embassy or consulate in the country where services were provided. Claims will be developed and forwarded to the VA Medical Center, Washington, D.C., for final action. Claims may be submitted directly to the VA Medical Center, Washington, D.C., if

the veteran has returned to the United States before having had a chance to contact the appropriate Embassy or Consulate.

(38 U.S.C. 4115)

5. In § 17.85, paragraph (c) is removed and paragraph (b) is revised to read as follows:

§ 17.85 Timely filing.

(b) In the case of care or services rendered prior to a VA adjudication allowing service-connection:

(1) The claim must be filed within 2 years of the date the veteran was notified by the VA of the allowance of the award of service-connection.

(2) VA payment may be made for care related to the service-connected disability received only within a 2-year period prior to the date the veteran filed the original or reopened claim which resulted in the award of service-connection but never prior to the effective date of the award of service-connection within that 2-year period.

(3) VA payment will never be made for any care received beyond this 2-year period whether service connected or not.

(c) [Removed]

(38 U.S.C. 4115)

[FR Doc. 85-17395 Filed 7-22-85; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 262, 264, 265, and 270

[WH-FRL-2868-7]

Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule: correction.

SUMMARY: The Environmental Protection Agency (EPA) is today announcing a correction in the preamble of the proposed rule for hazardous waste storage and treatment tanks, that appeared in the *Federal Register* of Wednesday, June 26, 1985, [50 FR 26444-26504]. This action is necessary in order to correct a typographical error of the date terminating the public comment period.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424-9346 (toll free) or (202) 382-3000 in Washington, DC, or William J. Kline, Office of Solid Waste (WH-565A), U.S. Environmental Protection Agency, Washington, DC 20460, (202) 382-7917.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of Wednesday, June 26, 1985, on page 26493, column two, first full paragraph, "September 24, 1985" is corrected to read "August 26, 1985."

Dated: July 16, 1985.

Jack W. McGraw,
Acting Assistant Administrator.

[FR Doc. 85-17412 Filed 7-22-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, 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).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Administrator, 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.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E. O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
ILLINOIS	
Union County (unincorporated areas) Mississippi River At southern county boundary About 1.95 miles upstream of confluence of Big Muddy River	*358 *371
Maps available for inspection at the Assessor's Office, Union County Courthouse, Jonesboro, Illinois. Send comments to Honorable Wilburn R. Gibbs, Chairman, Union County Board, Union County Courthouse, Jonesboro, Illinois 62952	

ACTION: Proposed rule, reopening of period for public comment.

SUMMARY: This notice grants four requests for extension of the period to submit written comments on an agency notice on brake burnish. The period for comment is extended by 135 days.

DATES: Comments on Docket No. 70-72; Notice 27 and Docket No. 83-07; Notice 2 must be received by November 19, 1985.

ADDRESS: Comments should refer to the docket and notice numbers and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. (Docket Room hours 8 a.m.-4 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Kratzke, Office of Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Telephone (202) 426-2992

SUPPLEMENTARY INFORMATION: On May 23, 1985 (50 FR 21313), NHTSA issued a supplemental notice of proposed rulemaking (SNPRM) seeking comments on a proposal to amend the agency's braking standards by modifying the brake burnish procedures. Comments were requested by July 8, 1985. General Motors, International Harvester, Motor Vehicle Manufacturers Association and PACCAR have timely requested an extension of the period to comment on the SNPRM.

GM said that the current 45 day comment period is not sufficient to allow it to evaluate the effect of the alternative procedures on the multitude of brake systems it uses. GM said that it plans to test several vehicle configurations to determine the effects of the proposed changes. It noted that its testing resources are also being committed to testing related to the agency's recent proposal on truck/tractor air brake timing compatibility. GM requested the agency to allow for a total of 180 days to comment on the notice. The other petitioners offered similar reasons for an extension of the comment period, but they requested an extension to May 14, 1986.

The Agency recognizes that additional manufacturing testing would assist the agency in determining which of the proposed alternatives should be adopted in the final rule. At the same time, the agency believes that the testing can be accomplished in less time than sought by three of the petitioners. The agency has decided to grant GM's request and is therefore reopening the comment period for this notice to provide a total of 180 days to comment, starting from the date of the May notice.

(15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.50 nd 501.8)

Issued on July 17, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85-17393 Filed 7-22-85; 8:45 am]

BILLING CODE 4910-50-M

Issued: July 10, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance
Administration.

[FR Doc. 85-17406 Filed 7-22-85; 8:45 am]

BILLING CODE 6715-03-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

49 CFR Part 571

[Docket No. 70-27; Notice 28 and Docket
83-07; Notice 3]

Federal Motor Vehicle Safety
Standards

AGENCY: National Highway Traffic
Safety Administration (NHTSA), DOT.

Notices

Federal Register

Vol. 50, No. 141

Tuesday, July 23, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Oglethorpe Power Corp.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA's Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact with respect to a proposed project by Oglethorpe Power Corporation (OPC). The project consists of construction of a 230 kV transmission line from Alpharetta, Georgia, in Fulton County to Woodstock, Georgia, in Cherokee County, modifications to the Alpharetta Substation and acquisition of and modifications to the Woodstock Substation.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and OPC's Borrower's Environmental Report (BER) may be reviewed in the Office of the Chief, Distribution and Transmission Engineering Branch, Southeast Area—Electric, Room 0262, South Agriculture Building, REA, Washington, D.C. 20250, telephone (202) 382-8436, or at the Office of OPC (Mr. F. F. Stacy, Jr., Manager), 2100 East Exchange Place, Tucker, Georgia 30085-1349, telephone (404) 496-7600.

SUPPLEMENTARY INFORMATION: REA has reviewed OPC's BER and has determined that it represents an accurate assessment of the environmental impacts of the proposed project. The proposed project will

consist of approximately 22 kilometers (14 miles) of 230 kV line, acquisition of the Woodstock Substation and modification of the Woodstock and Alpharetta substations to accommodate this line. REA determined that the proposed project is not likely to affect any threatened or endangered species or critical habitat; it will have no effect on any property listed or eligible for listing in the National Register of Historic Places; it will not occur in wetland; will have no effect upon any river section in the Nationwide Inventory of Wild and Scenic Rivers; will not occur in a coastal barrier and will not directly affect the coastal zone.

The proposed substation expansion will not occur in a floodplain, or on any prime farmland or forestland.

The proposed transmission line will cross approximately 2,955 meters (9,700 feet) of floodplain. There is no practicable alternative to locating in a floodplain and all practicable means to minimize harm will be taken. Some of the floodplains can be spanned completely. Others will have some poles placed in floodplains, but most of the floodplain in the right-of-way will be spanned. Since the proposed line will be single pole construction, no adverse effects to the floodplain are anticipated.

The proposed transmission line will cross approximately 5,544 meters (12,200 feet) of prime farmland and 14,081 meters (46,200 feet) of prime forestland. Much of the prime farmland can be spanned and can remain in production, but the forestland in the right-of-way will be taken out of production for the life of the project. The proposed project will convert prime forestland and a small amount of prime farmland to other uses, but there is a demonstrated significant need for and no practicable alternative to the proposed action.

Alternatives to an aerial 230 kV transmission line were considered, such as no action, direct current, load management and energy conservation, and underground transmission. Alternative connection plans to supply power to Woodstock and alternative routes from Alpharetta to Woodstock were considered also.

Based upon OPC's BER and supporting documents, REA prepared an EA concerning the proposed project and its impacts. In accordance with REA's 7 CFR Part 1794, OPC advertised and requested comments on the

environmental aspects of the proposed project. REA held two public meetings in Alpharetta, Georgia, to obtain comments on this project. Numerous oral and written comments were received. The written comments are an appendix to the EA and all environmental concerns are addressed in the EA or BER. It is believed that the environmental concerns raised in comments can be avoided or minimized by careful project design, construction and mitigation. REA concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the human environment.

An environmental impact statement is not necessary. This program is listed in the Catalog of Federal Domestic Assistance as 18.850—Rural Electrification Loans and Loan Guarantees.

Dated: July 17, 1985.

Harold V. Hunter,
Administrator.

[FR Doc. 85-17477 Filed 7-22-85; 8:45 am]

BILLING CODE 3412-15-M

DEPARTMENT OF COMMERCE

International Trade Administration

Cornell University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-095. Applicant: Cornell University, Ithaca, NY 14853. Instrument: Viscoelastometer, Model DDV-II-C. Manufacturer: Toyo Baldwin Co., Japan. Intended use: See notice at 50 FR 9475.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is capable of measuring forces at least one

order of magnitude lower than comparable domestic instruments for research on high modulus fibers and thin polymer films. The National Bureau of Standards advises in its memorandum dated May 15, 1985 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-17472 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-DS-M

Stanford Linear Accelerator Center; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85-146. Applicant: Stanford Linear Accelerator Center, Stanford, CA 94305. Instrument: Streak Camera, Model IMACON 500 with Accessories. Manufacturer: Hadland Photonics, Ltd., United Kingdom. Intended use: See notice at 50 FR 19430.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a resolving power of 2 picoseconds for the detection of ultra-fast occurring events. The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use. We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-17470 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-DS-M

The University of Utah; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. Docket No. 85-151. Applicant: The University of Utah, Salt Lake City, UT 84112. Instrument: Magnetometer, Model RS-232. Manufacturer: Molspin Ltd., United Kingdom. Intended use: See notice at 50 FR 19430.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides: (1) Variable integration times of 6 and 24 seconds with a sensitivity for 24 seconds better than 10^{-4} ampere per meter and (2) in situ operation at remote sites. The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-17471 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-DS

University of Kansas; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85-055. Applicant: University of Kansas, Lawrence, KS 66045. Instrument: Mass Spectrometer System with Gas Chromatograph and Data System, Model ZAB-HS. Manufacturer: VG Analytical Ltd., United Kingdom. Intended use: See notice at 50 FR 1261.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides (1) a resolution up to 100,000 (10 percent valley definition), (2) mass range to 2000 atomic mass units (amu) at full accelerating potential (8000 volts) and up to 8000 amu at lower accelerating potentials, and (3) a scan speed of 0.5 seconds per decade below mass 1000. The National Institutes of Health advises in its memorandum dated May 7, 1985, that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Material)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-17474 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-DS-M

University of Maryland; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-294R. Applicant: University of Maryland, Baltimore, MD 21201. Instrument: Time-resolved Spectrofluorometer, Model 199S. Original notice of this resubmitted application was published in the Federal Register of October 5, 1984.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument operates in the nanosecond to millisecond range, with pulsed light mode providing time-correlated single photon counting. The National Institutes of Health advises in its memorandum dated May 7, 1985, that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials) [FR Doc. 85-17473 Filed 7-22-85; 8:45 am] BILLING CODE 3510-DS-M

[C-351-008]

Carbon Steel Plate From Brazil; Intention to Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Terminate Suspended Countervailing Duty Investigation

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Intention to Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination to Terminate Suspended Countervailing Duty Investigation.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review, under section 751(b)(1) of the Tariff Act, of the countervailing duty case on carbon steel plate from Brazil. The review covers the period from September 7, 1982. The petitioner and the other domestic interested parties to this proceeding have notified the Department that they are no longer interested in the countervailing duty case. These affirmative statements of no interest provide a reasonable basis for the Department to terminate the suspended investigation. Therefore, we intend to terminate the suspended investigation. The termination will apply

to all carbon steel plate entered, or withdrawn from warehouse, for consumption on or after September 7, 1982. Interested parties are invited to comment on these preliminary results and tentative determination to terminate.

EFFECTIVE DATE: September 7, 1982.

FOR FURTHER INFORMATION CONTACT: Peggy Clarke or Al Jemott, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 39394) a notice of suspension of countervailing duty investigation on carbon steel plate from Brazil.

In a letter dated May 1, 1985, United States Steel Corporation, the petitioner in this proceeding, informed the Department that it was no longer interested in the case and stated its support of termination of the suspended investigation. The Department received similar letters from the other domestic interested parties to the proceeding, Bethlehem Steel Corporation, Republic Steel Corporation, Inland Steel Corporation, Jones & Laughlin Corporation, National Steel Corporation, and Cyclops Steel Corporation. Under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department may terminate a suspended countervailing duty investigation that is no longer of interest to domestic interested parties.

Scope of the Review

Imports covered by the review are shipments of Brazilian carbon steel plate. The term "carbon steel plate" covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shapes; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615 and 607.9400 of the Tariff Schedules of the United States Annotated ("TSUSA"); and hot- or cold-rolled carbon steel plate which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710 or 608.1100 of the TSUSA. Semi-finished products of solid rectangular cross section with a width at least four times the thickness in the as cast condition or processed only through primary mill hot-

rolling are not included. The review covers the period from September 7, 1982.

Preliminary Results of the Review and Tentative Determination

As a result of our review, we preliminarily determine that the domestic interested parties' affirmative statements of no interest in continuation of the countervailing duty case on carbon steel plate from Brazil provide a reasonable basis for termination of the suspended investigation.

Therefore, we tentatively determine to terminate the suspended investigation on this product effective September 7, 1982. The current requirements of the agreement suspending the investigation will continue until publication of the final results of this review.

Interested parties may submit written comments on these preliminary results and tentative determination to terminate within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within five 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. The Department will publish the final results of the review and its decision on termination, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, administrative review, tentative determination to terminate, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: July 17, 1985.
Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-17467 Filed 7-22-85; 8:45 am] BILLING CODE 3510-DS-M

MCTL Implementation Technical Advisory Committee; Cancelled Meeting

Agency: International Trade Administration, Commerce.

Federal Register Citation of Previous Announcement: 50 FR 27330 July 2, 1985

Previously Announced Time and Date of the Meeting: 9:30 a.m., July 25, 1985

Changes in the Meeting: Cancelled

Dated: July 18, 1985.

Milton M. Baltas,

Director of Technical Programs, Office of
Export Administration.

[FR Doc. 85-17489 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-DT-M

Applications for Amendment to Export Trade Certificate of Review

AGENCY: International Trade
Administration, Commerce.

ACTION: Notice.

SUMMARY: Department of Commerce has received 22 applications for amendments to Export Trade Certificates of Review. This notice summarizes the conduct for which the amendments are sought.

ADDRESS: The Department requests public comments on the applications. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230. Comments should be received by August 12, 1985.

FOR FURTHER INFORMATION CONTACT: James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 15 CFR part 325 [50 FR 1804, January 11, 1985].

The certificate of review previously issued to each of the applicants for this amendment contains the following disclaimer:

This certificate does not apply to sales to the United States Government or to any sale more than half the cost of which is borne by the United States Government.

On January 11, 1985, the Department of Commerce and the Department of Justice issued a second edition of "Guidelines for the Issuance of Export Trade Certificates of Review," 50 FR 1786, Section V. (D.) of the revised Guidelines sets out the agencies' views on the applicability of a certificate of review to export sales involving the U.S. Government. Under the revised Guidelines, certificates may be issued with the following, less restrictive disclaimer:

The application of this certificate to conduct in export trade where the

United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

The following certificate holders have applied for an amendment to their certificate of review to replace the old disclaimer language with the new disclaimer language that the agencies have agreed is appropriate:

International Development Institute, 750
13th Street, S.E. Washington, D.C.
20003, Application #83-00001

U. S. Farm-Raised Fish Trading
Company, Inc., 550 High Street, P.O.
Box 34, Jackson, Mississippi 39205,
Application #83-00004

Intex International Trading Company,
199 South Beach Avenue, P.O. Box
288, Old Greenwich, Connecticut
06870, Application #83-00008

International Trailer Sales, Inc., 17000
Kentucky Road, Independence,
Missouri 64050, Application #83-
00009

Trade Development Corporation of
Chicago, 2049 Century Park East, Suite
416, Los Angeles, California 90067,
Application #83-00012

U. S. Export & Trading Company, P. O.
Box 1698, Carlsbad, California 92008,
Application #83-00024

SOR, Inc., P.O. Box 591,
Olathe, Kansas 66061, Application #83-
00027

Micro Products Company, 20 North
Wacker Drive, Chicago, Illinois 60606,
Application #83-00034

VESTRAC, Ltd., 600 World Trade
Center, Norfolk, Virginia 23510,
Application #83-00036

Farmers' Rice Cooperative, P.O. Box 696,
West Sacramento, California 95691,
Application #84-00005

Fleetwood International, Inc., 88 Pine
Street, New York, New York 10005,
Application #84-00006

United Export Trading Company, Inc.,
1605 W. Olympic Boulevard, Suite 900,
Los Angeles, California 90015,
Application #84-00008

Opti-Copy, Inc., 10930 Lackman Road,
Lenexa, Kansas 66219, Application
#84-00009

Equinomics, Inc. International Trade
Mart Building, Suite 2317, New
Orleans, Louisiana 70130, Application
#84-00013

The Aries Group, Ltd., 1745 Jefferson
Davis Highway, Suite 404, Arlington,
Virginia 22202, Application #84-00014

AEON International Corporation, 360
Seventh Avenue, Marion, Iowa 52302,
Application #84-00015

Carolina Western, Inc., P.O. Box 2524,
Rutledge Lake Road, Greenville, South
Carolina 29602, Application #84-00016

Alco World Trade, Inc., 8181 NW 36th
Street, Suite 4, Miami, Florida 33166,
Application #84-00018

Great Agassiz Basin Export Trading
Company, 112 North University Drive,
Suite 385, Fargo, North Dakota 58102,
Application #84-00022

Gerhardt's Inc., 819 Central Avenue,
P.O. Box 10161, Jefferson, Louisiana
70181, Application #84-00024

N.B. Carson & Company, Inc., 4636
Broadway, Cleveland, Ohio 44127,
Application #84-00027

Bariston, Inc., 223 Derby Street, Salem,
Massachusetts 01970, Application
#84-00028

Each applicant listed above has requested and will receive expedited review pursuant to 15 CFR 325.8.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.8(a) which requires the Secretary of Commerce to publish in the *Federal Register* a summary of applications submitted under the Act.

Dated: July 18, 1985.

James V. Lacy,

Director, Office of Export Trading Company
Affairs.

[FR Doc. 85-17479 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-DR-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85-127. Applicant: Richard L. Roudebush, VA Medical Center, Indianapolis, IN 46202. Instrument: Electron Microscope, Model H-300 with Accessories. Manufacturer: Hitachi, Ltd., Japan. Intended Use: See notice at 50 FR 15596. Instrument ordered: September 11, 1984.

Docket No. 85-134. Applicant: Fred Hutchinson, Cancer Research Center, Seattle, WA 98104.

Instrument: Electron Microscope, Model JEM-100SX with Water Recirculator. Manufacturer: JEOL, Ltd., Japan. Intended Use: See notice at 50 FR 18898. Instrument Ordered: January 8, 1985.

Docket No. 85-135. Applicant: Montana State University, Bozeman, MT 59717. Instrument: Electron Microscope, Model EM 10 CA with Accessories. Manufacturer: Carl Zeiss Inc., West Germany. Intended Use: See notice at 50 FR 15597. Instrument ordered: January 25, 1985.

Docket No. 85-139. Applicant: Dwight David Eisenhower Army Medical Center, Fort Gordon, GA 30905-5650. Instrument: Electron Microscope, Model JEM-100CXII with Accessories. Manufacturer: JEOL Co., Ltd., Japan. Intended use: See notice at 50 FR 18898. Application Received by Commissioner of Customs: March 22, 1985.

Docket No. 85-147. Applicant: University of Illinois at Chicago, Chicago, IL 60612. Instrument Electron Microscope, Model H-600-2 with Accessories. Manufacturer: Hitachi, Japan. Intended use: See notice at 50 FR 19430. Instrument ordered: August 1, 1984.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or of any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-17476 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-05

Short Supply Determination on Open Coil Annealed Rimmed Steel and Aluminum-Killed Cold-Rolled Steel Sheet; Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products with

respect to open coil annealed rimmed steel and aluminum-killed cold-rolled steel sheet used in the manufacture of aperture masks for television screens.

DATE: Comments must be submitted no later than ten days from publication of this notice.

ADDRESS: Send all comments to Joseph A. Spetrini, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230, Room 3709, [202] 377-1102.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the U.S.-Japan Arrangement Concerning Trade in Certain Steel Products provides that if the U.S. "... determines that because of abnormal supply or demand factors, the United States steel industry will be unable to meet demand in the United States of America for a particular category or sub-category (including substantial objective evidence such as allocation, extended delivery periods or other relevant factors), an additional tonnage shall be allowed for such category or sub-category . . ."

We received a short supply request for the following products:

(1) Aluminum-killed cold-rolled sheet, in coils, conforming to AISI standard C 1001. The dimensions of the steel in question are: a) 24.0 inches in width by 0.0068 inch in thickness; b) 19.0 inches in width by 0.006 inch in thickness; and c) 19.0 inches in width by 0.0068 inch in thickness. Weight per coil may range from 3,300 to 6,600 pounds.

(2) Open coil annealed rimmed steel, conforming to AISI standard C 1001. The dimensions of the steel in question are: a) 19 inches in width by 0.006 inch in thickness; and b) 24.5 inches in width by 0.006 inch in thickness. Weight per coil may range from 3,300 to 6,600 pounds. These products are used in the manufacture of aperture masks for television screens.

Commerce already has requested comments and sent out detailed questionnaires regarding aluminum-killed cold-rolled sheet meeting similar dimensional requirements pertinent to a request under the U.S.-European Communities (EC) steel trade arrangement. (See Federal Register notice, May 20, 1985, page 20822.) It is presumed that comments received under the May 20, 1985 Federal Register notice relating to aluminum-killed cold-rolled

sheet from the EC also apply to aluminum-killed cold-rolled sheet requested from Japan as described in (1) above. If this is not the case, interested parties should submit supplementary comments under this notice as soon as possible and no later than ten days from publication of this notice.

Parties interested in commenting on open coil annealed rimmed steel as described in 2) above should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly so label the business proprietary portion of the submission and also include with it a submission without proprietary information which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

C. Christopher Parlin,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-17475 Filed 7-22-85; 8:45 am]

BILLING CODE 3510-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Explosives Safety Board

ACTION: Notice.

SUMMARY: Pursuant to Title 10 U.S.C., Article 172, the Department of Defense Explosives Safety Board announces its decision to change the distance allowed from selected explosives facilities to inhabited buildings in sparsely populated areas. The current Ammunition and Explosives Safety Standard (DoD 6055.9-STD)¹ requires a separation of at least 1,250 feet between any inhabited building and an explosives facility containing from 101 to 30,000 pounds of mass detonating explosives. As the quantity of these explosives increases above 30,000 pounds, the required separation distance increase. The change will require a minimum distance of 900 feet from an explosives facility, containing from 101

¹ Copies may be obtained, if needed, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

to 11,400 pounds of mass detonating explosives, to an inhabited building in a sparsely populated area. A sparsely populated area is defined as one having no more than 25 persons in an area bounded by the sides of a 45 degree angle, with the vertex at the potential exposure site (PES), and the 900 and 1,250 foot arcs from that PES. There is no change to the minimum distance requirements to populous locations. The current regulation unduly restricts the use of storage facilities for small quantities of ammunition where the hazard is small as a result of the low density of population exposed to the PES, and differs from NATO explosives safety principles which acknowledge the low risk. This change will: Take into consideration storage of relatively small amounts of explosives in sparsely populated areas, more closely align U.S. and NATO explosives safety principles, reduce the cost of storing limited amounts of ammunition, and permit establishment of certain explosives facilities in locations that are not currently usable as storage sites.

DATE: August 7, 1985.

FOR FURTHER INFORMATION CONTACT:

The Department of Defense Explosives Safety Board, 2461 Eisenhower Avenue, Alexandria, VA 22331-0600, telephone (202) 325-8624.

Patricia H. Means,

*OSD Federal Register Liaison Officer,
Department of Defense.*

July 18, 1985.

[FR Doc. 85-17425 Filed 7-22-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Scientific Advisory Committee; Cancellation of Close Meeting

AGENCY: Defense Intelligence Agency Scientific Advisory Committee.

ACTION: Notice of Cancellation of Closed Meeting.

SUMMARY: Notice is hereby given that the closed meeting of the DIA Scientific Advisory Committee Microelectronics and Computers Panel, scheduled for July 16, 1985, that was announced in the *Federal Register* on Thursday, May 16, 1985 (Vol 50, FR 20477) has been cancelled.

FOR FURTHER INFORMATION CONTACT:
Lt. Col. Harold E. Linton, USAF,
Executive Secretary, DIA Scientific

Advisory Committee, Washington, DC 20301 (202/373-4930).

Patricia H. Means,

*OSD Federal Register Liaison Officer,
Department of Defense.*

July 18, 1985.

[FR Doc. 85-17407 Filed 7-22-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Invitation To Participate and Closing Date for Participation in Pell Grant Electronic Pilot

AGENCY: Department of Education.

ACTION: Notice of invitation to participate in the Pell Grant Electronic Pilot and notice of closing date for submission of requests to participate.

SUMMARY: The Secretary invites postsecondary institutions participating in the Pell Grant Program and those financial aid services that process Pell Grant awards for such institutions to participate in the Pell Grant Electronic Pilot. To participate in the Electronic Pilot, an institution or financial aid service must have computer and communications equipment which will be compatible with the Electronic Pilot network and be capable of developing the software necessary to receive, process, and transmit data in formats that will be used by the Department.

Closing Date for Requests to Participate: An institution or financial aid service wishing to participate in the Electronic Pilot must submit a request to the Secretary, with a listing of the computer equipment currently owned or leased by the institution or financial aid service that would be available for use with the Electronic Pilot data exchange network, on or before August 22, 1985.

Documents Delivered by Mail: Requests should be addressed to Bill Bush or Jerry Hicks, Room 4624, ROB-3, Office of Student Financial Assistance, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. These documents must be received on or before August 22, 1985.

Documents Delivered by Hand: Requests may be delivered by hand to Bill Bush or Jerry Hicks, Room 4624, ROB-3 [7th and D Streets, S.W.], Washington, D.C. 20202. The Division of System Design and Development will accept these hand-delivered documents between 8:00 a.m. and 4:30 p.m. daily (Washington, D.C. time), except

Saturdays, Sundays, and Federal holidays.

Requests will not be accepted after 4:30 p.m., August 22, 1985.

Program Information: In order to receive a Pell Grant award, a student must submit a valid Student Aid Report to the institution. The Student Aid Report is generated by the Federal application processing system based on information that the student reported on his or her financial aid application. The Student Aid Report contains the family contribution figure (Student Aid Index) used to make the Pell Grant award, as well as the household and financial information for the student's family that was used to calculate that figure.

Frequently the information on the initial Student Aid Report must be corrected by the student, either because of a keypunch error, or because the information reported on the application was inaccurate. The Pell Grant Electronic Pilot Project is a project under which Pell Grant applicants can correct or verify information contained on their Student Aid Reports through computer facilities at those institutions or financial aid services that participate in the project. In contrast, students attending institutions that do not participate in the project and do not contract with a financial aid service that participates in the project must make the corrections directly on their Student Aid Reports and mail the Reports back to the Secretary. Participation in this project by institutions and financial aid services is strictly voluntary.

FOR FURTHER INFORMATION CONTACT: Bill Bush or Jerry Hicks, telephone (202) 245-8012.

(Catalog of Federal Domestic Assistance No. 84.063, Pell (Basic) Grant Program)

Dated: July 18, 1985.

C. Ronald Kimberling,

*Acting Assistant Secretary, Office of
Postsecondary Education.*

[FR Doc. 85-17478 Filed 7-22-85; 8:45 am]

BILLING CODE 4000-01-M

Guaranteed Student Loan Program and Plus Program; Special Allowance for Quarter Ending June 30, 1985

AGENCY: Department of Education.

ACTION: Notice of Special Allowance for Quarter Ending June 30, 1985.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the

PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087-1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087-1(b)(2)(B), for the quarter ending June 30, 1985, the special allowance will be paid at the following rates:

[In percentage]			
	Applicable interest rate	Annual special allowance rate	Special allowance rate percent for quarter ending June 30, 1985
GSLP loans or PLUS loans made prior to Oct. 1, 1981	7	4.375	1.09375
	9	2.375	0.59375
GSLP loans or PLUS loans made on or after Oct. 1, 1981	7	4.28	1.07
	8	3.28	0.82
	9	2.28	0.57
	12	0.00	0.00
	14	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies;

(b) *Step 2.*

Subtract from that average the applicable interest rate (7, 8, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder; and

(2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT:

Nancy Eakin, Program Specialist, or Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245-2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: July 18, 1985.

C. Ronald Kimberling,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 85-17482 Filed 7-22-85; 8:45 am]

BILLING CODE 4000-31-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Switzerland; Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and 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 arrangements to be carried out under the above mentioned agreements involve U.S. approval of:

a. The transfer of 120 kilograms of plutonium from the COGEMA reprocessing plant in Cap-La-Hague, France, to the ALKEM fabrication plant in the Federal Republic of Germany and then to Switzerland for use in the Beznau I and II power reactors. This subsequent arrangement is designated as RTD/SD(EU)-44.

b. The transfer of 80 kilograms of plutonium from the COGEMA reprocessing plant in Cap-La-Hague, France, to the ALKEM fabrication plant in the Federal Republic of Germany and then to Switzerland for use in the PROTEUS research reactor. This subsequent arrangement is designated as RTD/SD(EU)-45.

These subsequent arrangements will take effect no sooner than fifteen (15) days after the date of publication of this notice, and after fifteen (15) days of continuous session of the Congress, beginning the day after the date on which the reports required by section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), are submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House. The two time periods referred to above shall run concurrently.

Dated: July 16, 1985.

For the Department of Energy.

Joseph F. Salgado,

Under Secretary.

[FR Doc. 85-17428 Filed 7-22-85; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective August 1, 1985. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, SW., Room BE-034, Washington, DC 20585, Telephone: (202) 252-6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on April 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in section III.

State	Dollars per million Btu's
Alabama	3.31
Arizona	3.44
Arkansas	3.37
California	3.34
Colorado	3.40
Connecticut	3.53
Delaware	3.63

State	Dollars per million Btu's
Florida	3.37
Georgia ¹	3.49
Idaho ²	3.43
Illinois ¹	3.58
Indiana	3.52
Iowa ¹	3.44
Kansas ¹	3.44
Kentucky ¹	3.58
Louisiana	3.23
Maine	3.53
Maryland	3.54
Massachusetts	3.51
Michigan ¹	3.58
Minnesota	3.39
Mississippi ¹	3.49
Missouri ¹	3.44
Montana ¹	3.43
Nebraska ¹	3.44
Nevada ¹	3.44
New Hampshire	3.52
New Jersey	3.50
New Mexico ¹	3.37
New York ¹	3.63
North Carolina ¹	3.49
North Dakota ¹	3.44
Ohio	3.43
Oklahoma ¹	3.37
Oregon ¹	3.44
Pennsylvania	3.62
Rhode Island ¹	3.53
South Carolina	3.48
South Dakota ¹	3.44
Tennessee ¹	3.49
Texas	3.24
Utah ¹	3.43
Vermont ¹	3.53
Virginia	3.49
Washington ¹	3.44
West Virginia ¹	3.58
Wisconsin ¹	3.58
Wyoming ¹	3.43

¹ Region based price as required by FERC Interim Rule, issued on April 2, 1981, in Docket No. RM-79-21.
² Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during May 1985 was \$31.23 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective August 1, 1985, is \$7.00 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by

Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of March 1985, April 1985, and May 1985.¹ All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective August 1, 1985, (shown in section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, March 1985, April 1985, and May 1985. Reported prices for sales in March 1985 were adjusted by the percent change in the nationwide volume-weighted average price from March 1985 to May 1985. Prices for April 1985 were similarly adjusted by the percent change in the nationwide volume-weighted average price from April 1985 to May 1985. The volume-weighted 3-month average of the adjusted March 1985 and April 1985, and the reported May 1985 prices were then computed for each State.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form an adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the

¹ Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of March 1985, April 1985, and May 1985. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a

national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending July 15, 1985, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of May 1985. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	Region B
Connecticut	Delaware
Maine	Maryland
Massachusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	Region D
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	Region F
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Issued in Washington, DC, July 18, 1985.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 85-17537 Filed 7-19-85; 11:34 am]

BILLING CODE 6450-01-M

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: In an effort to improve the efficiency of its information resource management program, the Energy Information Administration (EIA) is in the process of consolidating most of its approved information collections (forms) into program packages, primarily by fuel type.

Following this Notice is a list containing the names of the program packages submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Included in the list are the names of each package, the requested expiration dates, and the individual forms contained in each package. For each form in a package, the following items are shown: (1) The EIA collection number and title, (2) the current OMB control number, and (3) the current OMB approval expiration date. Once approved by OMB, the collections in each package will have the same expiration date.

Region H

Arizona
California
Nevada
Oregon
Washington

Prior to the expiration date of each of these consolidated program packages, EIA will continue its practice of publishing requests for comments in the **Federal Register**, allowing the public ample time to comment on proposed extensions or modifications to EIA data collections. For example, a **Federal Register** notice soliciting comments on proposed changes to the collections included in the Petroleum Supply Reporting System was published April 3, 1985 (50 FR 13275). (Similar **Federal Register** notices for the Coal Program and the Oil and Gas Reserves program are currently being prepared and will be published in the near future.)

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Data Collection Services Division (DCSD), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-2308
Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION: Copies of supporting documents sent to OMB may be obtained from Mr. Gross. Comments and questions about this request should be directed to Mr. Broussalian of OMB at the address shown above.

If you anticipate commenting on these submissions, but find that time to prepare these comments will prevent you doing so promptly, please advise Mr. Broussalian of your intent as early as possible.

Issued in Washington, DC., July 17, 1985.
Yvonne M. Bishop,
Director, Statistical Standards.

DOE No.	Title	OMB control No.	Expiration date	CFR citation
Petroleum Supply Program Package				
EIA-800	Weekly Refinery Report	19050069	01/31/86	
EIA-801	Weekly Bulk Terminal Stocks Report	19050070	01/31/86	
EIA-802	Weekly Product Pipeline Report	19050071	01/31/86	
EIA-803	Weekly Crude Oil Stocks Report	19050073	01/31/86	
EIA-804	Weekly Imports Report	19050072	01/31/86	
EIA-805 ¹	Weekly Shipments from Puerto Rico to the United States Report			
EIA-806 ²	Weekly Crude Watch Report	19050132	08/31/85	
EIA-810	Monthly Refinery Report	19050027	01/31/86	
EIA-811	Monthly Bulk Terminal Report	19050028	01/31/86	
EIA-812	Monthly Product Pipeline Report	19050029	01/31/86	
EIA-813	Monthly Crude Oil Report	19050030	01/31/86	
EIA-814	Monthly Imports Report	19050151	01/31/86	
EIA-815 ¹	Monthly Shipments from Puerto Rico to the United States Report			
EIA-816	Monthly Natural Gas Liquids Report	19050109	01/31/86	
EIA-817	Monthly Tanker and Barge Movement Report	19050010	01/31/86	
EIA-818 ²	International Energy Agency Imports/Stocks-at-Sea Report	19050067	09/30/85	
EIA-820	Annual Refinery Report	19050087	01/31/86	
EIA-825	Petroleum Facility Operator Identification Survey	19050121	07/31/85	
Coal Program Package				
EIA-1	Weekly Coal Monitoring Report—General Industries (Standby Form)	19050112	11/30/85	

DOE No	Title	OMB control No.	Expiration date	CFR citation
EIA-3	Quarterly Coal Consumption Report—Manufacturing Plants	19050115	12/31/85	
EIA-4	Weekly Coal Monitoring Report—Coke Plants (Standby Form)	19050113	11/30/85	
EIA-5	Coke Plant Report—Quarterly	19050003	12/31/85	
EIA-5A	Coke Plant Report—Annual Supplement	19050013	01/31/86	
EIA-6	Coal Distribution Report	19050005	03/31/86	
EIA-7A	Coal Production Report	19050004	08/31/86	
EIA-7A(SUPP)	Coal Production Report (Supplement)	19050150	09/30/86	
EIA-20	Weekly Coal Monitoring Report of Coal-Burning Electric Utilities (Standby Form)	19050114	11/30/85	
EIA-97	Boiler Order Report	19050123	12/31/86	
Natural Gas Program Package				
EIA-176	Annual Report on Natural Gas and Supplemental Gas Supply and Disposition	19050147	03/31/86	
EIA-191	Underground Natural Gas Storage Report	19050026	09/30/86	
EIA-627	Annual Quantity and Value of Natural Gas Report	19050122	03/31/86	
EIA-857	DOE Monthly Report on Natural Gas Purchases and Deliveries to Consumers	19050157	09/30/87	
End Use Program Package				
EIA-141	National Survey of Fuel Purchases for Vehicles—Purchase Log and Supplementary Questionnaire	19050068	01/31/86	
EIA-429	National Survey of Fuel Purchases for Vehicles—Background Questionnaire	19050065	01/31/86	
EIA-457A	Residential Energy Consumption Survey—Housing Unit Record Sheet	19050092	08/31/86	
EIA-457B	Residential Energy Consumption Survey—Household Questionnaire	19050092	08/31/86	
EIA-475C	Residential Energy Consumption Survey—Rental Agents	19050092	08/31/86	
EIA-457D	Residential Energy Consumption Survey—Quarterly Survey of Fuel Oil Households	19050092	08/31/86	
EIA-457E	Residential Energy Consumption Survey—Electric Utilities	19050092	09/31/86	
EIA-457F	Residential Energy Consumption Survey—Natural Gas Suppliers	19050092	08/31/86	
EIA-457G	Residential Energy Consumption Survey—Fuel Oil Supplier Form	19050092	08/31/86	
EIA-457H	Residential Energy Consumption Survey—Liquid Petroleum Gas Suppliers	19050092	08/31/86	
EIA-789C	Nonresidential Building Energy Consumption Survey—Energy Supplier Forms	19050145	04/30/85	
Electric Power Program Package				
EIA-101	Monthly Residential, Commercial, and Industrial Electric Bill Data for the United States Bureau of Labor Statistics—Price Indexes	19050129	09/30/87	
EIA-213	Typical Net Monthly Bills	19050045	11/30/86	
EIA-412	Annual Report of Public Electric Utilities	19050136	07/31/85	
EIA-714	Annual Electric Power System Report	19050140	12/31/87	
EIA-759	Monthly Power Plant Report	19050130	02/28/86	
EIA-826	Electric Utility Company Monthly Statement	19050144	09/31/87	
EIA-860	Annual Electric Generator Report	19050158	12/31/87	
EIA-861	Annual Electric Utility Report	19050159	12/31/87	
Petroleum Marketing Program Package				
EIA-14	Refiners' Monthly Cost Report	19050125	04/30/86	
EIA-782A	Monthly Petroleum Product Sales Report	19050141	08/31/85	
EIA-782B	Reseller-Retailer's Monthly Petroleum Product Sales Report	19050139	12/31/86	
EIA-782C	Monthly Report of Petroleum Products Sold into States for Consumption	19050140	08/31/85	
EIA-821	Annual Fuel Oil and Kerosene Sales Report	19050018	09/30/86	
EIA-856	Monthly Foreign Crude Oil Acquisition Report	19050156	03/31/87	

¹ Completed by less than 10 respondents and therefore does not require OMB approval.

² Formerly the EIA-739, Weekly Crude Watch Report.

³ Formerly the EIA-142, International Energy Agency Imports/Stocks-at-Sea Report.

[FR Doc. 85-17429 Filed 7-22-85; 8:45 am]

BILLING CODE 6450-01-M

Coal Program Data Collection Forms; Solicitation of Comments

AGENCY: Energy Information Administration, DOE.

ACTION: Solicitation of comments.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy solicits comments concerning the coal program data collection forms and the extension of the Office of Management and Budget approval of these forms for 3 years. [See Section II, "Current Action," for a list of these forms and proposed minor modifications to these collections.]

DATES: Written comments must be received within 30 days of the publication of this notice.

ADDRESS: Send comments to Harriet M. Tarver, at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the proposed forms and instructions, contact: Harriet M. Tarver, Coal Division, Energy Information Administration, EI-521, Department of Energy, Mail Stop 2F-021, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-9723.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Current Actions
- III. Comment Procedure

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. 93-275), and the Department of Energy (DOE) Organization Act (Pub. L. 95-91), the Energy Information Administration (EIA) is obliged to publish, and

otherwise make available to the public, high-quality statistical data that reflect national and regional coal activity as accurately as possible. To meet this responsibility, as well as internal DOE requirements that are dependent on accurate data, the EIA conducts statistical surveys that encompass each significant coal activity in the U.S.

II. Current Actions

In keeping with DOE's mandated responsibilities, the EIA proposes a 3 year extension of the following coal program data collection forms:

EIA-1, Weekly Coal Monitoring Report—General Industries and Blast Furnaces (Standby form)—to be implemented only in case of a supply disruption.

EIA-3, Quarterly Coal Consumption Report—Manufacturing Plants.

EIA-4, Weekly Coal Monitoring Report—Coke Plants (Standby form)—to

be implemented only in case of a supply disruption.

EIA-5, Coke Plant Report—Quarterly.
EIA-5A, Coke Plant Report—Annual Supplement.

EIA-6, Coal Distribution Report (Quarterly).

EIA-7A, Coal Production Report (Annual).

EIA-7A, (Supplement), Coal Production Report (Supplement) (Biennial).

EIA-20, Weekly Telephone Survey of Coal Burning Utilities (Standby form)—to be implemented only in case of a supply disruption.

EIA-97, Boiler Order Report (Quarterly).

The EIA proposes a change to Form EIA-7A to add the requirement that mines producing less than 10,000 short tons during the year report their total production for the year in Section II C.8. column (1). Currently, these mines check a box to indicate that they produce less than 10,000 tons. Other than this one additional data element, these mines will not have to provide any data beyond their previous reporting requirements. This will allow EIA to identify total production by all mines directly from Form EIA-7A.

Also, EIA proposes to change its policy for releasing selected coal data as follows:

The data elements on Forms EIA-7A and EIA-7A (Supplement) identified below will not be treated as confidential by EIA in the future. These data elements are considered readily available and in the public domain.

Form EIA-7A Non-confidential Data Elements:

- a. Total production quantity.
 - b. Coal beds mined.
- Form EIA-7A (Supplement) Non-confidential Data Elements:
- a. Total shipments quantity.
 - b. Coal shipments by method of transportation.
 - c. For rail shipments—name of railroad and total quantity shipped by rail and quantity shipped by unit train.
 - d. For water shipments—name of waterway, name of barge company, and quantity shipped.
 - e. Quantity of coal prepared by method and by type of equipment used.
 - f. Indication of consumer categories receiving coal shipments (but quantity, quality, and price data will be treated as confidential information).

The following information is provided as a restatement of EIA's current disclosure policy:

1. The responding company's name and address, the mine or plant type (i.e. underground, surface, preparation plant, SIC code) and location (state, county,

and/or coal-producing district) will be released upon request in the form of a full or partial list of respondents for each of the EIA coal data collection surveys. This policy is based on the fact that these data are publicly available from other sources and therefore not considered to be confidential.

2. The information contained on Forms EIA-1, 3, 4, 5, 5A, 6, 7A, 7A (Supplement) and 97, other than that described above, will be kept confidential to the extent that it satisfies the criteria set forth in the Freedom of Information Act (FOIA) exemption for trade secrets and confidential commercial information and DOE regulations implementing the FOIA, and is prohibited from public release by the Trade Secrets Act, 18 U.S.C. § 1905.

Upon receipt of a request for disclosure of this information under the FOIA, the DOE shall, in accordance with procedures and criteria provided in 10 CFR 1004.11, make a final determination whether the information is exempt from disclosure. To assist us in this determination, respondents should demonstrate to the DOE that their information constitutes trade secrets or commercial or financial information whose release would be likely to cause substantial harm to their company's competitive position. A letter accompanying the submission that explains (on an element-by-element basis, if possible) the reasons why the information would be likely to cause the respondent substantial competitive harm if released to the public would aid in this determination.

Requests from other Federal agencies for information from these forms shall be evaluated in accordance with the DOE Policy on the Disclosure of Individually Identifiable Energy Information in the Possession of the EIA [45 FR 59812 (1980)]. Information concerning coal supplies (stocks) from Forms EIA-1, 3, 4, 5, 6, and 7A are subject to disclosure to state agencies under certain limited conditions and provided that the state agrees to maintain the confidential nature of the data.

Except as otherwise provided by law, the information will also be made available in response to an order of a Court of competent jurisdiction, or upon written request, to the Congress, any committee of Congress, the General Accounting Office, or other congressional agencies authorized by law to receive such information.

3. All data on Form EIA-20 will continue to be treated as non-confidential because this form collects data from coal-fired electric power plants and all electric utility survey data

are considered to be in the public domain.

III. Comment Procedure

Written Comments

The EIA invites the public to comment on these proposed changes and provides the following guidelines to assist in preparation of responses.

If you are a data provider:

1. How many hours, including time for research, computation, preparation, and administrative review, will it take your firm to complete and submit each form relevant to your firm?

2. How many hours will your firm require in subsequent years of reporting?

3. Estimate the cost to respond to the forms, including direct and indirect costs associated with the data collection. Direct costs should include all one-time and recurring costs, such as development, assembly, equipment, ADP, and other administrative costs.

4. Are there any changes to any of the forms that you would recommend?

5. Do you know of other sources of similar information? If yes, please identify these sources.

If you are a data user:

1. Do you use data at the levels of aggregation that are available using the forms? (i.e., do the products, frequency, market categories, and geography reflect your needs?)

2. Are there alternative sources of data? Do you now use them? What are their deficiencies?

3. How could the forms be improved to better meet your specific data needs?

Comments or summaries of comments will be included in EIA's submission to the Office of Management and Budget and will become a matter of public record.

EIA is also interested in receiving comments concerning the need to continue the collection of the data required on these forms.

Issued in Washington DC, on July 19, 1985.

Yvonne M. Bishop,

Director, Statistical Standards Energy Information Administration.

[FR Doc. 85-17466 Filed 7-22-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

St. James Resources Corp. and Kingston Oil Supply: Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of \$228,335.71 and \$546.00 obtained as a result of Consent Orders that the DOE entered into with St. James Resources Corporation and Kingston Oil Supply, both reseller-retailers of petroleum products. St. James is located in Boston, Massachusetts; Kingston Oil Supply is in Port Ewen, New York.

DATE AND ADDRESS: Applications for refund of a portion of the St. James or Kingston consent order funds must be received within 90 days of publication of this notice in the *Federal Register*. All applications should refer to Case Number HEF-0100 or HEF-0109 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Walter Marullo, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6802.

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 Decision and Order set out below. The decision relates to two consent orders entered into by St. James Resources Corporation (St. James) and Kingston Oil Supply (Kingston). The St. James consent order settled possible pricing violations in the firm's sale of No. 2 heating oil to customers during the period May 1, 1974 through June 30, 1976; the Kingston consent order settled alleged pricing violations in the firm's sale of No. 4 residual fuel oil to its customers during the period of November 1, 1973 through December 31, 1974. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the St. James and Kingston, consent order funds was issued on May 16, 1985, 50 FR 23505 (June 4, 1985).

Today's Decision sets forth final procedures and standards that the DOE has formulated to distribute the contents of two escrow accounts funded by St. James and Kingston pursuant to the respective consent orders. In the case of St. James, the DOE has decided that the consent order funds should be distributed in two stages. In the first stage, OHA finds that a portion of the consent order fund should be distributed to 78 first purchasers after each has filed an application for refund. In the event that money remains in the St. James

escrow account after all first-stage claims have been disposed of, the DOE will determine an alternative plan for distributing these funds. The DOE has also determined that the \$546 in the Kingston consent order fund should be distributed to one purchaser after he has filed an application for refund. The purchasers in these cases were identified by DOE audits and were allotted funds based on presumptions of injury which the DOE has utilized in past proceedings. In both cases, however, applications for refund will also be accepted from purchasers not identified by the DOE audits.

As the Decision and Order published with this Notice indicates, applications for refunds may now be filed by customers who purchased petroleum products from St. James or Kingston during the respective audit periods. Applications will be accepted provided they are received no later than 90 days after publication of this Decision and Order in the *Federal Register*. The specific information required in an application for refund is set forth in the Decision and Order.

Dated: July 11, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.
July 11, 1985.

Decision and Order of the Department of Energy

Special Refund Procedures

Names of Firms: St. James Resources Corporation and Kingston Oil Supply.

Date of Filing: October 13, 1983.

Case Numbers: HEF-0100 and HEF-0109.

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, on October 13, 1983, the Economic Regulatory Administration (ERA) filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA). The petition requests that the OHA formulate and implement procedures for the distribution of funds received in connection with consent order that ERA entered into with St. James Resources Corporation (St. James) and Kingston Oil Supply (Kingston).

I. Background

Each of these firms is a "reseller" of "covered products" as those terms were defined in 10 CFR 212.31. St. James's main office is in Boston, Massachusetts; Kingston is located in Port Ewen, New York. A DOE audit of each firm's records revealed possible violations of the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart F.

Subsequently each firm entered into a consent order with DOE. Each consent order refers to ERA's allegations of overcharges, but notes that no findings of violation were made. Each consent order also states that the subject firm does not admit that it committed any such violations. A brief discussion of other pertinent matters covered by each consent order follows.

The St. James consent order covers the period May 1, 1974 through June 30, 1976. The DOE audit alleges that during that period, the firm committed possible pricing violations amounting to \$228,335.71 with respect to its sales of No. 2 heating oil. In order to settle all claims and disputes between St. James and DOE regarding the firm's sales of No. 2 heating oil during the audit period, St. James and the DOE entered into the consent order on March 20, 1980. According to the St. James consent order, the firm agreed to deposit \$228,335.71, including interest, into an interest-bearing escrow account for ultimate distribution by DOE. The consent order funds were paid in full on March 20, 1980.

In the Kingston case, the DOE audit revealed possible pricing violations with respect to sales of No. 4 residual fuel oil during the November 1, 1973 through December 31, 1974 audit period. In order to settle all claims and disputes between Kingston and DOE regarding these sales, Kingston and the DOE entered into the consent order of August 7, 1981, in which the firm agreed to make refunds amounting to \$78,000 (including interest). Since the audit in this case identified the allegedly overcharged end-user purchasers, Kingston made direct refunds to its customers. One customer, however, could not be located. Therefore, Kingston placed this purchaser's refund of \$546.00 in an interest-bearing escrow account for ultimate distribution by DOE.

On May 16, 1985, a Proposed Decision and Order (PD&O) was issued which set forth a tentative plan for the distribution of the St. James and Kingston consent order funds. 50 FR 23505 (June 4, 1985). The PD&O stated that the basic purpose of a special refund proceeding is to make restitution for injuries which were probably suffered as a result of alleged or actual violations of the DOE regulations. In order to effect restitution in this proceeding, we tentatively determined to rely, in part, on the information contained in the ERA audit files. The PD&O states that this approach is warranted based upon our experience in prior Subpart V cases where all or most of the purchasers of the firm's products are identified in the

audit file, see e.g., *Marion Corp.*, 12 DOE ¶ 85,014 (1984) (*Marion*). Under such circumstances, a more precise determination with respect to the identity of the parties allegedly overcharged in the first instance was possible. At the same time, we recognized that there may have been other purchasers not identified by the ERA audit who may have been injured as a result of St. James's pricing practices during the audit period that would be entitled to a portion of the consent order funds.¹ Therefore, procedures by which such purchasers could establish a refund claim in this proceeding were also proposed.

A copy of the PD&O was published in the *Federal Register* and comments were solicited regarding the proposed refund procedures. In addition, a copy of the PD&O was sent to each purchaser identified in the ERA audit file.² While none of St. James' or Kingston's customers filed comments on the proposed procedures, comments were filed on behalf of the States of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island and West Virginia. These comments, however, discuss the distribution of any residual funds in a subsequent proceeding. The purpose of this Decision and Order is limited to establishing procedures to be used for filing and processing claims in the first stage of the St. James and Kingston refund proceedings. This Decision sets forth the information that a St. James or Kingston customer should submit in an Application for Refund in order to establish eligibility for a portion of the consent order funds. The formulation of procedures for the final disposition of any remaining funds will necessarily depend on the size of the fund. See *Office of Enforcement*, 9 DOE ¶ 82,508 (1981). Therefore, it would be premature for us to address at this time the issues raised by the States' comments concerning the disposition of any funds remaining after all the meritorious first-stage claims have been paid.³

¹ Regarding the Kingston case, we stated that since the funds in the escrow account represented overcharges to a customer who could not be located, we would conclude the first stage in the Kingston proceeding and reserve this customer's refund for distribution in a second stage proceeding. See discussion *infra*.

² Some of the copies of the PD&O which were mailed to the identified purchasers were returned unclaimed. We attempted to contact these purchasers, but we were unable to do so. As a result, copies of this Final Decision and Order cannot be sent to these purchasers. However, each may still submit an application for refund.

³ Furthermore, these comments were not only filed long after the expiration of the comment period, but they also have virtually no bearing on

II. Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by the OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the OHA of fashion procedures to distribute refunds see *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement* 8 DOE ¶ 82,597 (1981).

A. Refunds to Identified Purchasers

In the PD&O we stated that during the St. James audit, seventy-eight first purchasers were identified as having allegedly been overcharged. In the case of the Kingston audit, the alleged overcharges under discussion in this decision were attributable to purchases made by a single firm. We know that the DOE audit files do not necessarily provide conclusive evidence as to the identity of possible refund recipients or the refund that may be appropriate. However, the information contained in the audit files may reasonably be used for guidance. See *Armstrong and Associates/City of San Antonio*, 10 DOE ¶ 85,050 at 88,259 (1983). In *Marion* we stated that "the information contained in the . . . audit file can be used for guidance in fashioning a refund plan which is likely to correspond more closely to the injuries probably experienced than would a distribution plan based solely on a volumetric approach. *Marion* at 88,031. In previous cases of this type, we have proposed that the funds in the escrow account be apportioned either among the customers identified by the audit or to their downstream purchasers. See, e.g., *Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984); *Brown Oil Co.*, 12 DOE ¶ 85,028 (1984). The first purchasers identified by the audit, along with the share of settlement funds

this proceeding. As we have stated previously, we request that states participate only in those cases where they can demonstrate a significant interest and in which they can participate in a meaningful and constructive way. See August 1, 1984 letter to Johanna McCully-Bonner, Assistant Attorney General for Texas, in reference to request to participate in sixty-six proceedings. We note that in this instance there is no apparent connection between the violations alleged in this proceeding and the interests of the above-mentioned states and their citizens. The petroleum products in these cases were sold in New England and the State of New York.

allotted to each by ERA, are listed in Appendices A and B.

Identification of first purchasers is only the initial step in the distribution process. We must also determine whether these first purchasers were actually injured, or whether any part of the alleged overcharges were passed on. As we stated in the PD&O, we will adopt certain presumptions in order to determine a purchaser's level of injury and thereby distribute the escrow accounts in these cases. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

[i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). We will adopt presumptions in this case in order to permit claimants to participate in the refund process without disproportionate expense, and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. Therefore, as in previous special refund procedures, in this case we will adopt a presumption that claimants seeking small refunds were injured by St. James' or Kingston's pricing practices.

There are a variety of reasons for adopting this presumption. See, e.g., *Urban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expense involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure certainly can be time-consuming and expensive. In the case of small claims, the cost to the firm of gathering this factual information, and the cost to OHA of analyzing it, may exceed the expected refund amount. Failure to adopt simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows OHA to process a large number of routine refund claims quickly, and to use its limited resources more

efficiently. Finally, these smaller claimants did purchase covered products from St. James and Kingston and were in the chain of distribution where the alleged overcharges occurred. Therefore, they were affected by the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit, and the OHA to analyze, detailed proof of what happened downstream of that initial impact.

Under the small claim presumption which we will adopt, a claimant who is a reseller or retailer would not be required to submit any additional evidence of injury if its refund claim is based on purchases below a threshold level. Other refund decisions have expressed the threshold either in terms of purchase volumes or dollar amounts. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would more readily facilitate disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. This case merits the same approach. Several factors determine the value of the threshold below which a claimant is not required to submit any further evidence of injury beyond volumes purchased. One of these factors is the concern that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In these cases, where the consent order fund is small, the refund amount is fairly low, and the time period of the consent order is many years past, establishing a threshold of \$5,000 would be reasonable. See *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Office of Special Counsel: In the Matter of Conoco, Inc.*, 11 DOE ¶ 85,226 (1984), and cases cited therein. In the PD&O we stated that after analysis of the information in the record, it appears that 73 of St. James' customers listed in Appendix A and the one Kingston customer listed in Appendix B, made small purchases of the respective firms' products. However, as we also stated, the refunds authorized for five St. James customers are larger than the amount which a firm may be entitled to receive under the small claims presumption we will adopt.

On the basis of the considerations discussed above, we will distribute a portion of the escrow funds to the first purchasers listed in Appendix A who file refund applications, in the amounts specified, plus accrued interest to date. The share of the escrow fund which the listed purchasers in Appendix A may

receive represents 100 percent of the amount each was allegedly overcharged, and is consistent with the terms of the St. James consent order, which settled for 100 percent of the total amount of alleged overcharges identified by the audit. In order to actually receive a refund each customer will still be required to file an application for refund. (See discussion *infra*).

However, since the refunds allotted to five of St. James' reseller customers are larger than \$5,000—and therefore larger than a "small claim"—we will require each of these firms to make a specific demonstration of injury prior to receiving the full refund allotted to it in Appendix A.⁴ As in previous special refund cases, we will ask these firms to show that they did not pass the effects of St. James' alleged regulatory violations through to their own customers. See, e.g., *Office of Enforcement*, 8 DOE ¶ 82,597 (1981). While there are a variety of means by which they could make this showing, these firms should generally demonstrate that at the time they purchased St. James products, market conditions would not permit them to pass the alleged overcharges on to their own customers in the form of higher prices. In addition, the firms must show that they maintained a "bank" of unrecovered costs in order to demonstrate that they did not subsequently recover these costs by increasing their prices. The maintenance of a bank will not, however, automatically establish injury. See *Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.*, 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982).

In addition, we have no other information regarding the identity or location of the last 11 purchasers listed in Appendix A and are unable to distribute refunds to them. However, we will contact St. James and publish notice of this Decision and Order in the *Federal Register* in an effort to reach these purchasers. We will accept information regarding the identity and present locations of these purchasers for a period of 90 days following publication in the *Federal Register* of notice of this final Decision and Order.

In the PD&O we also stated that based on the information available to us, we were unable to distribute the Kingston consent order funds to the purchaser listed in Appendix B. According to our records, this customer,

Rubin's Hotel, was sold, and Mr. David Rubin, the owner at the time of the alleged violation, left no forwarding address.⁵ Since publication of the PD&O, however, Mr. Rubin has contacted this office. Therefore, we will distribute the Kingston escrow funds to Mr. Rubin in the amount specified, plus accrued interest to date, after he has filed an application for refund. (See discussion *infra*.)

B. Refunds to Other Purchasers

As discussed, this Decision concerns the distribution of the entire \$228,335.71 that St. James deposited into the escrow account, plus accrued interest to date. Since the refunds tentatively allotted to identified purchasers total only \$117,023.88, the remaining portion of the St. James consent order funds may be distributed among direct purchasers other than those identified by the ERA audit, and downstream purchasers, who may have been injured by the alleged overcharges. To assist other potential claimants in deciding whether to apply for a refund, we proposed to utilize the small claim presumption discussed above and, in addition, to adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by St. James during the consent order period. OHA has referred to this presumption in the past as a volumetric refund amount. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser could have been greater, and any purchaser is allowed to file a refund application based on a claim that the impact of the alleged overcharge on it was greater than the pro rata amount determined by the volumetric presumption. See, e.g., *Sid Richardson Carbon & Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984), and cases cited therein at 88,164.

Using a volumetric approach in this proceeding means that a portion of the St. James consent order amount would be allocated to each gallon of product which a successful claimant purchased from St. James. The average per gallon refund, or volumetric refund amount, in this proceeding is \$0.005828 per gallon.⁶

⁵ See copy of August 18, 1981 letter which Mr. Arthur P. Motekin, President of Kingston Oil Supply Corp., sent to Mr. Samuel Borenkind, Esq., Counsel for Kingston.

⁶ This per gallon factor is computed by dividing the \$228,335.71 available for distribution under the

⁴ These five firms are: Decker & Simmons; Emerson Coal & Oil Company; Ingle & Son; Atlantic Coal & Oil Company; Avon Coal & Oil, Inc.

Potential applicants that were not identified by the ERA audit of St. James may use this volumetric figure to estimate the refund to which they may be entitled. Previous experience with Subpart V proceedings indicates that to the extent such other purchasers come forward as first-stage refund claimants, they would be either resellers (including retailers) or end-users. As we stated above, in order to qualify for a refund, resellers generally would be required to establish that they absorbed the alleged overcharges. However, those reseller claimants applying for a refund under \$5,000 will not be required to demonstrate injury. See discussion, *supra*.

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers whose businesses are unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. See *Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); see also *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), and cases cited therein. We have concluded that end-users of St. James petroleum products need only document their purchase volumes from St. James to make a sufficient showing that they were injured by the alleged overcharges. As we indicated in the PD&O, if additional meritorious claims are filed, we will adjust the figures listed in the Appendix accordingly. Actual refunds will be determined only after analyzing all appropriate claims.⁷

Finally, as we indicated in the PD&O, we will establish a minimum amount of \$15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than \$15 outweighs the modest benefits of restitution in those

situations. See, e.g., *Urban, supra* at 85,225. See also 10 CFR 205.286(b).

III. Applications for Refund

We have concluded that the procedures described in the PD&O represent the best means available for distributing the St. James and Kingston consent order funds. No comments were received objecting to the refund procedures proposed in the PD&O. Accordingly, for the reasons stated in the PD&O we will implement these proposals. We shall now accept applications for refunds from customers who purchased petroleum products from St. James and Kingston during the audit period. As proposed, the consent order funds will be distributed to the firms that the ERA alleged in its audit were overcharged by St. James or Kingston, provided each files an application, as well as to other eligible customers of St. James who apply for a refund.

In order to receive a refund each claimant will be required to submit with its application, either a schedule of its monthly purchases of petroleum products from St. James or Kingston or a statement verifying that it purchased petroleum products from St. James or Kingston and is willing to rely on the data in the audit file. Claimants must indicate, as well, whether they have previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying these proceedings.

Purchasers not identified by the ERA audit will be required to provide specific information as to the date, place, and volume of product purchased, the name of the firm from which the purchase was made, and the extent of any injury alleged. A purchaser must indicate, as well, how it used the St. James or Kingston product, *i.e.*, whether it was a reseller or ultimate consumer. Each applicant must also state whether there has been a change in ownership of the firm since the audit period, and must provide the names and addresses of any other owners. If there has been a change in ownership, the applicant should either state the reasons why the refund should be paid to the applicant rather than the other owners or provide a signed statement from the other owners indicating that they do not claim a refund.

All applications must be filed in duplicate and must be received within 90 days after publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals. Any applicant

who believes that its application contains confidential information must so indicate and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted. Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." See 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name and telephone number of a person who may be contacted by this Office for additional information concerning the application. All applications should refer to Case Number HEF-0100 (St. James) or HEF-0109 (Kingston) and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585.

It is therefore ordered that:

(1) Applications for refunds from the funds remitted to the Department of Energy by St. James Resources Corporation pursuant to the consent order executed on March 20, 1980, may not be filed.

(2) Applications for refunds from the funds remitted to the Department of Energy by Kingston Oil Company pursuant to the consent order executed on August 7, 1981, may now be filed.

(3) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

(4) This is a final order of the Department of Energy.

Dated: July 11, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX A

First purchasers	Portion of settlement amount ¹
St. James Resources Corporation	
Aggregate, Post Office Box 161, Palmerton, PA 18071	\$753.87
Atlantic Coal & Oil Co., 77 Pilsudski Street, Providence, RI 02908	10,620.57
Avon Coal & Oil, Inc., 175 Main Street, Avon, MA 02322	11,470.78
B&M Fuel Co., Iron Horse Park, North Billanca, MA 01852	201.14
Beaver Coal & Oil Co., 200 Broadway, Norwood, MA 02062	956.43
Bilman, 222 North 2nd Street, Catawissa, PA 17820	145.95
Blackstone Fuel, 112 Magill, Pawtucket, RI 02860	76.50
Boyd Oil, Main Street, Contoocook, NH 03228	163.50
C. J. Thibodeaux & Company, Post Office Box 4560, Houston, TX 77210-4560	510.61
Cleghorn Oil, 25 Pratt Street, Post Office Box 913, Fitchburg, MA 01420	2,555.50
Curtis Oil Company, Inc., 431 Pine Way, East Weymouth, MA 02189	250.27
David B. Simmons, Decker & Simmons, RDT, Box 50, Sussex, NJ 07464	8,434.86

St. James consent order by 39,176,066 gallons, which represents St. James' total sales of all covered products during the consent order period.

⁷Purchasers identified in the ERA audit of St. James as having allegedly been overcharged may also submit information to show that they are entitled to larger refunds than those indicated in Appendix A.

APPENDIX A—Continued

First purchasers	Portion of settlement amount ¹
Dennis K. Burke, Inc., 410 Beacham Street, Chelsea, MA 02150	684.90
Elman Fuel Co., 171 Walnut Street, Hartford, CT 06101	3,951.78
Emerson Coal & Oil Co., 572 East Street, Post Office Box 117, East Weymouth, MA 02169	9,216.95
Fields Oil Heat Service, 5630 Sullivan Trail, Easton, PA 18042	3,140.57
Gibbs Oil Co., 40 Lee Burbank Highway, Revere, MA 02151	2,965.19
Glen Petroleum Corp., Fish Island, North Bedford, MA 01730	600.21
Global Petroleum, 800 South Street, Waltham, MA 02254	2,752.58
Grimes Oil Company, Inc., 165 Norfolk Street, Boston, MA 02124	827.28
Grove Oil Service, 610 Laurel Hill Avenue, Cranston, RI 02920	324.47
Haffner, Parker Fuel, Post Office Box 1822, Shaverstown, PA 15706	4,521.02
Haz Standard, 962 North Laurel Street, Hazleton, PA 16801	112.91
Heller, Main Street, Wapwallopen, PA 16860	241.29
Holliston Oil, 22 Exchange Street, Holliston, MA 01746	32.26
Hopedale Coal & Ice Co., Inc., Hope Street, Hopedale, MA 01747	1,470.42
Ingle & Son, Circuit Street, Hanover, MA 02339	8,590.07
J.R. Williams, 132 Carpenterville Road, Phillipsburg, NJ 08865	184.79
Jay Fuel, 279 Clark Road, Post Office Box 723, Brookline, MA 02147	34.13
Jenny Oil Company, Inc., 6 Vine Street, Middleboro, MA 02346	143.74
Raymond Para, L&A Fuel, 15 Orchard Circle, Lewiston, ME 04240	1,602.25
Lenza Oil Terminals, 205 Lexington, Waltham, MA 02154	61.76
Lincoln, 420 Mountain Avenue, Middlesex, NJ 08848	1,550.70
Manbeck, Post Office Box 57, Schuylkill Haven, PA 17972	290.83
Charles H. Mantz, 65 2nd Street, Slatington, PA 18080	10.79
Frank Savitt, Marvo Oil Co., 18 Myrtle Avenue, Fitchburg, MA 01420	1,940.16
McCoy Coal & Oil, 213 Broad Street, Cumberland, RI 02864	1,429.16
Metropolitan Petroleum, 500 Neponset Avenue, Boston, MA 02122	201.13
George Mizhr & Sons, Post Office Box 36, Winchendon, MA 01475	389.70
Mystic Fuel, Inc., Post Office Box 55, Stoneham, MA 02180, Attn: Carol Romanski	10.83
Needham Oil Company, Inc., 355 Chestnut Street, Needham, MA 02192	556.15
Nightingale, 25 Adams Street, Braintree, MA 02184	3,566.93
Northeast Petroleum Corp., 295 Eastern Avenue, Chelsea, MA 02150	2,788.30
Oil Service Co., 200 Boylston Street, Newton, MA 02167	813.61
Parker Lane Weir Co., 957 Main Street, Winchester, MA 01890	68.35
People's Fuel & Trucking, Inc., 73 City Hall Avenue, Gardner, MA 01440	130.24
Peschel, 66 Belvedere Avenue, Oxford, NJ 07836	18.46
Pelco Coal and Oil, South Windsor Road, South Royalton, VT 05068	126.34
Pioneer Oil, 450 Southbridge Street, Worcester, MA 01610	141.32
Provit Oil Company, Inc., 1199 East Street, Dedham, MA 02026	57.49
Quincy Adams Coal & Oil Co., Inc., 360 Bridge Street, North Weymouth, MA 02191	672.47
Sears Fuel, Mr. Mahlon W. Walker, 17 Grant Street, Plymouth, MA 02360	3,325.74
Sherman Brothers Heating Co., Inc., 1305 Pleasant Street, East Weymouth, MA 02189	94.91
Shupe, 1631 Spring Garden Street, Easton, PA 18042	27.41
Supreme Petroleum, Post Office Box 756, Somerville, NJ 08876	79.58
Terry Oil, 95 Main Street, Hopkinton, MA 01748	1,048.41
Town River Oil Co., 289 Middle Street, East Weymouth, MA 02189	366.38
Trinity Oil, Inc., 133 Leland Street, Framingham, MA 01701	4,074.10

APPENDIX A—Continued

First purchasers	Portion of settlement amount ¹
Union Coal & Oil Co., 743 North Main Street, Leominster, MA 01453	168.44
W.H. Riley & Son, Inc., 448 Broadway, Tauton, MA 02780	894.20
Wakefield Public Works, Wakefield, MA 01880	3,582.85
Walters, Oil, 1000 Bushkill Drive, Easton, PA 18042	3,344.30
Wildcat, 237 Lumberburg Street, Fitchburg, MA 01420	1,793.06
Purchasers with no available address	
Cro's Oil	\$984.67
Cornish	60.94
Energy Collab	1,027.69
F.L.F. Oil Co.	375.66
Frable	1,693.53
Galfredo	514.85
Niles	398.07
R. Petro Products	37.01
R. Hein	89.57
Sentinel Oil	210.12
Shellock	55.88

¹ Does not include interest. Actual refunds will include the interest which has accrued on these amounts since DOE received the St. James consent order funds on March 20, 1980.

APPENDIX B—KINGSTON OIL SUPPLY

First purchaser	Portion of settlement amount
David Rubin, 13964 Horseshoe Trace, West Palm Beach, FL 33414	\$546.00

[FR Doc. 85-17430 Filed 7-22-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2868-9]

California State Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waivers of Federal Preemption; Summary of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Scope of Waiver of Federal Preemption.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to its test procedures for 1985 and subsequent model year diesel-powered passenger cars, light-duty trucks and medium-duty vehicles equipped with periodically regenerating particulate trap oxidizer systems. The amendments were adopted to account for the fluctuating emissions from these trap systems, and thus to yield more representative particulate emissions test results. I find these amendments to be within the scope of previous waivers of Federal preemption

granted to California for its particulate standards and accompanying enforcement procedures. Since these amendments are within the scope of these waivers, a public hearing or comment period to consider them is not necessary. However, if any party asserts an objection to these findings within 30 days of the date of publication of this notice, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that I should reconsider my findings. Otherwise, these findings will become final at the expiration of this 30-day period.

DATES: Any objection to the findings in this notice must be filed within 30 days of the date of this notice; otherwise, at the expiration of this 30-day period these findings will become final. Upon the receipt of any timely objection, EPA will consider scheduling a public hearing in a subsequent Federal Register notice.

ADDRESSES: Any objection to the findings in this notice should be filed with Mr. Donald E. Zinger, Acting Director, Manufacturers Operations Division (EN-340-F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Copies of the California amendments at issue in this notice, a decision document containing an explanation of my determination, and documents used in arriving at this determination, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street, SW., Washington, DC 20460 (Docket EN-85-07). Copies of the decision document can be obtained from EPA's manufacturers Operations Division by contacting Mr. Bergovoy as noted below.

FOR FURTHER INFORMATION CONTACT: Richard Bergovoy, Attorney/Advisor, Manufacturers Operation Division (EN-340-F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-2522.

SUPPLEMENTARY INFORMATION: I have determined that CARB's amendments are within the scope of a waiver of Federal preemption previously granted pursuant to section 209(b) of the Clean Air Act, as amended (Act).¹ Specifically, the amendments supplement certification testing procedures for diesel-powered vehicles in order to make possible more representative

¹ 49 FR 18887 (May 3, 1984).

particulate measurements from cars equipped with periodically regenerating particulate trap oxidizer systems. The new test procedures permit CARB to calculate a correction factor to account for the fact that the emissions test cycle is 11 miles long, but that periodically regenerating trap oxidizers release accumulated particulates once every 40 to 80 miles. The amended procedures require extra emissions tests to measure the vehicle in both the regeneration and non-regeneration modes.

These changes do not affect California's determination that its standards are, in the aggregate, at least as protective as Federal standards, raise no new issues regarding previous EPA waiver decisions, and do not affect the consistency of California's requirements with respect to section 202(a) of the Act. A full explanation of my determination is contained in a decision document, which may be obtained from EPA as noted above.

Since these amendments are included within the scope of previously granted waivers of Federal preemption, a public hearing to consider them is not necessary. The public has not had an opportunity to comment in advance of this determination. Therefore, my determination on these amendments will become final at the expiration of 30 days following publication of this notice, unless an objection is filed and a public hearing is scheduled.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this decision is of nationwide scope and effect. Under section 307(b) of the Act, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication.

This action is not a rule for the purposes of Executive Order 12291, 46 FR 13193 (February 19, 1981). It does not "implement, interpret, or prescribe law or policy." Therefore it is not subject to review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Additionally, a Regulatory Impact Analysis is not being prepared under the executive order for this "within the scope" determination since it is not a rule.

This action also is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA is not required to undergo prior "notice and comment" under section 553(b) of the

Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small entities.

Dated: July 18, 1985.

Charles N. Freed,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 85-17438 Filed 7-22-85; 8:45 am]

BILLING CODE 6560-50-M

[OW-10-FRL-2865-4]

Draft General NPDES Permit for Oil and Gas Operations on the Outer Continental Shelf and in State Waters of Alaska; Cook Inlet/Gulf of Alaska

Correction

In the document beginning on page 28974 in the issue of Wednesday, July 17, 1985, make the following correction:

On page 28985, the file line was omitted and should have appeared as follows:

[FR Doc. 85-16941 Filed 7-16-85; 8:45 am]

BILLING CODE 1505-01-M

[OW-FRL-2868-6]

National Drinking Water Advisory Council; Open Meeting

Under section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held at 8:30 a.m. on August 8, 1985, and at 8:00 a.m. on August 9, 1985, at the EPA Headquarters, Room 3906 Mall Area, 401 M Street, SW., Washington, DC 20460. Council subcommittees will be meeting at EPA Headquarters on August 7, 1985.

The purpose of the meeting is to provide the Council with an update on the development of the Revised Primary Drinking Water Regulations and the Amendments to the Safe Drinking Water Act. Additional agenda items will include a status on the Underground Injection Control Program and the Pesticide Survey.

This meeting will be open to the public. The Council encourages the hearing of public statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to five minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 382-5533. The petition should include the topic of the proposed

statement, the petitioner's telephone number and should be received by the Council before August 2, 1985.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The telephone number is: Area Code 202/382-5533.

Dated: July 12, 1985.

Henry L. Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 85-17411 Filed 7-22-85; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-2868-8]

Science Advisory Board; Environmental Health Committee; Acute Effects Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Acute Effects Subcommittee of the Science Advisory Board will be held on August 15-16, 1985, in Conference Room 3906-3908, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, DC. The meeting will start at 9:00 a.m. on August 15, 1985, and adjourn no later than 4:30 p.m. on August 16, 1985. The purpose of the meeting is to review a draft document, prepared by the Office of Toxic Substances, which describes criteria for listing chemical substances of concern for acute exposures.

For additional information on the draft document, please contact Dr. Edward A. Klein by phone at (202) 382-3790 or by mail to: TSCA Assistance Office (TS-799), 401 M Street, SW., Washington, DC, 20460. The meeting will be open to the public. Any member of the public wishing to attend, to present information to the Subcommittee, or to obtain further information, should contact either Dr. Daniel Byrd, Executive Secretary to the Subcommittee, or Mrs. Brenda Johnson, by telephone at (202) 382-2552 or by mail to: Science Advisory Board (A-101F), 401 M Street, SW., Washington, DC 20460, no later than c.o.b. Tuesday, August 13, 1985.

Dated: July 15, 1985.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 85-17413 Filed 7-22-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket: FEMA-REP-4-WV-1]

Receipt of Radiological Emergency Response Plans; Pennsylvania

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of West Virginia has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear power plants which impact on West Virginia, and include the plans of a county which is near the Duquesne Light Company's Beaver Valley Power Station located in Shippingport, Pennsylvania.

DATE: Plans received: June 30, 1985.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul P. Giordana, Regional Director, Federal Emergency Management Agency Region III, Liberty Square Building, 105 South 7th Street, Philadelphia, Pennsylvania 19106.

Notice: In support of the Federal requirement for emergency response plans, FEMA has established a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," the State Radiological Emergency Plan for West Virginia and Hancock County, a portion of which is located within the ten-mile EPZ of the Beaver Valley Power Station, has been received by the Federal Emergency Management Agency Region III.

Copies of the Plan are available for review at the FEMA Region III Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 934 pages in the document, reproduction

fees are \$10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Paul Giordana, Regional Director, at the above address within thirty days of this Federal Register notice.

Dated: July 10, 1985.

Paul P. Giordana,

Regional Director.

[FR Doc. 85-17426 Filed 7-22-85; 8:45 am]

BILLING CODE 6718-01-M

[Docket No.: FEMA-REP-6-TX-1]

The Texas State Emergency Management Plan Site-Specific to the Comanche Peak Steam Electric Station

ACTION: Certification of FEMA Findings
and Determination.

In accordance with the Federal Emergency Management Agency (FEMA) rule 44 CFR 350, the State of Texas submitted its plans relating to the Comanche Peak Steam Electric Station to the Director of FEMA Region VI on June 10, 1982, for FEMA review and approval. On February 5, 1985, the Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with section 350.11 of the FEMA rule. Included in this evaluation is a review of the State and local plans around the Comanche Peak Steam Electric Station, an evaluation of the joint exercise conducted on December 14, 1983, in accordance with section 350.9 of the FEMA rule, and a public meeting held on January 24, 1984, to discuss the site-specific aspects of the State and local plans around the Comanche Peak Steam Electric Station in accordance with section 350.10 of the FEMA rule. In addition the Regional Director submitted an addendum dated October 12, 1984, that considered the revision of plans and preparedness. This last evaluation reported that the remaining outstanding deficiencies have been resolved.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that the State and local plans and preparedness of the Comanche Peak Steam Electric Station are adequate to protect the health and safety of the public living in the vicinity of the plant. These offsite plans and preparedness are assessed as adequate in that they provide reasonable assurance that appropriate protective actions can be taken offsite in the event of a radiological emergency and are capable of being implemented. The adequacy of the public alert and notification system

has been verified by FEMA in accordance with the joint Nuclear Regulatory Commission/FEMA criteria set forth in NUREG-0654/FEMA-REP-1, Rev. 1, Appendix 3, and in the "Standard Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants" (FEMA-43).

FEMA will continue to review the status of offsite plans and preparedness associated with the Comanche Peak Steam Electric Station in accordance with section 350.13 of the FEMA rule.

For further details with respect to this action, refer to Docket File FEMA-REP-6-TX-1 maintained by the Regional Director, FEMA Region VI, Federal Center, Denton, Texas 76201.

Dated: July 15, 1985.

For the Federal Emergency Management Agency.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85-17408 Filed 7-22-85; 8:45 am]

BILLING CODE 6718-01-M

[Docket No.: FEMA-REP-6-LA-2]

The Louisiana Peacetime Radiological Response Plan Site-Specific to Waterford III Steam Electric Station

ACTION: Certification of FEMA Findings
and Determination.

In Accordance with the Federal Emergency Management Agency (FEMA) rule 44 CFR Part 350, the State of Louisiana submitted its plans relating to the Waterford III Steam Electric Station to the Director of FEMA Region VI on June 10, 1982, for FEMA review and approval. On April 3, 1985, the Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the FEMA rule. Included in this evaluation is review of the State and local plans around the Waterford III Steam Electric Station, an evaluation of the joint exercise conducted on February 8, 1984, in accordance with § 350.9 of the FEMA rule, and a public meeting held on May 3, 1983, to discuss the site-specific aspects of the State and local plans around the Waterford III Steam Electric Station in accordance with § 350.10 of the FEMA rule. In addition, the Regional Director submitted an addendum dated March 6, 1985 that considered revisions in plans and preparedness. This last evaluation reported that the remaining outstanding deficiencies have been resolved.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the State and local plans and preparedness for the Waterford III Steam Electric Station are adequate to protect the health and safety of the public living in the vicinity of the plant. These offsite plans and preparedness are assessed as adequate in that they provide reasonable assurance that appropriate protective actions can be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alert and notification system already installed and operational must be verified as meeting the standards set forth in Appendix 3 of the Nuclear Regulatory Commission/FEMA criteria in NUREG-0654/FEMA-REP-1, Rev. 1, and in the "Standard Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants" (FEMA-43).

FEMA will continue to review the status of offsite plans and preparedness associated with the Waterford III Steam Electric Station in accordance with § 350.13 of the FEMA rule.

For further details with respect to this action, refer to Docket File FEMA-REP-0-LA-2 maintained by the Regional Director, FEMA Region VI, Federal Center, Denton, Texas 76201.

Dated: July 15, 1985.

For the Federal Emergency Management Agency.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85-17423 Filed 7-22-85; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this

section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212-010286-005.

Title: Italy-U.S.A. North Atlantic Pool Agreement.

Parties:

Costa Armatori, S.p.A.

Jugolinija

Zim Israel Navigation Company, Ltd.

Farrell Lines, Inc.

Sea-Land Service, Inc.

Medamerica Express Service

Nedlloyd Lines

Synopsis: The proposed amendment would modify the agreement to clarify the scope of the agreement, revise the withdrawal provisions and make certain nonsubstantive changes to the language of the agreement. It would delete "Italia" Societa Per Azioni di Navigazione, S.p.A. as a party to the agreement, add Nedlloyd Lines and the joint service Medamerica Express Service ("Italia" Societa Per Azioni di Navigazione, S.p.A. is a member of the joint service) as parties to the agreement. It would also revise the pool shares, pool period, definition of "pool cargo" and the penalties for earnings in excess of maximum pool shares.

By Order of the Federal Maritime Commission.

Dated: July 18, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-17488 Filed 7-22-85; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No: 226-010783.

Title: Equipment Interchange Agreement Between Orient Overseas Container Line, Ltd. and Totem Ocean Trailer Express, Inc.

Parties:

Orient Overseas Container Line, Ltd.
Totem Ocean Trailer Express, Inc.

Synopsis: The proposed agreement would permit the parties to exchange empty and loaded equipment in connection with a nonexclusive transshipment agreement between the parties involving shipments moving between Alaska and the Far East.

Agreement No: 217-010784.

Title: Transamerican Steamship Corporation/The National Shipping Company of Saudi Arabia Space Charter Agreement.

Parties:

Transamerican Steamship Corporation (TSC)

The National Shipping Company of Saudi Arabia (NSCSA)

Synopsis: The proposed agreement would permit TSC to charter space on the vessels of NSCSA and to utilize related equipment in connection with the carriage of cargo in the trade from U.S. Atlantic and Gulf Coast ports and from inland and coastal points in the United States via such ports to ports and inland and coastal points on the Red Sea.

Agreement No: 218-010785.

Title: Nonexclusive Transshipment Agreement Between Orient Overseas Container Line, Ltd. and Totem Ocean Trailer Express, Inc.

Parties:

Orient Overseas Container Line, Ltd.
Totem Ocean Trailer Express, Inc.

Synopsis: The proposed agreement would establish a non-exclusive, intermodal transshipment arrangement between the parties in the trade between points in Alaska and points in the Far East, with transshipment at Seattle or Tacoma, Washington.

By Order of the Federal Maritime Commission.

Dated: July 18, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-17487 Filed 7-22-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Gibson Investment Co.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or

through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 12, 1985.

A. Federal Reserve Bank of Chicago
(Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Gibson Investment Company*, Gibson, Iowa; to engage *de novo* directly in the activity of making commercial and real estate loans, both direct and indirect, by purchasing overlines from banks, including its subsidiary bank, and to retain the commercial lending activity it has already conducted. These activities would be conducted in the state of Iowa.

Board of Governors of the Federal Reserve System, July 17, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-17420 Filed 7-22-85; 8:45 am]

BILLING CODE 6210-01-M

National Banc of Commerce Co. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding

Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 14, 1985.

A. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *National Banc of Commerce Company*, Charleston, West Virginia; to acquire 100 percent of the voting shares of The First National Bank of Belle, West Virginia.

2. *Rappahannock Bankshares, Inc.*, Washington, Virginia; to become a bank holding company by acquiring 66.67 percent of the voting shares of The Rappahannock National Bank of Washington, Washington, Virginia.

B. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Commercial Bancshares, Inc.*, Jasper, Alabama; to acquire 100 percent of the voting shares or assets of First Commercial Bank, Birmingham, Alabama, a *de novo* bank.

C. Federal Reserve Bank of Chicago
(Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lena Bancorp, Inc.*, Lena, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Lena State Bank, Lena, Illinois.

D. Federal Reserve Bank of St. Louis
(Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *General Bancshares Corporation*, St. Louis, Missouri; to acquire 100 percent of the voting shares or assets of The Hillsboro National Bank, Hillsboro, Illinois through the merger of its parent,

HNB Bancorp, Inc., Hillsboro, Illinois and General Bancshares Corporation of Illinois, Belleville, Illinois, a wholly-owned subsidiary of Applicant.

2. *Lake Hamilton Enterprises, Inc.*, Little Rock, Arkansas; to acquire 96.88 percent of the voting shares or assets of The Bank of Harrisburg, Harrisburg, Arkansas.

3. *Oblong Bancshares, Inc.*, Oblong, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Oblong, Oblong, Illinois.

E. Federal Reserve Bank of Dallas
(Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Security North Corporation*, Amarillo, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Banccentral, Amarillo, Texas.

Board of Governors of the Federal Reserve System, July 17, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-17421 Filed 7-22-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Commission on the Evaluation of Pain; Meeting

AGENCY: Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: This notice announces the schedule and proposed agenda of the forthcoming meeting of the Commission on the Evaluation of Pain (the Commission). This notice also describes the purpose, structure, and termination date of the Commission.

DATE: General session—August 8, 1985, 8:30 a.m. to 5:00 p.m. General session—August 9, 1985, 8:30 a.m. to 5:00 p.m.

ADDRESS: National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Nancy Dapper, Executive Director, Commission on the Evaluation of Pain, Room 118, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235; (301) 597-1597.

SUPPLEMENTARY INFORMATION: The Commission is established and governed by the provisions of section 3(b) (1) through (6) of the Social Security Disability Benefits Reform Act of 1984 (Pub. L. 98-460). The purpose of the Commission is to conduct a study

concerning the evaluation of pain in determining under Titles II and XVI of the Social Security Act whether an individual is under a disability. The study is to be conducted in consultation with the National Academy of Sciences.

The study will consist of expert testimony and a review of research data regarding how pain should be considered in making disability determinations under Titles II and XVI. The Commission may engage technical assistance in order to carry out its function.

The Commission is to submit a report, consisting of the findings of the study and any recommendations, to the Secretary of Health and Human Services (the Secretary) who in turn is to submit the report to the Committee on Way and Means of the House of Representatives and to the Committee on Finance of the Senate.

The statute provides that the Commission terminate on December 31, 1985. This is also the deadline for the Secretary to submit the report.

The Secretary has appointed the members of the Commission in accordance with the provisions of the statute. This notice announces the second working meeting of the Commission. The Commission is chaired by Kathleen M. Foley, M.D.

This meeting is open to the public. Anyone wishing to submit his or her views for consideration by the Commission should send them to the Executive Director of the Commission at her address shown above.

A transcript of the Commission meeting will be made available to the public on an at-cost-of-duplication basis. The transcript can be ordered from the Executive Director of the Commission.

Agenda

August 8, 1985

8:30 a.m.—General session of expert testimony and research data presentations.

5:00 p.m.—Adjourn general session.

August 9, 1985

8:30 a.m.—General session of (1) continued expert testimony and research data presentations, (2) discussions on the agenda, priorities, and date of the next meeting, and (3) writing assignments.

5:00 p.m.—Adjourn the meeting.

Dated: July 17, 1985.

Nancy J. Dapper,
Executive Director, Commission on the
Evaluation of Pain.

[FR Doc. 85-17424 Filed 7-22-85; 8:45 am]

BILLING CODE 4190-11-M

Office of Human Development Services

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Administration on Developmental Disabilities, HHS.

ACTION: Notice of Change to Statement of Organization, Functions, and Delegations of Authority.

SUMMARY: This notice amends Part D of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Office of Human Development Services (OHDS), as published in the *Federal Register* on October 27, 1983 (48 FR 49697) to: (1) Establish a Management Services Staff office; (2) change the title of the "Division of Program Operations" to "Program Operations Division" and revise its functions; and (3) change the title of the "Division of Program Development and Demonstrations" to "Program Development Division" and revise its functions.

EFFECTIVE DATE: August 6, 1985.

FOR FURTHER INFORMATION CONTACT: Casimer Wichlacz, Deputy Commissioner, Administration on Developmental Disabilities.

The changes are as follows:

1. Part D, Chapter DF, "The Administration on Developmental Disabilities", as published in the *Federal Register* on October 27, 1983 (48 FR 49697), is to be deleted in its entirety and replaced by the following:

DF.00 Mission. The Administration on Developmental Disabilities (ADD) is the principal OHDS component established to enable States to increase the provision of quality services to persons with developmental disabilities through the design and implementation of a comprehensive and continuing State Plan. This plan makes optimal use of all existing Federal and State resources for the provision of treatment, services and habilitation in the least restrictive environment and provides assurance for the protection of rights of all individuals with developmental disabilities.

ADD advises the Assistant Secretary for Human Development Services on the formulation, development, and implementation of policies affecting developmentally disabled persons. Reviews legislation and other policies affecting developmentally disabled persons. Acts as an advocate to assure the rights of handicapped persons. Serves as a clearinghouse and resource for information for service providers at the national, regional, State and local levels in the development of policies

and programs to reduce or eliminate physical, mental, social and environmental barriers experienced by developmentally disabled persons. Supports and encourages programs or services to prevent developmental disabilities.

DF.10 Organization. The Administration on Developmental Disabilities is under the direction of the Commissioner, who reports directly to the Assistant Secretary for Human Development Services. The Administration on Developmental Disabilities consists of:

Office of the Commissioner
Management Services Staff
Program Operations Division
Program Development Division
Regional Offices of the Administration on Developmental Disabilities,
Regions III, VI, VII, and IX

DF.20 Functions. Office of the Commissioner provides executive leadership and direction to ADD. Establishes goals and objectives for programs for developmentally disabled persons; directs the administration of formula and discretionary grant programs of the Developmental Disabilities Assistance and Bill of Rights Act of 1984, Pub. L. 98-527. Provides technical assistance and initiates policy relative to the provision of services to persons with developmental disabilities under the ADD authorizing statute; serves as advisor to the Assistant Secretary on programs, issues and problems affecting handicapped individuals and on the concerns of developmentally disabled persons. Assures consideration of the rights and needs of the developmentally disabled and other handicapped individuals in Human Development Services program planning and policy development.

Serves as a focal point on matters and issues concerning developmentally disabled persons for the various OHDS Regional Offices, the Commissioner/ADD, other ADD Divisions, and other OHDS Headquarters staff. Facilitates interagency program coordination and program integration to meet the needs of developmentally disabled persons. Formulates policies affecting the developmentally disabled and identifies services to promote independence, productivity, community integration and to assure their rights and entitlements. Coordinates with OHDS Regional Administrators on program issues and progress affecting their region and coordinates Developmental Disabilities (DD) Program objectives requiring involvement of other OHDS programs at the regional level.

Reviews and analyzes reports and makes contacts with governmental and non-governmental agencies and individuals to secure necessary information for policy development.

Identifies administrative, legislative and regulatory changes or developments necessary for the application of effective and consistent Federal policy for persons with developmental disabilities.

B. Management Services Staff plans, coordinates, and controls ADD policy, planning, and management activities. Manages the development of legislative proposals, regulations and policies for ADD. Develops and recommends the implementation of policies in coordination and consultation with the Office of Policy and Legislation (OPL), OHDS.

In coordination with OPL and the Office of Management Services (OMS), in the Office of Human Development Services, monitors the execution of program plans consistent with the Department's requirements and OHDS procedures. Formulates budget and legislative plans consistent with Departmental and ADD requirements.

Coordinates the reporting by ADD units to the Department of Health and Human Services/OHDS management system, including reports on short-range initiatives. Develops reports on the overall ADD program that are required by the Department and the Congress.

Tracks financial status of all program and salaries and expenses accounts and provides financial data to the Commissioner. Provides funds control for program and salaries and expenses accounts to include making fund commitments, obligations, and reconciliation of accounts with the Department's accounting system. Furnishes assistance to program specialists on Departmental financial management and on development of ADD fiscal and budget procedures; coordinates with appropriate HDS staff offices in carrying out these functions. Performs audit coordination activities for ADD audits, assuring appropriate response and coordination with HDS.

Provides a wide range of management and administrative services in support of all ADD programs and activities. Expedites the progress of all procurements and personnel actions. Serves as the ADD Executive Secretariat, controlling the flow of correspondence, including coordination of Freedom of Information Act requests. Coordinates with appropriate OHDS units in implementing administrative requirements and procedures.

In coordination with the Office of Public Affairs/OHDS, develops a strategy for increasing public awareness

of the needs of developmentally disabled persons and programs designed to meet their needs.

Oversees all ADD data collection, information, maintenance, and preparation of final reports on program data. Carries out special projects, including gathering information and assisting in preparation of briefings and reports. Coordinates preparation of the ADD statistical budget submission and related OMB forms clearance activities.

C. Program Operations Division is responsible for the development of Federal guidelines, criteria and procedures which govern delivery of services authorized by the Act under the Basic State Grants Program and the Protection and Advocacy Grants Program. Provides coordination and guidance for programs applicable to individuals with developmental disabilities.

Develops procedures and methods for monitoring and analysis of State Plans under the Basic State Grants Program to assure consistent application of ADD policies and procedures. Carries out routine and special analysis of State Plans. Monitors the Basic State Grants Program and Protection and Advocacy Grants Program, developing reports on progress, accomplishments and problems; preparing recommendations for actions that will further the ADD program goals and objectives; and, initiates action to resolve identified problems.

Advises Commissioner on trends, issues, and progress; contributes to the development and implementation of long and short range plans, goals, and objectives. Develops strategies and designs for joint reviews of State Plans of other Federal/State program services. Identifies potential areas for development of interagency agreements and jointly funded service initiatives for State program services. Serves as the focal point for the initiation, execution, administration, monitoring and follow-up of interagency agreements and resulting activities.

Provides administrative and committee management support to the National Council on the Handicapped and other Federal commissions or interagency committees established by statute or administrative policy. Plans and coordinates special conferences involving Federal and non-Federal agencies.

Provides program and administrative guidance to ADD Regional staff on matters pertaining to the Basic State Grants Program and the Protection and Advocacy Grants Program. Maintains liaison and routine communication with the ADD Regional Offices to facilitate

the flow of information between Central Office and the Regional Offices concerning State developmental disabilities activity and to assist the Commissioner in maximization of program quality. Assists in the identification and resolution of policy and program issues. Develops and maintains a comprehensive information base on programs and activities for developmentally disabled persons on a national basis, as well as individual State profiles.

Manages a task force on the placement of persons with developmental disabilities in competitive employment. Directs the planning and supervises the development of this special initiative. Coordinates Federal efforts in this area with the private business sector.

D. Program Development Division provides program development services, including program evaluation, environmental reform, specialized services initiatives, and demonstration projects. Provides direction to assist applicants for discretionary grants and contracts authorized under the Act; reviews discretionary grants for the Commissioner; facilitates State review and comment on applications for discretionary grants and contracts; makes recommendations to the Commissioner on requests for discretionary grants and contracts and assists in monitoring and evaluating national level discretionary grants.

Plans for and implements experimental program services based on feedback from State and local organizations on program needs. Formulates and prepares annual demonstration, and evaluation plans. Coordinates and administers the University Affiliated Facilities (UAF's) activities, and develops quality assurance criteria for the UAF Program.

Originates cross-cutting research, demonstration and evaluation initiatives with other units of ADD, OHDS, HHS, and other governmental Departments.

Develops and initiates guidelines, issuances and actions with team participation by other units of ADD, OHDS, HHS and other governmental agencies to fulfill the mission and goals of the Developmental Disabilities Assistance and Bill of Rights Act.

Works with the Small and Disadvantaged Business Utilization Specialist in the Office of Equal Opportunity and Civil Rights to identify minority-owned firms that have capabilities to perform contracts and advises such firms about ADD programs.

In liaison with HDS/OMS and the Office of Program Development (OPD), is responsible for discretionary grants and contracts management, technical assistance, and training activities. Reviews and analyzes data and information regarding developmental disabilities programs and services, and coordinates the dissemination of project results and information to other interested agencies and the public.

Serves as liaison with national consumer organizations representing developmentally disabled constituents; advising the Commissioner on matters and concerns of consumer representative groups, including inter-governmental representatives; provides liaison activity between national organizations and program administrative offices; and provides coordination on consumer representatives' involvement in planning and program policy direction for the ADD program.

Coordinates national program trends with other OHDS programs and HHS agencies. Studies, reviews and analyzes other Federal programs providing services applicable to developmentally disabled persons for the purpose of integrating and coordinating programs.

Provides leadership and staff support for a Task Force on Board and Care. This includes providing administrative and technical supervision of staff assigned to the Task Force by other Federal agencies and serving as the focal point for the Department for information on board and care to public and private agencies and the general public. Develops guidelines and promotes the adoption of appropriate standards for institutions and service providers in the area of board and care.

Serves as the focal point for activities and ADD requirements in support of the Decade of the Disabled.

F. The Regional Offices of the Administration on Developmental Disabilities are located in Regions III, VI, VII, and IX. The areas designated by the standard Federal Regions are covered by the ADD Regional Offices as follows: Regions I, II, and III by Region III; Regions IV and VI by Region VI; Regions V, VII, and VIII by Region VII; and Regions IX and X by Region IX. Each office, under the direct supervision of the Regional Administrator, serves as the administrative focus between the Central Office and State and local governments and other organizations for the consideration of program issues and policies affecting service needs and rights of developmentally disabled persons.

Provides information for and contributes to the development of

national policy for the developmental disabilities program. Establishes goals and objectives for the area served based on national policy and program priorities of ADD. In collaboration with Regional Administrators, provides direction and coordination on the implementation of the developmental disabilities program and advises the Commissioner, Administration on Developmental Disabilities, regarding issues which hamper efforts to implement the developmental disabilities program.

Works with State and local program administrators and public officials to promote developmental disabilities programs and services provided under the Act. Reviews, for compliance with Federal requirements, and approves developmental disabilities State plans, amendments and annual reports. Assists States and local governments, as requested, in the development and operation of the Basic State Grant Program and the State Protection and Advocacy Systems.

Recommends successful practices and/or takes positive action which will facilitate efforts of States to fill gaps in their programs.

Provides assistance to applicants for discretionary grants and contracts authorized under the Act. Makes recommendations for approval or disapproval of discretionary grants and contracts. Assists in monitoring and evaluating University Affiliated Facilities (UAFs) grants and special projects of national significance.

Interprets statutes and regulations consistent with policy guidance of the Central Office. Insures adherence by recipients of funds to program objectives, applicable policy, regulations and procedures as set forth by ADD and OHDS. Assists agencies and grantees in interpreting policy and assists in the resolution of specific operational issues.

Collaborates with the OHDS Regional Director, Office of Fiscal Operations, in planning the conduct of financial reviews. Makes decisions on approval, referral, or disallowances of claims for Federal financial participation, and reviews estimates, budget projections, and reports of expenditure for the formula grant programs and grants to UAFs and Satellite Centers.

Coordinates ADD program activities with other programs of OHDS and other Federal programs at the Regional and State levels to enhance regional assistance for programs for the developmentally disabled. Advises on opportunities for coordination between and among other Federal program services. Analyzes programs for developmentally disabled persons

funded by States through other Federal-State programs in the area served.

Consults with Regional Administrators on the planning and implementation of cross-cutting program initiatives concerning developmentally disabled persons across OHDS programs in their area relative to children, youth and families, the aging, and Native Americans. Develops and promotes linkages between the DD program and other Federal/State program services in the States through leadership in the development, design, and implementation of comprehensive program service plans.

Dated: July 17, 1985.

Approved:

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 85-17422 Filed 7-22-85; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

Recombinant DNA Research; Availability of Analysis of Public Comments

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: A previous Federal Register notice (50 FR 14794-14796, April 15, 1985) announced the availability for public comment of the Environmental Assessment and Finding of No Significant Impact (EA-FONSI) dated January 21, 1985, "concerning the application to the National Institutes of Health (NIH), under the NIH Guidelines for Research Involving Recombinant DNA Molecules, of Drs. Steven Lindow and Nickolas Panopoulos of the University of California, Berkeley, to field test ice-nucleation-minus bacteria prepared by recombinant DNA techniques for purposes of biological control of frost damage to plants." In addition, the April 15, 1985, notice requested "comments on the need for a programmatic Environmental Impact Statement in connection with NIH approvals of proposals to release into the environment organisms containing recombinant DNA molecules." In response to the April 15, 1985, notice, fifteen letters were received. These letters were analyzed in a June 19, 1985, memorandum from Dr. Bernard Talbot, Deputy Director, National Institute of Allergy and Infectious Diseases, to Dr. James Wyngaarden, Director, NIH. This notice announces the availability of that

June 19, 1985, memorandum, which is described below.

ADDRESS: The June 19, 1985, memorandum is available upon a request to the NIH Office of Recombinant DNA Activities (ORDA), Building 31, Room 3B10, National Institutes of Health, Bethesda, Maryland 20205.

FOR FURTHER INFORMATION CONTACT: Dr. William J. Gartland, ORDA, Building 31, Room 3B10, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6051.

SUPPLEMENTARY INFORMATION: The June 19, 1985, memorandum, mentioned above, analyzes the letters received using the following structure:

Analysis of Comments on January 21, 1985, EA-FONSI

Comments Praising the EA-FONSI
Comments Criticizing the EA-FONSI
Additional Comments and Response to Comments on EA-FONSI

Analysis of Comments on Need for Programmatic EIS

Comments Indicating a Programmatic EIS is Not Required

Comment Indicating the Need for a Programmatic EIS "Is Unlikely to be Resolved in the Near Future"

Comment Indicating a Programmatic EIS is Required

Response to Comments on Requirement for Programmatic EIS

Comments and Response to Comments on Adequacy of April 15, 1985, Federal Register Notice.

Based on the analysis of the comments, thirteen recommendations were made. On July 2, 1985, Dr. James Wyngaarden, Director, NIH, concurred with each of the thirteen recommendations. Among the recommendations are: Specific changes to be made in the January 21, 1985, EA-FONSI which provide further clarification of the safety of the proposed field test; a reaffirmation of the adequacy of the EA-FONSI; a reaffirmation of the Finding of No Significant Impact; and a finding that a programmatic Environmental Impact Statement is not needed at this time.

Three attachments to the June 19, 1985, memorandum are: a copy of the January 21, 1985, EA-FONSI; a copy of the April 15, 1985, Federal Register notice; and copies of the public comments received.

Dated: July 15, 1985.

James B. Wyngaarden, M.D.,
Director, National Institutes of Health.

[FR Doc. 85-17397 Filed 7-22-85; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

St. Lucia; Finding Regarding Foreign Social Insurance or Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Finding Regarding Foreign Social Insurance or Pension System—St. Lucia.

Finding: Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for 6 consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that, subject to certain residency requirements of section 202(t)(11), the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and
(b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director of the International Policy Staff. Under that authority the Director of the International Policy Staff has approved a finding that St. Lucia, beginning August 4, 1984, has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and
(b) Permits United States citizens who are not citizens of St. Lucia to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside St. Lucia.

Accordingly, it is hereby determined and found that St. Lucia has in effect, beginning August 4, 1984, a social insurance system which meets the

requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises our previous finding (published March 12, 1982 at 47 FR 10911), that St. Lucia does not have in effect a social security insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act.

FOR FURTHER INFORMATION CONTACT: Roy G. Hatch, Room 1104 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6122.

Dated: July 16, 1985.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Elizabeth K. Singleton,

Director, International Policy Staff.

[FR Doc. 85-17404 Filed 7-22-85; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14897-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611 (1976), will be issued to Seth-de-ya-ah Corporation, containing approximately 1,635 acres. The lands involved are within T. 2 N., R. 10 W., and T. 3 N., R. 10 W., Fairbanks Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until August 22, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the

requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 85-17442 Filed 7-22-85; 8:45 am]

BILLING CODE 4130-JA-M

[F-14832-A2]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Ingalik, Incorporated for approximately 55 acres. The lands involved are located at Anvik, Alaska, within T. 30 N., R. 58 W., Seward Meridian.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the TUNDRA TIMES. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 95513. ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until August 22, 1985, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (906), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 85-17443 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-JA-M

[F-14858-A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Gana-a 'Yoo, Limited for approximately 537 acres. The lands

involved are located at Galena, Alaska, within T. 9 S., R. 10 E., Kateel River Meridian.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the TUNDRA TIMES. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until August 22, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA
Adjudication

[FR Doc. 85-17444 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-JA-M

[F-14952-A2]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Secs. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Unalakleet Native Corporation for approximately 19,654 acres. The lands involved are in the vicinity of Unalakleet.

Kateel river Meridian, Alaska (Partially Surveyed)

T. 18 S., R. 9 W.

T. 19 S., R. 9 W.

T. 19 S., R. 10 W.

T. 20 S., R. 11 W.

T. 21 S., R. 11 W.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the NOME NUGGET. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until August 22, 1985, to file an appeal. However, parties receiving service by certified mail shall

have 30 days from the date of receipt to file an appeal. Appeals must be filed in the bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, Subpart E shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 85-17445 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-JA-M

[AA-598-B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Secs. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611, will be issued to Salamatof Native Association, Inc., for 151.99 acres. The lands involved are within the East Foreland Lighthouse Reserve, located in T. 7 N., R. 12 W., Seaward Meridian.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. (907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until August 22, 1985 to file an appeal. However, parties receiving services by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Olivia Short,

Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 85-17447 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-JA-M

[F-14872-B]

Alaska Native Claims Selection

In accordance with Departmental regulations 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611 (1976), will be issued to Gana-a 'Yoo, Limited for approximately 1,470 acres. The lands involved are within T. 11 S., R. 2 E., Kateel River Meridian, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until August 22, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 85-17449 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-JA-M

[AA-8659-B2]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Choggiung Ltd., for approximately 229 acres. The lands involved are:

A portion of lot 16 of U.S. Survey No. 4985, T. 14 S., R. 56 W., Seward Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS. Copies of the decision may be obtained by

contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until August 22, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 Fed. Reg. 6371, February 21, 1984) shall be deemed to have waived their rights.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 85-17450 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-JA-M

Minerals Management Service**Development Operations Coordination Document; Chevron U.S.A. Inc.**

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc., has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1240, Block 51, South Timbalier Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Leeville, Louisiana.

DATE: The subject DOCD was deemed submitted on July 12, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 15, 1985.

John L. Rankin,
Regional Director, Gulf of Mexico OCS
Region.

[FR Doc. 85-17400 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Shell Offshore Inc., Unit Operator of the High Island Block 160 Federal Unit Agreement No. 14-08-0001-2891, submitted on July 3, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the High Island Block 160 Federal unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other

interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-17399 Filed 7-22-85; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30674]

Genesee & Wyoming Industries, Inc.; Control Exemption; Dansville and Mount Morris Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 11343 the acquisition of control of Dansville and Mount Morris Railroad Company by Genesee and Wyoming Industries, Inc., subject to standard employee protection.

DATES: This decision is effective on July 23, 1985. Petitions to reopen must be filed by August 12, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30674 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) James B. Gray, Jr., Harter, Secrest, & Emery, 700 Midtown Tower, Rochester, NY 14604

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of full decision, write to T.S. InfoSystems, Inc. Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5401.

Decided: July 15, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lambolely, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85-17417 Filed 7-22-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-93)]

Southern Pacific Transportation Company; Abandonment; in St. Martin Parish, LA; Findings

The Commission has issued a certificate authorizing Southern Pacific Transportation Company to abandon its 13.04-mile rail line between St. Martinville (milepost 5.66) and Breaux Bridge (milepost 18.70) in St. Martin Parish, LA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 85-17418 Filed 7-22-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-126X)]

Illinois Central Gulf Railroad Co.; Abandonment Exemption; Bolivar and Coahoma Counties, MS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903, *et seq.*, the abandonment by the Illinois Central Gulf Railroad Company of 20 miles of track in Bolivar and Coahoma Counties, MS, subject to standard labor protective conditions.

DATES: This exemption will be effective on August 22, 1985. Petitions to stay must be filed by August 2, 1985. Petitions for reconsideration must be filed by August 12, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB-43 (Sub-No. 126X) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Richard M. Kamowski, Esq., 233 N. Michigan Avenue, Chicago, IL 60601

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: July 11, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Andre, Sterrett, Simmons, Lambolely and Strenio. Commissioner Simmons was absent and did not participate.

James H. Bayne,

Secretary.

[FR Doc. 85-17419 Filed 7-22-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. American Airlines, Inc., et al.; Proposed Final Judgment and Competitive Impact Statement; Consent Decree

Notice is hereby given, pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Northern District of Texas in *United States of America v. American Airlines, Inc., et al.*, CA 3-83-0325-D. The Complaint in this case alleged that defendants Robert L. Crandall and American Airlines attempted to monopolize the provision of airline passenger services for airline travelers beginning, ending, or connecting their trips at Dallas/Fort Worth International Airport (DFW) in violation consisted of an attempt by defendant American, acting through its president, defendant Crandall, to control prices on the affected DFW routes by asking the president of Braniff Airways to raise Braniff's prices and by assuring him that American's prices would be increased proportionately.

The proposed Final Judgment enjoins defendant American from discussing the pricing of airline passenger services with other airline carriers except when necessary to implement legitimate joint activities specified in the proposed Final Judgment.

The proposed Final Judgment also enjoins defendant Crandall from discussing the pricing of airline passenger services with the management employees of any other airline carrier.

Crandall is also required to consult with a company lawyer before communicating with officials of any other airline carrier, and to make notes of all such conversations as well as any discussions with American's vendors and creditors pertaining to other airlines' fares. These notes must be made available to the Department on request.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Elliott M. Seiden, Chief, Transportation Section, Antitrust Division, P.O. Box 481, Washington, D.C. 20530, (202) 724-6349.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

U.S. District Court for the Northern District of Texas—Dallas Division

[CA3-83-0325-D]

Filed: July 12, 1985.

United States of America, Plaintiff, v. American Airlines, Inc., and Robert L. Crandall, Defendants.

Stipulation and Proposed Final Judgment

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the attached form may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not

withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff: Charles F. Rule, Acting Assistant Attorney General; Joseph H. Widmar, Director, Office of Operations;

Elliott M. Seiden, Chief, Transportation Section; James R. Weiss, Assistant Chief, Transportation Section;

For the Defendants: Robert E. Cooper, Gibson, Dunn & Crutcher, 333 South Grand Avenue, Los Angeles, CA 90071, Counsel for American Airlines, Inc. and Robert L. Crandall; Cecil E. Munn, Cantey, Hanger, Gooch, Munn, & Collins, 1800 First National Bank Building, Fort Worth, TX 76039; Joseph A. Tate, Schnader, Harrison, Segal & Lewis, 1600 Market Street, Philadelphia, PA 19103, Counsel for Robert L. Crandall; John L. Hauer, Akin, Cump, Strauss, Hauer & Feld, 4100 First City Center, 1700 Pacific Avenue, Dallas, TX 75201.

U.S. District Court for the Northern District of Texas—Dallas Division

[Civil Action No. CA 3-83-0325-D]

Filed: July 12, 1985.

United States of America, Plaintiff, v. American Airlines, Inc., and Robert L. Crandall, Defendants.

Final Judgment

Plaintiff, United States of America, having filed its Complaint in this action on February 23, 1983, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact herein and upon consent of the parties hereto, it is hereby.

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting thereto. The Complaint states a claim upon which relief may be granted against each defendant under section 2 of the Sherman Act, 15 U.S.C. 2.

II

As used herein, the term:

(A) "Communication" means a statement, comment, question, or answer, that may take place in person, in writing, or over the telephone;

(B) "Scheduled communication" means a communication that has been previously arranged for a particular time or place;

(C) "Group discussion" means a communication in which at least three (3) people are participating;

(D) "Management employee" means any employee whose corporate title is "chief executive officer," "chief

operating officer," "president," "senior vice president," "vice president," "assistant vice president," or any employee whose duties are functionally equivalent to an employee with one of these titles, and any other employee who has a decision-making role, whether or not other persons must also play a role in order for a final decision to be reached, in the process by which a scheduled airline passenger carrier sets, determines, modifies, or cancels a fare for the provision of scheduled airline passenger service;

(E) "Scheduled airline passenger carrier" means a firm or business that provides scheduled airline passenger service;

(F) "Scheduled airline passenger service" means the provision, at regular times and over regular routes, of air transportation to individuals traveling between an origin city and a destination city; and

(G) "City-pair" means the set of two cities consisting of the origin city and the destination city between which scheduled airline passenger service is provided.

III

This Final Judgment applies to each defendant. Regarding defendant American Airlines, Inc. (hereinafter "American"), this Final Judgment also applies to its Board of Directors, officers, employees, agents, subsidiaries, successors and assigns. This Final Judgment also applies to all other persons in active concert or participation with either of the defendants and who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant American shall be required, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the provision of scheduled airline passenger service, that the acquiring party agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with this Court.

V

Defendant American shall provide written notice to the plaintiff no later than thirty (30) days before the effective date of any action whereby defendant American: (1) Changes its name; (2) liquidates or otherwise ceases operation; (3) is acquired by or becomes a subsidiary of another firm. Defendant American also shall provide written notice to plaintiff no later than fifteen (15) days after it declares bankruptcy or

estimates or acquires a subsidiary whose business activities are among those covered by this Final Judgment.

VI

Defendant Robert L. Crandall shall provide written notice to the plaintiff no later than thirty (30) days after the effective date of any action whereby defendant Crandall accepts or assumes employment in any position with any firm, other than American, that provides scheduled airline passenger service.

VII

Defendant American is enjoined and restrained for a period of five years from discussing, referring to, or mentioning fares or fare structures of any scheduled airline passenger carrier, including American, in a communication with any scheduled airline passenger carrier other than American, except under the following conditions, exceptions, or circumstances:

(A) When necessary to establish, implement, or modify a joint fare with another scheduled airline passenger carrier;

(B) When necessary to establish, implement, or modify a fare for air transportation between the United States and a foreign country, between foreign countries, or within a foreign country, under the auspices of the International Air Transport Association ("IATA");

(C) When necessary to establish, implement, or modify participation by a scheduled airline passenger carrier in American's Advantage frequent flyer program, or by American in another carrier's frequent flyer program;

(D) When necessary to maintain the integrity of the data base of American's SABRE computerized reservations system or to maintain the integrity of American's information contained in the data base of a computerized reservations system used by a scheduled airline passenger carrier other than American;

(E) When necessary, in the event of a cancelled flight, oversale, or other operational emergency, to arrange for transportation of American's passengers on another carrier, or another carrier's passengers on American;

(F) When necessary to develop tour, convention, special event or other group travel arrangements, as long as the discussion is limited to fares for airline passenger services on routes not served by American and the discussion is otherwise consistent with applicable federal and state laws; or

(G) After American has received an explicit written assurance from the Assistant Attorney General in charge of

the Antitrust Division of the U.S. Department of Justice that the Antitrust Division has no present intention to prosecute the specific discussions and conduct in which American proposes to engage.

VIII

Defendant American shall:

(A) Inform its employees about the substance of this Final Judgment no later than thirty (30) days following its entry;

(B) Provide the members of its Board of Directors, its management employees and its other employees with responsibilities affected by this decree with a copy of this Final Judgment, a written explanation of its terms and conditions, and written directions to abide by its terms and conditions, no later than thirty (30) days following entry of this Final Judgment or following appointment or employment; and

(C) Submit an affidavit to the Assistant Attorney General in charge of the Antitrust Division setting forth the fact and manner of compliance with section VIII(B) no later than sixty (60) days following the entry of this Final Judgment and annually thereafter for the five years duration of this Final Judgment.

IX

In addition to the provisions of section VII hereof, defendant Robert L. Crandall is enjoined and restrained for a period of two years from directly or indirectly discussing, referring to or mentioning fares or fare structures of any scheduled airline passenger carrier, including American, in a communication with a member of the Board of Directors or management employee of any scheduled airline passenger carrier other than American.

X

Prior to any scheduled communication relating to any aspect of the airline industry between defendant Robert L. Crandall and a member of the Board of Directors or management employee of a scheduled airline passenger carrier other than American, defendant Robert L. Crandall shall, for a period of two years, review with an attorney from the Office of the General Counsel of American the subject matter of the proposed communication and the advisability of having counsel present during the communication.

XI

Defendant Robert L. Crandall shall, for a period of two years, maintain written notes of all communications relating to any aspect of the airline industry that he has with any member of

the Board of Directors or management employee of any scheduled airline passenger carrier other than American, in accordance with the following terms, conditions, and exceptions:

(A) Each communication governed by this section XI shall be reflected in a separate note;

(B) Each note must be made as contemporaneously as reasonably practicable to the communication that it describes, but in no event later than 48 hours following each communication;

(C) Each note must contain, at a minimum, the following information:

(1) The names, known airline affiliations, and known positions or title of all persons participating in or present during the communication;

(2) The date, location, time and approximate duration of the communication;

(3) The form of the communication, e.g., in person, in writing, by telephone; and

(4) A description of all subject matters relating to the airline industry or to the business of any scheduled airline passenger carrier that were discussed, referred to, or mentioned during the communication;

(D) If during any communication governed by this section XI, fares or fare structures were discussed by anyone participating in the communication, then the note for that communication must set forth a detailed description of the substance of that aspect of the communication and must also indicate which participants made which comments;

(E) With respect to any communication regarding any aspect of the airline industry made or heard by defendant Robert L. Crandall at a speech or presentation, or group discussion immediately before or after such a speech or presentation, at which a member of the Board of Directors or management employee of any scheduled airline passenger carrier other than American is present who is known by Robert L. Crandall at the time of the communication to hold such a position, the requirements of paragraphs (C) and (D) of this section XI shall not apply and instead the following terms, conditions, and exceptions shall apply:

(1) Each such note must contain, at a minimum, the following information:

(a) The date, location, time and approximate duration of the speech or presentation;

(b) A brief description of the subject matter, or subject matters, of the speech or presentation; and

(c) The entity or organization that provided the forum or sponsored the speech or presentation;

(2) Notwithstanding anything contained in this paragraph (E) of this section XI, any communication (other than a speech or presentation) between defendant Robert L. Crandall and any president, chief executive officer, or chief operating officer of any scheduled airline passenger carrier other than American that is otherwise governed by any part of this section XI must be reported in full compliance with the provisions of paragraphs (C) and (D), if the position of that officer is known to defendant Robert L. Crandall at the time of the communication;

(F) With respect to any communication regarding any aspect of the airline industry made or heard by defendant Robert L. Crandall during a meeting of the Air Transport Association, the requirements of this Section XI shall not apply only if counsel for the Association is present and minutes of the meeting are kept.

(G) Defendant Robert L. Crandall shall review each note with an attorney from the Office of the General Counsel of American as soon as reasonably practicable following each communication, but in any event no later than one (1) week following each communication;

(H) The notes shall be maintained by defendant Robert L. Crandall in his office at the corporate headquarters of American;

(I) Defendant Robert L. Crandall shall permit the Department of Justice to inspect the notes upon reasonable notice, and when the Department so requests, shall make the notes available for inspection by the Department at a mutually convenient location in Washington, D.C.; and

(J) Defendant Robert L. Crandall shall submit an affidavit to the Assistant Attorney General in charge of the Antitrust Division every three (3) months attesting to the fact that he has complied with the terms of this Final Judgment, that the notes required by this section XI are accurate and complete, and that he has reviewed each note with counsel for American.

XII

For a period of two years, whenever defendant Robert L. Crandall has any communication with representatives of any of American's vendors, suppliers, creditors or lenders during which there is any discussion, reference, or mention of the fares or fare structures of any scheduled airline passenger carrier other than American, then Robert L. Crandall must indicate the facts

surrounding that communication in the notes described in section XI above, and in accordance with the requirements set forth in subsections (A) through (D) of that section.

XIII

Defendants American and Robert L. Crandall are enjoined and restrained from soliciting, requesting, or authorizing any person to engage in conduct that, if done by defendants, would violate any provision of this Final Judgment.

XIV

If defendant Robert L. Crandall leaves the employment of American and later assumes employment with another scheduled airline passenger carrier, the obligations of defendant Crandall specified in sections IX, X, XI, and XII of this Final Judgment will remain obligations that he must meet subject to the modification that, regarding defendant Crandall only, all instances of the name "American" contained in this Final Judgment will be changed to the name of the new scheduled airline passenger carrier with which defendant Crandall assumes employment. Defendant American will continue to be bound by all applicable provisions of this Final Judgment.

XV

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters;

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath

if requested, with respect to any of the matters contained in this Final Judgment as may be requested;

(C) No information or documents obtained by the means provided in this section XV shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law; and

(D) If at the time information or documents are furnished by a defendant to the plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by the plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

XVI

The Final Judgment will expire on the fifth (5th) anniversary of its date of entry or, with respect to any particular provision, on any earlier date specified.

XVII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XVIII

Entry of this Final Judgment is in the public interest. Entered on this — day of —, 1985.

United States District Judge,

U.S. District Court for the Northern District of Texas—Dallas Division

[CA3-83-0325-D]

Filed: July 12, 1985.

United States of America, plaintiff, v. American Airlines, Inc., and Robert L. Crandall, defendants.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On February 23, 1983, the United States filed a civil antitrust Complaint in the United States District Court for the Northern District of Texas under section 4 of the Sherman Act (15 U.S.C. 4) to enjoin defendants, American Airlines, Inc. and Robert L. Crandall from continuing or renewing violations of § 2 of the Sherman Act as amended (15 U.S.C. 2).

The defendant American Airlines, Inc. (hereinafter "American") is a wholly-owned subsidiary of AMR Corporation and is in the principal business of providing scheduled airline passenger and freight services. American's principal business office is located in Fort Worth, Texas. The defendant Robert L. Crandall at the time of the Complaint was president of American. Defendant Crandall is currently Chairman of American's Board of Directors and is American's chief executive. His office is located at American's headquarters in Fort Worth.

The Complaint alleges that on or about February 1, 1982, the defendants, American and Robert L. Crandall, unlawfully attempted joint and collusive monopolization between American and Braniff Airways, Inc. (hereinafter "Braniff") of scheduled airline passenger service in a number of the city pairs served by both carriers at the Dallas-Fort Worth International Airport (DFW). The Complaint alleges that the unlawful attempt to monopolize consisted of an attempt by defendant Robert L. Crandall, acting in his capacity as the president of American, to cause Howard Putnam, who at the time of the Complaint was president and chief executive officer of Braniff, to raise the prices charged by Braniff by means of a direct oral request to Mr. Putnam that Braniff do so cupoled with Mr. Crandall's assurance that American would follow.

The instant case was filed to achieve the following purposes: (1) To terminate defendants' unlawful attempts to monopolize airline passenger services, and (2) to prevent any further attempt at monopolization of airline passenger services. Consistent with these objectives, the Complaint sought a judgment by the Court that the

defendants had attempted to monopolize trade and commerce in violation of § 2 of the Sherman Act. The Complaint sought an order to enjoin defendant American from discussing or communicating with any other company that provides scheduled airline passenger service any matter related to the pricing of such service and to enjoin defendant Robert L. Crandall for a period of two years from serving as president, chief executive officer or in any other position having pricing responsibility or authority with any company providing scheduled airline passenger service. Similarly, the Complaint sought an order enjoining American for a period of two years from employing Robert L. Crandall as the president, chief executive officer or in any other position having pricing responsibility.

II

Description of Practices Giving Rise to the Alleged Violations

The following describes the practices or events giving rise to the alleged violation of the Sherman Act. This description is made in sufficient detail to permit understanding of the relief provided in the proposed Final Judgment. At the same time, this description refrains from revealing matters that occurred before a grand jury that investigated possible violations of the Sherman Act in the provision of airline passenger services in the Dallas-Fort Worth area. Disclosure of such matters without a showing of particularized need would violate Rule 6(e) of the Federal Rules of Criminal Procedure.

A. Trade and Commerce

The trade and commerce alleged in the Complaint as the subject of defendants' attempt to monopolize is the provision at regular times and over regular routes of air transportation to individuals traveling between an origin city and a destination city when that travel involved DFW as the traveler's beginning, ending or connecting point on a city-pair route. The city pair means the origin city and the destination city between which scheduled airline passenger service is provided.

In February of 1982, American and Braniff were engaged in the provision of scheduled airline passenger service in competition with one another in numerous city pairs. In 1981 and 1982, American and Braniff served many of the same city pairs to and from DFW on a nonstop basis. In addition, both served many of the same city pairs for which a connection at DFW was necessary.

DFW is one of the largest airports in the United States. By February of 1982, both American and Braniff had established and maintained extensive hubbing operations centered at DFW. Many major airline passenger carriers structure the supply of their services around airports in network configurations or complexes called hubs. The term derives from the fact that routes of an airline maintaining a hub operation resemble the hub and spokes of a wheel with the airport, such as DFW, as the hub and the routes to other cities radiating outward like spokes. By hubbing the carrier can gather passengers from many points and concentrate them at the hub location at a number of times during the day. The carrier can then arrange connections for those passengers to many other locations. Thus, hubbing allows a carrier to serve many city pairs that might not independently support nonstop service, e.g., from a small city in Texas to New York City.

In 1981 and early 1982, the hubs of both Braniff and American at DFW consisted of "feeder" routes and "trunk" routes. Many of the feeder routes originated at cities in Texas, Oklahoma or Louisiana. Many of Braniff's and American's passengers then connected at DFW to the respective carrier's "trunk" routes en route to cities generally located a further distance from DFW. Generally, "feeder" routes are shorter haul, thin routes, with few passengers destined to or coming from any one city. By offering connections at the hub airport to many destinations at approximately the same time, hubbing carriers can carry on one "feeder" flight many passengers with different destinations. Thus, these routes provide feed traffic to long haul "trunk" routes and vice versa.

This feed traffic permitted American and Braniff to offer more long haul destinations and to operate their long haul trunk routes with more passengers per flight than either carrier could have by providing only service originating or terminating at DFW without the benefit of feed traffic. For another carrier to have entered the DFW nonstop and connecting city-pair markets and compete successfully with either American or Braniff, entry would have been required on a number of routes to replicate the feed advantages available to Braniff and American because of their DFW hub systems.

The extent to which an entering or expanding carrier needed a similar hubbing operation to compete effectively with Braniff and American magnified the effect of other entry

barriers at DFW. For example, at the time of the alleged attempt to monopolize and continuing until at least September 1983, air traffic control capacity at many airports was limited as a result of the August 3, 1981 strike by the Professional Air Traffic Controllers Organization. The Federal Aviation Administration (FAA), through a series of regulations known generally as Special Federal Aviation Regulations (SFARs) No. 44, *et seq.*, formalized the imposition of restrictions on the number of allowable carrier landings per hour, i.e., slots, at approximately 22 of the nation's larger airports, including DFW. The Complaint alleges that the limited availability of slots acted as a significant barrier to entry for any carrier seeking to enter or expand service in any significant number of city pairs where the origin, destination or connecting airport is slot-constrained. In particular, the Complaint alleges the slot-constraints at DFW prevented any carrier from adding or expanding service at DFW by more than several city pairs or frequencies, making it difficult for the other carrier to capture the efficiencies afforded American and Braniff by their DFW hubs.

There were potentially other barriers to a carrier's successful entry or expansion at DFW. The unavailability of gate or terminal space may act as an entry barrier. This is particularly so when the entering carrier needs enough gate space to develop its own feed traffic to compete successfully with the airport's hub carriers. At the time of the conduct alleged in the Complaint, all constructed terminal and gate space at DFW was in use. While DFW had space for additional construction, there is significant lagtime between the approval of construction and utilization of a gate facility.

Another potential entry barrier at DFW related to American's SABRE system. American developed a computer reservations system called SABRE in the late 1970's. SABRE is in use in approximately 90 percent of the travel agencies in the Dallas-Fort Worth area and about 40 percent of the nation's travel agencies. At the time of the conduct alleged in the complaint, SABRE's display of carriers' flights for sale by the travel agent was biased in favor of the host American and to a lesser extent for cohorts. Braniff was a cohort. Entering and expanding carriers needed access to SABRE and visibility on SABRE to compete effectively in city pairs with DFW as one point on the flight. SABRE thus acted as an impediment to a carrier entering or expanding at DFW if the carrier could

not acquire sufficient visibility on the SABRE system.

B. The Alleged Conduct

The Complaint alleges that on or about February 1, 1982, the defendants, acting through American's chief executive officer, Robert L. Crandall, with specific intent, unlawfully attempted to join in collusive monopolization with Braniff of scheduled airline passenger service in a number of the city pairs served by the DFW hub. Defendants effectuated this attempt to monopolize during a telephone conversation with Braniff's Chief Executive Officer, Howard Putnam, during which conversation, defendant Crandall proposed that both carriers raise their fares by 20%.

In the fall of 1981, Braniff, faced with continuing heavy losses, attempted to create a market niche for itself by becoming a low fare carrier. Accordingly, in November 1981 Braniff lowered its fares significantly. American matched Braniff's fares to prevent losing great numbers of passengers to Braniff. According to the company's own reports, by matching Braniff's low fares, American lost approximately \$12 million per month in December 1981 and January 1982. In that context, defendant Crandall, the Complaint alleges, told his rival at Braniff that both carriers could exist at DFW and "there ain't no room for Delta." He also reminded Braniff's president that Eastern and Delta co-existed in Atlanta for many years. Then defendant Crandall suggested that his rival raise fares by 20% and assured Putnam that American would follow and raise its prices. Putnam refused defendant Crandall's offer.

The Complaint alleges that defendant Crandall's conversation with his rival illustrates his specific intent to control the pricing of airline passenger services in DFW city-pair markets and that, had Braniff's chief executive accepted the offer, there would have been an immediate creation of market power, i.e., the power to control prices by American and Braniff in numerous city-pair routes involving DFW.

Because American and Braniff had dominant market shares and over a ninety percent share on many city-pair routes involving DFW and because entry was difficult due to American's and Braniff's hubs coupled with DFW slot-constraints, scarce DFW gate facilities, and SABRE bias, any price-fixing agreement between Braniff and American would have created sustainable market power without threat of entry by carriers offering lower fares on any significant number of city pairs.

C. Market Changes Since the Complaint Was Filed

Since the filing of the Complaint in February 1983, the market structure for travelers enplaning, deplaning or stopping at DFW has changed. Braniff has substantially reduced its service and presence at DFW. On May 13, 1982, Braniff filed for protection from creditors under Chapter 11 of the Bankruptcy Code. A reorganized Braniff began services to nineteen destinations from DFW in March 1984. Late in 1984, however, Braniff dropped service to ten of those destinations.

On the other hand, American has substantially increased its presence at DFW following Braniff's bankruptcy in May 1982. In February 1982, American's share of enplanements at DFW was approximately 46 percent, followed by Braniff with 30 percent and Delta with 14 percent of DFW enplanements. Data for the first quarter of 1985 show that American accounted for 59 percent of all DFW enplanements during the period compared with Delta's 21.8 percent and Braniff's four percent of DFW enplanements.

American continues to enlarge its DFW hub and spoke operations, enabling it to serve more routes and to offer greater frequencies than competitors lacking such an extensive hub. Currently, American flies to approximately 85 cities nonstop from DFW with about 300 departures per day during peak seasons while its most significant DFW challenger, Delta, flies to only about 40 cities with about 125 departures per day. Additionally, the American Eagle program, in which American provides connecting service with local commuter carriers, has increased American's feed potential at DFW.

Formalized FAA slot-constraints are no longer an entry barrier at DFW. In the fall of 1983, the FAA removed DFW from the list of slot-constrained airports. This does not mean, however, that air traffic control capacity at DFW is necessarily sufficient to accommodate unlimited entry during the most popular landing times.

The Civil Aeronautics Board recently enacted industry-wide rules to eliminate bias in computer reservations systems, including American's SABRE. The rules went into effect in November 1984 and are overseen by the Department of Transportation. The Antitrust Division will continue to monitor the rules' ability to restore airline competition displaced by biased computer reservations systems. It is too soon after the rules' implementation, however, to determine

the extent to which SABRE continues to be an impediment to entry in airline passenger services at DFW.

As noted above, the unavailability of airport gate and terminal space to accommodate expanding or entering carriers can be a barrier to entry in much the same way that slot-constraints are; that is, it may be difficult to obtain sufficient space at an airport to develop a hub operation that can challenge the airport's major hub carriers who possess the advantages of feed traffic. In 1982, at the time of the conduct alleged in the Complaint, American held slightly more than one-third of the total DFW gate space. American has since constructed additional DFW gates and, at the end of 1984, American acquired nine additional DFW gates from Braniff. American now controls nearly one-half of the total gates available at DFW.

D. Defendants

The Complaint names two defendants, American Airlines, Inc., a wholly-owned subsidiary of AMR, Inc., organized and existing under the laws of the state of Delaware and Robert L. Crandall, American's current Chairman of its Board of Directors. Both American's and Crandall's principal business office is at 4200 American Boulevard, Fort Worth, Texas.

III

Explanation of the Proposed Judgment

The United States and the defendants have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h). The proposed Final Judgment provides that the entry of the Final Judgment does not constitute any evidence against or an admission by any party with respect to any issue of fact under the provisions of section (e) of the Antitrust Procedures and Penalties Act. The proposed Final Judgment may not be entered until the Court determines that entry is in the public interest.

A. Prohibited Conduct

1. *Overview.* The proposed Final Judgment addresses the dangerous probability of joint monopolization presented by the conduct allegedly engaged in by defendants and the subject of this Complaint. There is a dangerous probability that an attempt jointly to monopolize air transportation might be successful when airline executives meet or otherwise engage in communications about fares or fare structures in the airline industry and when the carriers together would have substantial market power in one or a

number of city pairs. In those situations the continuation of competition in air transportation may be dependent upon one executive's refusal to a suggestion made by another carrier's executive. The Final Judgment, therefore, focuses on the discussions which defendants engage in with executives of other airline carriers.

2. *Specific Sections of the Proposed Final Judgment.*—a. *Section VII.* Section VII prohibits American from discussing the pricing of airline services with other scheduled airline passenger carriers except in particular situations specified in the Final Judgment. The exceptions are designed for those occasions when, as part of its legitimate airline business, American must discuss fares with employees of other airline carriers and the discussions are unlikely to have anticompetitive potential.

The proposed Final Judgment sets forth with particularity those situations where discussions about fares between American and other airline carrier representatives may take place. They are as follows: First, fare discussions are allowed when required to implement joint fares with other carriers. Joint fares are fares for interline connecting service where the separate segments of a city pair are provided by different carriers. Joint fares allow two carriers to provide one fare and ticket for the passenger who desires or needs to take one carrier to a connecting point and switch to another carrier before reaching the final destination. By developing joint fares, carriers can offer additional service that may compete with nonstop and online connecting service. Joint fares, thus, may enhance consumer welfare. At the same time, discussions on joint fares are unlikely to be anticompetitive because they do not require discussing fares for competitive service on any one city pair.

Second, American is allowed to discuss fares with other carriers when the discussion is necessary to implement fares in foreign air transportation. Discussions about foreign fares are allowed by statute and also by this Final Judgment if the discussions are in accord with procedures established by the United States Department of Transportation, pursuant to 49 U.S.C. 412 and 414.

Third, American is allowed to discuss fares with other carriers to the extent such discussion is necessary to implement another scheduled airline passenger carrier's participation in American's frequent flyer program or American's participation in another carrier's frequent flyer program. Such discussions may be necessary to determine the percentage of a bonus fare that will be repaid to the host

carrier for participation in that carrier's frequent flyer program. Such discussions are unlikely to lead to competitive problems because the discussion must be limited to that which is necessary to implement participation in the frequent flyer programs.

Fourth, section VII(D) provides an exception for those occasions when it may be necessary for American to relay and receive correct fare information from other carriers for purposes of maintaining the integrity of the airlines' computer reservations systems.¹ There may be situations when, for example, one carrier's submission of data for display on the system is unclear and the carriers must discuss the discrepancy to assure a correct listing. Therefore, an exception to the prohibited conduct is made for those discussions which are necessary for the accuracy of the data base systems.

Fifth, section VII(E) provides that the general injunction against discussing fares will not apply on those rare occasions when a carrier must cancel a flight due to an operational emergency and must arrange for the transportation of its ticketed passengers on another carrier. These inter-airline discussions about fares are permitted when necessary to determine the fares at which the other carrier's passengers will be carried.

Sixth, section VII(F) allows American to discuss with other airlines special, one-time discounted fare packages for convention, tour or special event proposals if American and the other carrier are not discussing fares for city pair service both carriers provide. Such special event fare discounting is likely to benefit consumers.

Finally, section VII(G) provides that if other situations arise when American must discuss fares or fare structures with other airline carriers, American may notify the Antitrust Division and request a written assurance from the Assistant Attorney General in charge of the Antitrust Division that the Division would not prosecute the specific discussions and conduct at issue. If it appears that the benefits of the proposed conduct would more likely outweigh consumer welfare losses, and American, accordingly, has received written approval from the Antitrust Division, the proposed discussions may take place.

¹ Most airlines list flights and fares of other carriers in their own internal reservations systems and airline vendors of computer reservations systems, such as American, include the flights and fares of most other carriers in the systems they sell to travel agents.

b. *Section IX.* Section IX prohibits defendant Crandall from directly or indirectly discussing, referring to, or mentioning airline fares or fare structures with board members or management employees of other scheduled airline passenger carriers. Defendant Crandall is strictly enjoined from such discussions and may not participate as can other American employees in discussions permitted specifically by the exceptions in Section VII(A)-(F).

The term management employee, as defined by the Judgment, includes the officers of the company at the level of chief executive or chief operating officer, president, senior vice president, vice president, and assistant vice president. Management employee, as defined in the proposed Judgment, also includes all employees who have a decision-making role in pricing the airline's services. See Section II, Definitions.²

Section IX seeks to eliminate the opportunity for defendant Crandall to attempt to monopolize jointly or to monopolize jointly with any other scheduled airline passenger carrier by obtaining joint control airline prices.

c. *Section X.* Section X requires defendant Crandall to discuss with an American Airline's attorney the subject matter of any proposed communication about the airline industry that Crandall has scheduled with a management employee of another airline carrier. This provision is designed to assure that in those circumstances with a high potential for anticompetitive discussions or communications violative of this proposed Final Judgment, Crandall will have previously spoken with counsel and may have counsel present during the communication.

d. *Section XI.* Section XI requires Crandall to maintain for two years a written record of all his communications with other airline industry executives. These written notes must contain a separate entry for each such communication and the identification of the communicant. Moreover, the written record must indicate the date, location and time of the communication, the form

of the communication and must contain a brief description of the subject matters relating to the airline industry that were discussed. In addition, if there is a discussion about airline fares or fare structures, Crandall's written notes must contain a detailed description of that part of the conversation and must indicate which participants made which comments. The record must be made within 48 hours following the communication and must be reviewed with an attorney from American no later than one week following the communication. Furthermore, defendant Crandall must submit an affidavit to the Assistant Attorney General in charge of the Antitrust Division every three months attesting that he has complied with the terms of the judgment and that his written record is accurate and complete.

There may be occasions when Crandall must attend an industry speech or presentation or is involved in group discussions before or after the speech when matters relating to the airline industry are discussed and when it would be extremely difficult to follow the reporting requirements of section XI(A)-(D). In those situations, section XI(E) provides that Crandall need only record the date, location, time and duration of the speech, a brief description of the subject matter of the speech or presentation, and the entity or organization that provided the forum for the speech or presentation. Even at a speech or presentation, however, section XI provides that if defendant Crandall has a conversation with a president or chief executive officer of another airline carrier, the conversation must be separately recorded as required by section XI(A)-(D).

Section XI is designed to discourage conversations with other airline executives that may have a high potential for anticompetitive results. This section is not designed to prevent defendant Crandall from communicating with other airline executives on matters related to the airline industry when those conversations are unlikely to have anticompetitive potential. Section XI is also designed to allow the Department of Justice to review defendant Crandall's communications with other airline executives to deter anticompetitive communications and to take appropriate action, if necessary, to eliminate any anticompetitive effects in their incipency.

e. *Section XII.* Section XII requires defendant Crandall to include in his written record of communications with other airline executives a written record of his communication with American's

vendors or suppliers, creditors or lenders if there has been any discussion with those parties about the fares or fare structures of any other scheduled airline passenger carrier. This section is designed to discourage discussions about the fares of competitors with supplies and lenders used by both American and the competitor. That is, section XII seeks to deter defendant Crandall from attempting to control prices jointly with other carriers indirectly through discussions with vendors or lenders of both carriers. The provision seeks to prevent, for example, a situation where Crandall could suggest to one of American's lenders that the competitive, low fares of another carrier were preventing American from business success, and that it would be, therefore, in the supplier's or lender's interest to encourage the other carriers to raise prices. To deter such anticompetitive discussions, this provision requires that should Crandall participate in any of these discussions, written notes must be made. Section XII also seeks to provide the Antitrust Division with information to eliminate the anticompetitive effects of such discussions in their incipency.

g. *Section XIII.* Section XIII enjoins American and Robert Crandall from soliciting, requesting, or authorizing other persons to engage in conduct that, if done by defendants, would violate any provision of this judgment. This section is designed to prevent defendants American and Robert Crandall from indirectly engaging in conduct that they are prohibited from doing directly.

h. *Section XIV.* Section XIV provides that those sections of the proposed Final Judgment that apply solely to Crandall stay with defendant Crandall should he later assume employment with another airline carrier during the two-year duration of those terms of the decree. Thus, the obligations of defendant Crandall specified in sections IX, X, XI, and XII of the Final Judgment will remain his obligations with the modification that those aspects of his obligations relating to his employer will be his new employer instead of American. Even if defendant Crandall leaves the employ of American, defendant American will continue to be bound by all applicable provisions of the Final Judgment.

3. *Affirmative Obligations.* Sections IV, V, VIII, and XV of the proposed Final Judgment impose a number of affirmative obligations upon the defendants. Section IV requires American, as a condition of the sale or other disposition of all, or substantially

²The injunction in section IX and the requirements set forth in Sections X and XI relating to defendant Crandall's communications with employees of other airline carriers are limited to the carrier's management employees rather than all employees. This limitation is not intended to condone conversations about prices between defendant Crandall and lower-level employees of other airlines. Rather, the limitation acknowledges that airline carriers are corporations with many employees whose responsibilities are unrelated to the setting of airline prices and that only those employees with management responsibilities could actually implement anticompetitive proposals.

all of its airline passenger services assets, that the acquiring party agree to be bound by the provisions of this proposed Final Judgment and that the agreement be filed with the Court. Section IV seeks to assure that the terms of the proposed Final Judgment will not be circumvented by sale of the company.

Section V requires that defendant American provide written notice to the Antitrust Division no later than thirty (30) days before American changes its name, liquidates or ceases operations, or becomes acquired by or becomes a subsidiary of another firm. American must also give the Antitrust Division notice within fifteen (15) days after it declares bankruptcy, or establishes or acquires subsidiary whose business activities are among those covered by the Judgment. The purpose of this section is to ensure that the plaintiff will have notice of any such transactions so that the government can take appropriate action to protect its interests in securing compliance with this Judgment.

Section VIII requires defendant American to inform its employees about the substance of the Final Judgment, within 30 days of its entry. Section VIII additionally requires defendant American to furnish a copy of the Judgment within 30 days of its entry to American's Board of Directors, its management employees as defined in the Judgment and other employees with responsibilities affected by the decree and to provide them a written explanation of the Judgment's terms and conditions and instructions to abide by its terms and conditions. New board members, management employees and other employees affected by the decree must be given a copy of the Final Judgment and a written explanation and instructions concerning the decree. Section VIII also requires defendant American to submit an affidavit to the Antitrust Division attesting that it has initially complied with Section VIII and in what manner it has complied. Defendant American must annually thereafter attest that it has complied with section VIII with respect to new board members and employees.

Section XV places an obligation on American to cooperate with the plaintiff's efforts to monitor compliance with the proposed Judgment. Defendant American must permit duly authorized representatives of the Department of Justice access to inspect and copy documents at its principal office.

Under section XV(B), defendant American must provide written reports, under oath, if requested, with respect to compliance matters. Section XV(A)(2)

requires that American permit the Department of Justice to interview its officers, employees, and agents regarding subjects covered by the Judgment.

4. *Obligations of the United States.*—
a. *Section XV(C).* Under Section XV(C) the Department of Justice is barred from divulging information obtained under section XV to anyone except a duly authorized representative of the Executive Branch of the United States government. Such disclosure is not barred, however, in any legal proceedings to which the plaintiff is a party or for the purpose of securing compliance with the Final Judgment or as otherwise provided by law.

b. *Section XV(D).* Under section XV(D) each defendant may assert a claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure when such defendant provides to the Justice Department information or documents required under the compliance provisions of the Final Judgment. If any defendant asserts such a claim, the plaintiff will provide the defendant with 10 days notice prior to disclosing such material.

B. Scope of the Proposed Judgment

1. *Duration of the Judgment—Section XVI.* Except as otherwise provided, the proposed Final Judgment will remain in effect for a period of five (5) years from the date of entry. Time durations of less than the five year period, i.e., a two year period, are provided for in those provisions specifically addressed to defendant Crandall. This is because the Complaint sought injunctive provisions of only two-years duration for defendant Crandall and because affirmative obligations are imposed on Crandall which require him to keep a written record of certain of his communications. The specific provisions that have time limitations of two years are the following: Sections IX, X, XI, and XII.

2. *Persons Bound by the Judgment—Section III.* Section III of the proposed Final Judgment provides that its terms shall apply to the defendants and to American's subsidiaries, successors, assigns, officers, directors, employees, and agents, and to all other persons in active concert or participation with either of the defendants and who received actual notice of this Final Judgment by personal service or otherwise.

3. *Effect of the Proposed Judgment on Competition.* The proposed Judgment is intended to prevent the defendants from continuing any attempts jointly to monopolize or jointly monopolizing airline passenger service with other airline carriers on any one city pair or

collection of city pairs. The Judgment is intended to ensure that defendants will comply with the provisions of the antitrust laws. The proposed Judgment seeks to ensure that opportunities for attempts at joint monopolization of the type alleged in the Complaint be eliminated. That is, the proposed Judgment seeks to ensure that opportunities for competition in the provision of airline passenger services not be hindered because of communications about fares between defendants and other carriers. The affirmative obligations of the decree are designed to assure that American's management is aware of the obligations under the decree in order to avoid a repetition of the behavior that allegedly occurred.

The Department of Justice believes that the proposed Final Judgment contains adequate provisions to prevent further violations by the defendants of the type upon which the Complaint is based. The Department believes that disposition of the lawsuit without further litigation is appropriate because the proposed Judgment should be as effective in eliminating opportunities for a recurring violation of the type alleged in the Complaint as would the relief originally requested. Given the relief proposed in this Judgment, the additional expense of litigation would not result in additional public benefit.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured in his or her business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment has no *prima facie* effect in any subsequent private lawsuits that may be brought against these defendants.

V

Procedures Available for Modification of the Proposed Consent Judgment

As provided by the Antitrust Procedures and Penalties Act, any person who wishes to comment upon the proposed Final Judgment may submit written comments to Elliott M. Seiden.

Chief, Transportation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530, within the 60-day period provided by the Act. These comments and the responses to them will be filed with the Court and published in the *Federal Register*. All comments will be given due consideration by the Department of Justice which remains free to withdraw its consent to the proposed judgment at any time prior to entry of the judgment if it should determine that some modification is necessary.

VI

Alternatives to the Proposed Consent Judgment

The proposed Final Judgment differs from the relief sought in the Complaint. The government initially sought to have defendant Crandall barred for two years from employment with an airline in a position of authority over the airline's pricing. Defendant Crandall exhibited a disregard for the antitrust laws if, as alleged in the Complaint, during his conversation with Braniff's Putnam, Crandall ignored Putnam's warning that they should not be talking about prices and responded that he and Putnam could talk about anything they wanted to talk about. Defendant Crandall's alleged disregard of the antitrust laws led the Antitrust Division to seek his debarment from the leadership of any company in the airline industry. The airline industry, because each separate city-pair market is likely to have few participants, is readily susceptible to monopolistic or joint monopolistic behavior if there are barriers to entry in the markets.

This proposed Final Judgment does not restrict defendant Crandall's employment with an airline, as sought in the Complaint, but is designed to remove opportunities for defendant Crandall to repeat the alleged conduct or to attempt, in some other way, to jointly control airline markets with other carriers. The plaintiff believes that the proposed judgment provides sufficient protection from repetition of the alleged or similar conduct that it is unnecessary, in this instance, to expend the substantial additional resources of trial to seek to prohibit Crandall's employment in the airline industry.

The Department considered prohibiting American from soliciting or consummating agreements with other carriers not to compete in the context of negotiating sales, transfers or leases of properties and facilities of American Airlines, such as gates at congested airports. It was determined that such relief should not be included. First, it

was not closely related to the behavior that was the essence of the violation charged in the Complaint. Second, limited non-competition agreements are not necessarily anticompetitive. For these reasons, the considered relief was rejected.

VII

Determinative Materials

There are no materials or documents which the Government regards as determinative in formulating this proposed judgment. Therefore, none are being filed with this Competitive Impact Statement pursuant to section B of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted,

Anne E. Blair,

Michael H. Simon,

R. Timothy Slattery,

Attorneys, U.S. Department of Justice, P.O. Box 481, Washington, D.C. 20530, (202) 724-6469.

[FR Doc. 85-17491 Filed 7-22-85; 8:45 am]

BILLING CODE 4410-01-M

Proposed Termination of Final Judgment; United States v. Volkswagen of America, Inc.

Notice is hereby given that Volkswagen of America, Inc. ("VWoA"), Riviera Motors, Inc. ("Riviera"), and World-Wide Volkswagen Corp. ("World-Wide"), have filed with the United States District Court for the District of New Jersey a motion to terminate the final judgment in *United States v. Volkswagen of America, Inc.*, Civil No. 1232-57, and the Department of Justice ("Department"), in a stipulation also filed with the Court, has consented to termination of the judgment, but has reserved the right to withdraw its consent for at least seventy (70) days after the publication of this notice. The complaint in this action, filed in 1957, alleged, as amended, that VWoA, its independent regional distributors, and its U.S. franchised Volkswagen dealers were engaged in a resale-price-maintenance conspiracy to the effect that the distributors would sell Volkswagen automobiles and parts to the dealers at wholesale prices fixed by VWoA and the dealers would sell to purchasers at retail prices also fixed by VWoA. The Final Judgment filed on May 7, 1962, enjoins VWoA and its 14 U.S. distributors, all of whom were named as defendants, from requiring any Volkswagen distributor or dealer to adhere to any specified or suggested price in selling Volkswagen automobiles and parts. Of the 14 U.S. Volkswagen

distributors named as defendants in the complaint only two—World-Wide Volkswagen Corp. and Riviera Motors, Inc.—still survive as independent entities.

The Department has filed with the Court a memorandum setting forth the reasons the Department believes that termination of the Final Judgment would serve the public interest. Copies of the complaint, the Final Judgment, the motion papers of VWoA, Riviera, and World-Wide, the stipulation containing the Government's consent to that motion, the Government's memorandum, and all further papers filed with the Court in connection with this motion will be available for inspection in the Legal Procedure Unit of the Antitrust Division, Room 7416, United States Department of Justice, Tenth Street and Pennsylvania Avenue NW., Washington, D.C. 20530 (telephone: 202-633-2481), and at the Office of the Clerk of the United States District Court for the District of New Jersey, United States Court House and Post Office, Third Floor, Federal Square, Newark, New Jersey 07102. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the Final Judgment to the Department. Such comments must be received within sixty days, and will be filed with the court. Comments should be addressed to Ralph T. Giordano, Chief, New York Office, Antitrust Division, Department of Justice, 26 Federal Plaza, Room 3630, New York, New York 10278 (telephone: 212-264-0383).

Joseph H. Widmar,

Director of Operations, Antitrust Division,

[FR Doc. 85-17490 Filed 7-22-85; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

Intent To Prepare Draft Environmental Impact Statement (DEIS) for the Construction of a Federal Correctional Facility, Lafayette Township, McKean County, PA

AGENCY: Federal Bureau of Prisons, Justice.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

1. Proposed Action: The U.S. Department of Justice, Federal Bureau of

Prisons has determined that a new medium security prison with an adjacent satellite camp is needed in its system. A 192.62-acre tract of land at the McKean County Industrial Park near Bradford, Pennsylvania is being evaluated for the site of the facility. The proposal calls for the construction of a 550-bed facility to house medium security inmates and a 150-bed satellite camp housing minimum security inmates. Approximately 60-70 acres would be required for road access, inmate housing, administration and program spaces and service and support facilities. In addition, exercise areas would be included in the needed acreage.

2. In the process of evaluating the tract of land, the following aspects will receive a detailed examination: Wetlands, threatened and endangered species, cultural resources, unique and prime farmlands, and socioeconomic impacts.

3. Alternatives: In developing the DEIS, the options of no action and alternative sites for the proposed facility will be fully and thoroughly examined.

4. Scoping Process: A number of meetings have been held with area officials and concerned citizens. Additional meetings including at least one public meeting will be held during the last week of July and the first part of August, 1985.

5. DEIS Preparation: The DEIS should be available for public review and comment in August or September, 1985.

6. Address: Questions concerning the proposed action and the DEIS can be answered by: Mary S. Galey, Project Manager, Facilities Development and Operations, U.S. Bureau of Prisons, 320 First Street, NW., Washington, D.C. 20534, Telephone: (202) 272-6871.

Dated: June 17, 1985.

Mary S. Galey,

Acting Chief, Office of Facilities Development and Operations, Federal Bureau of Prisons, Department of Justice.

[FR Doc. 85-17401 Filed 7-22-85; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the

proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The (OMB) and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Collection of Information in Current Rules

Mine Safety and Health Administration
Rock Burst Detection Plan (30 CFR 57.3035)

On occasion

Businesses and other for profit; small businesses or organizations
6 respondents; 72 hours

Requires metal and nonmetal mine operators to develop a rock burst detection plan within 90 days after a rock burst has been experienced. Plans are required to be made available to MSHA inspectors and are used by the mine operator for work assignments to assure miner safety and to schedule correction work.

Extension

Employment and Training Administration

Annual State WIN Plans
1205-0214; ETA RC 16

Annual

State or local governments

30 respondents; 2,310 hours; no forms

The State WIN Plan is the basic planning and management tool utilized by the national and regional offices to ensure State compliance with legislation, regulation and national office goals. It is the vehicle for providing allocation levels to State agencies. Respondents are State staff.

Signed at Washington, D.C. this 18th day of July 1985.

Paul E. Larson,

Departmental Clearance.

[FR Doc. 85-17482 Filed 7-22-85; 8:45 am]

BILLING CODE 4510-30/4510-43-M

Employment and Training Administration

Trade Adjustment Assistance for Workers; General Administration Letter No. 10-85, Change 1

Public Law 98-369—the Deficit Reduction Act of 1984—amended the Trade Act of 1974 to enable workers to receive up to 26 additional weeks of trade readjustment allowance (TRA) by beginning the additional 26-week period with the first week the worker is in training, if such training was applied for in a timely manner and is approved after the last week of basic TRA entitlement, and to increase the maximum amount payable for job search allowances and maximum lump sum amount payable for relocation allowances from \$600 to \$800. The amendments became effective July 18, 1984.

On May 23, 1985, the Department of Labor issued General Administration Letter No. 10-85 which provided operating instructions to all State employment security agencies for implementing the amendments in Pub. L. 98-369. The GAL was published in the

Federal Register on June 11, 1985. (FR Vol. 50, No. 112, page 24598).

Based on comments and suggestions received by the Department during the public comment period on the proposed rule implementing the amendments, the Department agreed that the December 18, 1983 date in proposed rule 20 CFR 635.65(a) is not required by statute and will be deleted in the final rule. Therefore the operating instruction in Paragraphs 5(a) of GAL 10-85 was amended by deleting the December 18, 1983 date. The revised operating instructions are contained in General Administration Letter No. 10-85, Change 1, which is published below.

Dated: July 15, 1985.

Roberts T. Jones,

Acting Deputy Assistant Secretary of Labor.

U.S. Department of Labor, Employment and Training Administration, Washington, D.C. 20213

Classification: TRA.

Correspondence symbol: TET.

Date: July 10, 1985.

Expiration date: June 30, 1986.

Directive: General Administration Letter No. 10-85, Change 1.

To: All State Employment Security Agencies.

From: Barbara Ann Farmer, Acting Administrator, Office of Regional Management.

Subject: Role of State Employment Security Agencies in Implementing Amendments to the Trade Act of 1974 in the Deficit Reduction Act of 1984.

1. *Purpose.* To advise SESA officials of a revision to the operating instructions issued in the GAL 10-85, dated May 23, 1985, for implementing amendments to the Trade Act of 1974 in sections 2671 and 2672 of the Deficit Reduction Act of 1984 (Pub. L. 98-369).

2. *Reference.* Trade Act of 1974 (Pub. L. 93-618). Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). Deficit Reduction Act of 1984 (Pub. L. 98-369) and GAL 10-85.

3. *Background.* GAL 10-85 was based on the supplemental proposed rule to 20 CFR Part 635, implementing the Deficit Reduction Act amendments to the Trade Act, published in the *Federal Register* on April 15, 1985 (FR Vol. 50, No. 72, page 14720). A copy of the proposed rule was attached to GAL 10-85.

Paragraph 5(a) in the GAL provided that up to 26 additional weeks of TRA for training could begin with the first week of TRA for training could begin with the week of such training if the training was approved after the last week of entitlement to basic TRA. The claimant had to apply for the training within 210 days after the certification

under which the claimant was covered or, if later, within 210 days after the date of the claimant's first separation. Additionally, according to paragraph 5(a), to be eligible for the additional weeks of TRA under the operating instructions the claimant was required to have filed a timely bona fide application for training on or after December 18, 1983, and to have had the application approved on or after July 18, 1984.

Based on comments and suggestions received by Department during the public comment period on the proposed rule, the Department agreed that the December 18, 1983 date is not required by the statute and made the decision to delete the date from § 635.65(a) of the final regulations. This date would have prohibited workers who filed a timely bona fide application for training on or before December 18, 1983 from qualifying for the 26 additional weeks of TRA payments.

The revised operating instructions with the December 18, 1983 date deleted are presented below.

4. *Basic Provisions of the New Amendments.*

(a) *Duration of TRA.* Section 233(a)(3) of the Trade Act of 1974 is revised to permit workers to receive up to 26 additional weeks of TRA payments in the 26-week period that begins with the first week of such training, if the training is approved after the last week of entitlement to basic TRA otherwise payable to the individual.

To be eligible under this provision an individual must make a bona fide application for such training within 210 days after the certification under which the individual is covered or, if later, within 210 days after the date of the individual's first total or partial separation.

To be eligible to receive additional weeks of TRA beginning the first week of such training a worker must have filed a timely bona fide application for training which was approved on or after July 18, 1984.

(b) *Job Search Allowance.* The total job search allowances paid to an individual under a certification may not exceed \$800 (previously \$600) providing the individual filed a timely application for job search allowance that is approved on or after July 18, 1984. The total allowances approvable before that date may not exceed \$600.

(c) *Relocation Allowance.* The lump sum payment for relocation, equal to 3 times the individual's average weekly wage, may not exceed \$800 (previously \$600) providing the worker filed timely for relocation allowance that is approved on or after July 18, 1984.

5. *Action Required.* SESAs should implement the amendments to the Trade Act in sections 2671 and 2672 of the Deficit Reduction Act of 1984, immediately by taking the following actions:

(a) Inform appropriate SESA staff that the December 18, 1983 date in the operating instructions has been deleted and that all workers who filed timely bona fide applications for training may qualify for additional weeks of TRA under the revised operating instructions.

(b) Notify all TAA eligibility workers who might be affected by the change of the provisions of the new legislation and the potential impact on their TRA benefits while in training.

(c) Make necessary adjustments in benefits payable.

6. *Effective Date.* These amendments to Chapter 2—Adjustment Assistance for Workers, of Title II of the Trade Act of 1974 became effective July 18, 1984.

7. *Regulations.* Regulations published in the *Federal Register* as a final rule will take precedence over GAL 10-85 and this Change 1.

8. *Inquiries.* Inquiries should be directed to appropriate regional office. [FR Doc. 85-17480 Filed 7-22-85; 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 July 8, 1985-July 12, 1985.

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-15,862; Burlington Industries, Inc., Blended Fabric Div., Lincolnton, NC

TA-W-15,780; Jenkins Brothers Corp., Bridgeport, CT

TA-W-15,844; Phillips ECG, Inc., Seneca Falls, NY

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-15,942; Colorado Westmoreland, Inc., Orchard Valley Mine, Paonia, CO

Aggregate U.S. imports of bituminous coal are negligible.

TA-W-15,970; Uranerz USA, Inc., Casper, WY

The uranium mined by the subject firm was incidental to research activities, and was not marketed.

TA-W-15,962; International Jensen, Inc., Schiller Park, IL

The worker firm does not produce an article as required for certification under section 222 of Trade Act of 1974.

Affirmative Determinations

TA-W-15,897; Pester Refining Co., El Dorado, KS

A certification was issued covering all workers of the firm separated on or after January 1, 1985

TA-W-15,823; USM Corp., Unit Sole Div., Kenton, TN

A certification was issued covering all workers of the firm separated on or after March 13, 1984 and before January 13, 1985.

TA-W-15,828; Indiana Glass Co., Dunkirk, IN

A certification was issued covering all workers of the firm separated on or after October 1, 1984

TA-W-15,865; Tennessee Fan Co., Fayetteville, TN

A certification was issued covering all workers of the firm separated on or after March 7, 1984 and before January 1, 1985.

TA-W-15,881; Boyd Lumber Corp., Tonasket, WA

A certification was issued covering all workers of the firm separated on or after February 26, 1984 and before December 31, 1984

TA-W-15,900; Tennessee Chemical Co., Copperhill Co., Copperhill, TN

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-15,883; Ellen Tracy, Inc., Carlstadt, NJ

A certification was issued covering all workers of the firm separated on or after February 7, 1984.

TA-W-15,899; Teledyne Amco, Mohnton, PA

A certification was issued covering all workers of the firm separated on or after March 27, 1984

TA-W-15,855; Tally Togs, Inc., Hoboken, NJ

A certification was issued covering all workers of the firm separated on or after August 15, 1984 and before February 1, 1985.

TA-W-15,954; J & K Values, Inc., Newark, NJ

A certification was issued covering all workers of the firm separated on or after April 11, 1984 and before December 31, 1984

TA-W-15,814; East Point Seafood Co., South Bend, WA

A certification was issued covering all workers of the firm separated on or after March 18, 1984

TA-W-15,885; Hoover-NSK Bearing Co., Wayne, NJ

A certification was issued covering all workers of the firm separated on or after February 1, 1985.

TA-W-15,779; General Electric Co., Mobile Communications Div., Lynchburg, VA

A certification was issued covering all workers engaged in employment related to the production of cellular mobile telephone separated on or after November 1, 1984.

I hereby certify that the aforementioned determinations were issued during the period July 8, 1985-July 12, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Streets NW., Washington, D.C. during normal

business hours or will be mailed to persons who write to the above address.

Dated: July 16, 1985.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-17483 Filed 7-22-85; 8:45 am]
BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 2, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 15th day of July 1985.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Nuclear Corp., Gas Hills Project (wkrs)	Gas Hills, WY	7/3/85	8/26/85	TA-W-16,106	Uranium mining
Burlington Industries, Inc. (workers)	Vinton, VA	7/6/85	6/24/85	TA-W-16,137	Nylon and impression fabrics
Burlington Industries, Inc., Klopman Fabrics Div. (workers)	Hurt, VA	7/8/85	7/2/85	TA-W-16,138	Finesses cloth

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Church & Dwight Co., Inc. (USWA)	Solvay, NY	7/8/85	7/1/85	TA-W-16,139	Baking soda.
Consolidation Coal Co., 4 States Mine #20 (UMWA)	Marion County, WV	7/1/85	6/27/85	TA-W-16,140	Coal mining.
Consolidation Coal Co., Nailor Mine #79 (UMWA)	Marion County, WV	7/1/85	6/27/85	TA-W-16,141	Coal mining.
Cross Country Clothes, Egypt Plant (wkrs)	Whitehall, PA	6/27/85	6/24/85	TA-W-16,142	Men's suits and sport jackets.
Emhart, USM Machinery Group (UERMWA)	Beverly, MA	7/8/85	6/26/85	TA-W-16,143	Shoe making machinery and insertion of electronic components.
Franchesca Fashions (workers)	Hialeah, FL	7/8/85	6/12/85	TA-W-16,144	Girls fashions.
Plasma-Therm, Inc. (IBEW)	Kresson, NJ	7/2/85	6/25/85	TA-W-16,145	Computer hardware.
Union Carbide Corp., Carbon Products Div. (workers)	Lawrenceburg, TN	6/28/85	6/24/85	TA-W-16,146	Carbon brick.
Alpha Sintered Metals, Inc. (company)	Ridgway, PA	6/28/85	6/25/85	TA-W-16,147	Powder metal parts.
Bearfoot Corp. (URW)	Wadsworth, OH	6/28/85	6/24/85	TA-W-16,148	Rubber auto parts.
Bethlehem Steel Corp., Wire Rope Div. (USWA)	Williamsport, PA	7/3/85	6/25/85	TA-W-16,149	Wire rope.
Great Western Sugar Co., Kemp Factory (workers)	Goodland, KS	7/1/85	6/25/85	TA-W-16,150	Beet sugar.
International Shoe Co. (workers)	Windsor, MO	6/28/85	6/17/85	TA-W-16,151	Non rubber footwear.
Jerold Corp. (company)	Smithfield, NC	7/5/85	7/1/85	TA-W-16,152	Sewing contractor—jackets and blazers—men and women.
North Country Leatherworks, Inc. (workers)	East Rochester, NH	7/1/85	6/21/85	TA-W-16,153	Leather handbags and accessories.
Peerless Sportswear Co., Inc. (ILGWU)	So. Boston, MA	6/28/85	6/24/85	TA-W-16,154	Jackets, slacks, skirts—women.
Phar-Shar Manufacturing Co. (workers)	Leitchfield, KY	6/28/85	6/24/85	TA-W-16,155	Coats—women.

[FR Doc. 85-17484 Filed 7-22-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15,765]

Plastronics Co., Milwaukee, WI; Dismissal of 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 for workers at the Plastronics Company, Milwaukee, Wisconsin plant. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-15,765; Plastronics Company,
Milwaukee, Wisconsin (June 28, 1985).

Signed at Washington, D.C. this 15th day of July 1985.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

[FR Doc. 85-17485 Filed 7-22-85; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

[V-85-3A]

Temporary Variance and Interim Order; ASARCO Inc.

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

ACTION: (1) Notice of application for
temporary variance and interim order;
(2) Grant of Interim order.

SUMMARY: This notice is to correct an
inadvertent error made in the Federal

Register publication of the ASARCO
Incorporated application for a temporary
variance and interim order and the grant
of interim order (50 FR 24961, June 14,
1985). The Docket Number was stated as
(V-85-3) which is incorrect. The correct
Docket Number is (V-85-3A) as it
appears above.

The Docket Number, previously
published as "(V-85-3)" is corrected to
read: "(V-85-3A)".

Signed at Washington, D.C. this 12th day of
July, 1985.

Patrick R. Tyson,
Acting Assistant Secretary of Labor.

[FR Doc. 85-17481 Filed 7-22-85; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Order Modifying Licenses to Confirm Additional Licensee Commitments on Emergency Response Capability

I

Florida Power and Light Company
(Turkey Point Plant, Units 3 and 4) (the
licensee) is the holder of Facility
Operating License Nos. DPR-31 and
DPR-41 which authorize the operation of
the Turkey Point Plant, Unit Nos. 3 and 4
(the facilities) at steady-state power
levels not in excess of 2200 megawatts
thermal. The facilities are pressurized
water reactors (PWRs) located in Dade
County, Florida.

II

Following the accident at Three Mile
Island Unit No. 2 (TMI-2) on March 28,
1979, the Nuclear Regulatory
Commission (NRC) staff developed a
number of proposed requirements to be
implemented on operating reactors and

on plants under construction. These
requirements include Operational
Safety, Siting and Design, and
Emergency Preparedness and are
intended to provide substantial
additional protection in the operation of
nuclear facilities and significant
upgrading of emergency response
capability based on the experience from
the accident at TMI-2 and the official
studies and investigations of the
accident. The requirements are set forth
in NUREG-0737, "Clarification of TMI
Action Plan Requirements," and in
Supplement 1 to NUREG-0737,
"Requirements for Emergency Response
Capability." Among these requirements
are a number of items consisting of
emergency response facility operability,
emergency procedure implementation,
addition of instrumentation, possible
control room design modification, and
specific information to be submitted.

On December 17, 1982, a letter
(Generic Letter 82-33) was sent to all
licensees of operating reactors,
applicants for operating licenses, and
holders of construction permits
enclosing Supplement 1 to NUREG-0737.
In this letter operating reactor licensees
and holders of construction permits
were requested to furnish the following
information, pursuant to 10 CFR 50.54(f),
no later than April 15, 1983:

- (1) A proposed schedule for
completing each of the basic
requirements for the items identified in
Supplement 1 to NUREG-0737, and
- (2) A description of plans for phased
implementation and integration of
emergency response activities including
training.

III

The licensee responded to Generic
Letter 82-33 by letter dated April 15,
1983. By letters dated May 5, May 20,
July 25, 1983, January 30 and February

14, 1984, the licensee modified several dates as a result of negotiations with the NRC staff. In these submittals, the licensee made commitments to complete the basic requirements. The licensee's commitments included (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. The staff found that these dates were reasonable and achievable dates for meeting the Commission requirements and concluded that the schedule proposed by the licensee would provide timely upgrading of the licensee's emergency response capability. On February 23, 1984, the NRC issued "Order Confirming Licensee Commitments on Emergency Response Capability" which confirmed the licensee's Commitments.

IV

The February 23, 1984, Order stated that for those requirements for which the licensee committed to a schedule for providing implementation dates, those dates would be reviewed, negotiated and confirmed by a subsequent order. In conformance with the milestones in the February 23, 1984 Order, as supplemented by the licensee's letter dated May 10, 1985, the licensee provided the implementation schedules for Regulatory Guide 1.97 requirements.

The attached Table summarizing the licensee's schedular commitments for

the above item was developed by the NRC staff from the information provided by the licensee. The staff reviewed the licensee's May 10, 1985 letter and discussed the dates with the licensee. The schedules are based on upcoming refueling outages which are necessary to implement the required modifications and changes.

The NRC staff finds that these dates are reasonable and achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of the licensee's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

V

Accordingly, pursuant to sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR Part 50, it is hereby ordered, effective immediately, that license Nos. DPR-31 and DPR-41 are modified to provide that the licensee shall:

Implement the specific items described in the Attachment to this ORDER in the manner described in the licensee's submittal noted in Section IV

herein no later than the dates in the Attachment.

Extension of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

IV

The licensee or any other person with an adversely affected interest may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section V of this Order.

This Order is effective upon issuance.

Dated in Bethesda, Maryland this 15th day of July 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

TURKEY POINT PLANT.—LICENSEE'S ADDITIONAL COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirements	Licensee's completion schedule (or status)
1. Regulation Guide 1.97—Application to Emergency Response Facilities	3b. Implement (installation or upgrade) requirements	Unit 3—Startup Cycle 10 refueling (approx. June 30, 1985). Unit 4—Startup Cycle 11 refueling (approx. March 31, 1986).

[FR Doc. 85-17462 Filed 7-22-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL; STN 50-499 OL; ASLBP No. 79-421-07 OL]

Houston Lighting and Power Co. et al.; Continuation of Evidentiary Hearings

July 17, 1985.

Before Administrative Judges Charles Bechhoefer, Chairman, Dr. James C. Lamb, Frederick J. Shon. In the matter of Houston Lighting and Power Company, et al. (South Texas Project Units 1 and 2).

Following the hearing sessions described in the Notice of Evidentiary Hearings, dated May 29, 1985 (50 FR 23564-65, June 4, 1985), hearings will continue (to the extent necessary) on July 29-August 3, 1985, August 5-9, 1985, and August 13-16, 1985, at the University of Houston Law School, University Park, Room 215, Teaching Unit II, 4800 Calhoun, Houston, Texas 77004. The hearings will be held from 9:00 a.m. to 6:00 p.m. each day, except that the sessions on Monday, July 29, 1985 and Tuesday, August 13, 1985, will

commence at 9:30 a.m., the session on Saturday, August 3, 1985, will conclude by approximately 1:00 p.m., and the sessions on Friday, August 9, 1985 and Friday, August 16, 1985, will extend until approximately mid-afternoon.

Dated at Bethesda, Maryland this 17th day of July, 1985.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 85-17460 Filed 7-22-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Order Modifying License To Confirm Additional Licensee Commitments on Emergency Response Capability

I

Indiana and Michigan Electric Company (IMEC) (D.C. Cook Nuclear Plant Unit Nos. 1 and 2) (the licensee) is the holder of Facility Operating License Nos. DPR-58 and DPR-74 which authorizes the operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) at steady-state power levels not in excess of 3250 and 3411 megawatts thermal, respectively. The facilities are pressurized water reactors (PWRs) located in Berrien County, Michigan.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modification, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic

requirements for the items identified in Supplement 1 to NUREG-0737, and
(2) A description of plans and phased implementation and integration of emergency response activities including training.

III

IMEC responded to Generic Letter 82-33 by letter dated April 15, 1983. By letters dated August 2, 1983, January 30, 1984, and February 10, 1984, IMEC provided additional information and dates as a result of negotiations with the NRC staff. In these submittals, IMEC made commitments to complete the basic requirements by providing either a completion date for the item or an intermediate date for providing a commitment to a completion date. The intermediate dates (status dates) were based on IMEC target completion dates for the item.

On June 12, 1984, the NRC issued "Order Confirming Licensee Commitments on Emergency Response Capability" which confirmed IMEC's Commitments.

IV

The June 12, 1984, Order stated that for those requirements for which IMEC committed to a schedule for providing implementation dates, those dates would be reviewed, negotiated and confirmed by a subsequent order. In conformance with the milestones in the June 12, 1984 Order, IMEC's letters dated September 28, 1984, February 28 and April 29, 1985 provided completion schedules for the following requirements:

- | | |
|---|---|
| 1. Safety Parameter Display System (SPDS). | 1b. SPDS fully operational and operators trained. |
| 2. Detailed Control Room Design Review (DCRDR). | 2b. Submit a summary report to the NRC including a proposed schedule for implementation. |
| 4. Upgrade Emergency Operation Procedures (EOPs). | 4b. Implement the upgraded EOPs. |
| 5. Emergency Response Facilities. | 5a. Technical Support Center.
5b. Operations Staging Area.
5c. Emergency Response Facility. |

The attached Table summarizing IMEC's schedular commitments for the above items was developed by the NRC staff from the information provided by

IMEC. The NRC staff finds that these dates are reasonable and achievable dates for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of IMEC's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

V

Accordingly, pursuant to Sections, 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR Part 50, it is hereby ordered, effective immediately, that license DPR-20 is modified to provide that the licensee shall:

Implement the specific items described in the Attachment to this ORDER in the manner described in IMEC's submittals noted in Section IV herein no later than the dates in the Attachment.

Extension of time for completing these items may be granted by the Director, Division of Licensing, for good cause shown.

VI

Any other person with an adversely affected interest may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing should be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy should be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section V of this Order.

This Order is effective upon issuance.

Dated in Bethesda, Maryland this 12th day of July, 1985.

For the Nuclear Regulatory Commission.
Hugh L. Thompson, Jr.,
Director, Division of Licensing, Office of Nuclear Reactor Regulation.

DONALD C. COOK NUCLEAR PLANT.—LICENSEE'S ADDITIONAL COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirements	Licensee's completion schedule (or status)
1. Safety Parameter Display System (SPDS)	1b. SPDS fully operational and operators trained	December 1985.
2. Detailed Control Room Design Review (DCRDR)	2b. Submit a summary report to the NRC including a proposed schedule for implementation.	Do.
4. Upgrade Emergency Operating Procedures (EOPs)	4b. Implement the upgraded EOPs	Do.
5. Emergency Response Facilities Fully Functional	5a. Technical Support Center	Complete. ¹
	5b. Operations Staging Area	Complete.
	5c. Emergency Response Facility	Complete. ¹

¹ SPDS to be installed and operational December 1985.

[FR Doc. 85-17461 Filed 7-22-85; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published June 17, 1985 (50 FR 25133). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the *Federal Register* approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the August 1985 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3265, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Joint Waste Management and Procedures and Administration, July 30, 1985, Washington, DC. The Subcommittee will review the ACRS Role in the Civilian High-Level Radioactive Waste Management Program.

Reactor Radiological Effects, July 31, 1985, Washington, DC. The Subcommittee will review INPO's Radiation Protection Program.

particularly as it relates to a similar and related NRC program.

Emergency Core Cooling Systems, July 31, 1985, Washington, DC. The Subcommittee will: continue the review of the proposed revision to Appendix K of 10 CFR 50.46; discuss implementation of General Electric, 10 CFR Part 50 Appendix K analysis effort; discuss RCP trip issue resolution; and discuss NPR's ECCS-related issues of ongoing concern.

Class 9 Accidents, August 1, 1985, Washington, DC. The Subcommittee will continue its discussion of the draft NUREG-0956, "Source Term Reassessment" with the NRC Staff.

Class 9 Accidents, August 2, 1985, Washington, DC. The Subcommittee will discuss with the NRC Staff and IDCOR the status of programs related to extending the results of the reference plants and how this relates to the ACRS recommended search for outliers program.

Qualification Program for Safety-Related Equipment, August 6, 1985, Washington, DC. The Subcommittee will discuss NRC Staff resolution of USI A-46, "Seismic Qualification of Equipment in Operating Plants."

Long Range Plan for NRC, August 7, 1985, Washington, DC. The Subcommittee will continue discussions on developing comments on a long range plan for the NRC. Topics under discussion are primarily technical issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years. The outline of a comprehensive long range plan being developed by the EDO and OPE will also be reviewed.

GESSAR II, August 7, 1985, Washington, DC. The Subcommittee will continue its review of GESSAR II for a Final Design Approval applicable to future plants.

Joint ECCS and Fluid Dynamics, August 27, 1985, Washington, DC. The Subcommittees will: (1) Review the status of hydrodynamic loads issue for plants with Mark I-III containment; (2) review AEOD report on Interfacing LOCAs; and (3) review the USI A-43, "Containment Emergency Sump Performance" resolution proposal.

Metal Components, September 4 and 5, 1985, Washington, DC. The Subcommittee will review Regulatory Guide 1.99, Revision 2 and other related concerns, and discuss the status of the NDT of piping program and the HSST program.

Reactor Operations, September 9, 1985, Washington, DC. The Subcommittee will discuss recent operating experiences.

Regulatory Activities, September 10, 1985, Washington, DC. The Subcommittee will review: (1) Regulatory Guide 1.23, Revision 1, "Meteorological Measurement Programs for Nuclear Power Plants," (2) proposed Regulatory Guide (Task No. IC 609-5), "Criteria for Power, Instrumentation, and Control Portions of Safety Systems," and (3) Regulatory Guide 1.105, Revision 2, "Instrument Setpoints for Safety-Related Systems" (tentative).

Long Range Plan for NRC, September 11, 1985, Washington, DC. The Subcommittee will continue discussions on developing comments on a long range plan for the NRC. Topics to be discussed are primarily technical issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

River Bend, September 11, 1985, Washington, DC. The Subcommittee will review Gulf States Utilities Company's application for a full power operating license.

Joint Structural Engineering and Seismic Design of Piping, September 23 and 24, 1985, Washington, DC. The Subcommittee will review the status of research programs on containment integrity, seismic margins, piping reliability, and other related matters.

Reliability Assurance (Valves), October 8, 1985, Washington, DC. The Subcommittee will continue discussions on valve reliability. A risk perspective on valve performance will be sought. Also to be studied is the importance of valves from a safety standpoint.

Long Range Plan for NRC, October 9, 1985, Washington, DC. The Subcommittee will continue discussions on developing comments on a long range plan for the NRC. Topics to be discussed

are primarily technical issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Advanced Reactors. Date to be determined (August/September), Washington, DC. The Subcommittee will discuss the proposed policy for regulation of advanced nuclear power plants.

Human Factors. Date to be determined (August/September), Washington, DC. The Subcommittee will explore methods for deciding what actions should be automated in nuclear power plant operation.

Decay Heat Removal Systems. Date to be determined (September, tentative), Washington, DC. The Subcommittee will continue the review of NRR resolution position for USI A-45.

ECCS. Date to be determined (September/October), Palo Alto, CA. The Subcommittee will continue the review of the joint NRC/B&WOG/EPRI/B&W joint IST Program. A visit is planned to the EPRI Stanford Research Institute facilities supporting this Program.

Joint Reactor Radiological Effects and Fire Protection. Date to be determined (October), Washington, DC. The Subcommittee will review the increased N-16 radioactivity and fire protection problems in using hydrogen addition to BWRs to reduce IGSCC.

Scram Systems Reliability (formerly ATWS). Date to be determined (October), Washington, DC. The Subcommittee will continue the review of the status of ATWS Rule implementation effort and related issues.

Quality and Quality Assurance In Design and Construction. Date to be determined (October, tentative), Washington, DC. The Subcommittee will: (1) Review the final Rule on the "Important to Safety Issue", and (2) be briefed on the "NRC Quality Assurance Program Implementation Plan."

Reliability and Probabilistic Assessment. Date to be determined (Fall, tentative), Washington, DC. The Subcommittee will review the probabilistic risk assessment for Millstone 3.

ACRS Full Committee Meeting

August 8-10, 1985: Items are tentatively scheduled.

*A. **Davis-Bessie Nuclear Power Station**—briefing regarding evaluation of recent loss of steam generator feedwater.

*B. **San Onofre Nuclear Plant Unit No. 1**—review of systematic evaluation report.

*C. **General Electric Standard Safety Analysis Report (GESSAR II)**—continue ACRS review for an FDA for this type of facility.

*D. **Alvin W. Vogtle Nuclear Plant Units 1 and 2 (tentative)**—review request for an operating license for this facility.

*E. **Indian Point Nuclear Station**—discuss implementation of probabilistic risk assessment for this nuclear station.

*F. **NRC Long Range Plan**—review proposed long range plan for NRC regulatory activities.

*G. **Seismic Qualification of Equipment in Operating Nuclear Power Plants**—discuss USI A-46 regarding methodology to quality equipment in operating nuclear plants to function during and following seismic events.

*H. **NRC Maintenance and Surveillance Program Plan**—review proposed NRC program plan.

*I. **NRC General Design Criteria**—review proposed changes in NRC General Design Criteria (10 CFR Part 50, Appendix A—General Design Criteria for Nuclear Power Plants).

*J. **Inspection Program of the NRC Office of Inspection and Enforcement**—briefing regarding inspection activities of the NRC Office of Inspection and Enforcement (tentative).

*K. **NRC Regulatory Program regarding management and disposal of radioactive wastes**—discuss proposed ACRS participation in the NRC regulatory program regarding management and disposal of radioactive wastes.

*L. **ACRS Effectiveness**—Report of ACRS Panel on ACRS effectiveness and participation in NRC regulatory activities.

*M. **ACRS Subcommittee Activities**—the members will hear and discuss reports of designated ACRS subcommittees regarding current activities, including proposed changes in 10 CFR Part 50, Appendix K—ECCS evaluation; radiation protection program of INPO; and reliability of scram breakers in nuclear power plant safety systems.

*N. **Future Activities**—discuss anticipated ACRS subcommittee activities and proposed topics for ACRS consideration.

*O. **Activities of ACRS Members**—the activities of members as nongovernment employees will be discussed (tentative).

September 12-14, 1985—Agenda to be announced.

October 10-12, 1985—Agenda to be announced.

Dated: July 17, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85-17464 Filed 7-22-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

July 16, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

- El Torito Restaurants, Inc.
Common Stock, \$0.01 Par Value, (File No. 7-8499)
- Flight Safety Int'l, Inc.
Common Stock, \$0.10 Par Value, (File No. 7-8500)
- La Quinta Motor Inns
Common Stock, \$0.10 Par Value, (File No. 7-8501)
- Redman Industries
Common Stock, \$1.00 Par Value, (File No. 7-8502)
- Saul (B.F.) Real Estate Inv. Trust
Shares of Beneficial Interest (SBI), (File No. 7-8503)
- Supermarkets General Corp.
Common Stock, \$1.00 Par Value, (File No. 7-8504)
- Tonka Corp.
Common Stock, 0.66 2/3 Par Value, (File No. 7-8505)
- Technicom Int'l Inc.
Common Stock, \$0.01 Par Value, (File No. 7-8506)

These securities are listed and registered on one of more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 6, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such

applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-17431 Filed 7-22-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

July 16, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

- Crutcher Resources
Common Stock, \$100 Par Value, (File No. 7-8507)
- Pall Corporation
Common Stock, \$.25 Par Value, (File No. 7-8508)
- Robins (A.H.) Company
Common Stock, \$1.00 Par Value, (File No. 7-8509)
- Loral Corporation
Common Stock, \$.25 Par Value, (File No. 7-8510)
- International Flavors & Fragrances
Common Stock, \$1.25 Par Value, (File No. 7-8511)
- Becton, Dickinson Company
Common Stock, \$1.00 Par Value, (File No. 7-8512)
- Rorer Group, Inc.
Common Stock, N Par Value, (File No. 7-8513)
- McGraw-Edison Co.
Common Stock, \$1.00 Par Value, (File No. 7-8514)
- Applied Magnetics Corporation
Common Stock, \$.10 Par Value, (File No. 7-8515)
- Banc One Corporation
Common Stock, No Par Value, (File No. 7-8516)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction report system.

Interested persons are invited to submit on or before August 6, 1985, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the

Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-17432 Filed 7-22-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

July 16, 1985.

The above named national security exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

- Philip Morris Companies, Inc. (Holding Company)
Common Stock, \$1.00 Par Value, (File No. 7-8496)
- Phillips Petroleum Company
Series A Adjustable Preferred Stock, (File No. 7-8497)
- Freeport-McMoRan Gold Company
Common Stock, \$.10 Par Value (File No. 7-8498)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 6, 1985, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-17433 Filed 7-22-85; 8:45 am]

BILLING CODE 8010-01-M

(Release No. 34-22254; SR-MSRB-85-12)

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Municipal Securities Rulemaking Board

The Municipal Securities Rulemaking Board ("MSRB") on May 15, 1985, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to increase the fee each municipal securities dealer is required to pay to the MSRB, based on its placement of new issue municipal securities. The purpose of the fee is to provide a continuing source of revenue to defray the costs and expenses of operating the Board and administering its activities.

This proposed rule change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty 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 comments concerning the submission within 21 days from the date of publication in the *Federal Register*. Persons submitting written comments should file six copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MSRB-85-12.

Copies of the submission and all related items, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and any subsequent amendments also will be available at the principal office of the MSRB.

For the Commission, by the Division of Market Regulation pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

Dated: July 17, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-17434 Filed 7-22-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22247; File No. SR-NSCC-85-6]

Self-Regulatory Organizations; National Securities Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

On June 21, 1985, the National Securities Clearing Corporation ("NSCC") filed with the Commission a proposed rule change under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The Commission is publishing this notice to solicit public comment on the proposal.

Currently, NSCC's CNS Projection Report contains a tear-off portion which Members use to submit Exemptions.¹ NSCC intends to eliminate the use of a tear-off section on its CNS Projection Report and instead, to supply Members with Exemption forms. Accordingly, the proposal eliminates the reference in NSCC's written procedures to a tear-off portion of the CNS Projection Report for submission of Exemptions.

NSCC believes that because the proposal merely changes one of the formats which Members can use to submit CNS Exemptions, it does not affect NSCC's ability to safeguard securities and funds in its custody or control or for which it is responsible. NSCC believes, therefore, that the proposal is consistent with section 17A of the Act.

NSCC's proposal has become effective under section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days from the date the proposal was filed, however, the Commission may summarily abrogate the proposal if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Copies of all documents related to the proposal, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, may be inspected and copied at the Commission's Public Reference Room,

450 Fifth Street, NW., Washington, D.C., and at NSCC's principal offices.

Written data, views and arguments concerning the proposal are invited within 21 days from the date this notice is published in the *Federal Register*. Please file six copies of comments, referring to File No. SR-NSCC-85-6, with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, by August 13, 1985.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: July 17, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-17435 Filed 7-22-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22244; File Nos. SR-PCC-85-03 and SR-PSDTC-85-04]

Self-Regulatory Organizations; Pacific Clearing Corp. and Pacific Securities Depository Trust Co.; Proposed Rule Changes

Pacific Clearing Corporation ("PCC") and Pacific Securities Depository Trust Company ("PSDTC") (together, "PCC/PSDTC") on June 3, 1985, submitted proposed rule changes to the Commission under Section 19(b)(1) of the Securities Exchange Act of 1934. Amendments to the proposals were filed on July 2, 1985. The Commission is publishing this notice to solicit comments on the proposals.

PCC/PSDTC's proposed rule changes, as amended, would require bank participants to provide PCC/PSDTC with certain periodic financial statements already filed with the banks' respective state or federal banking authorities.¹ PCC/PSDTC currently require financial reports from broker-dealer participants, but not bank participants. Under the proposals, bank participants would be required to file with PCC/PSDTC their balance sheets, income statements and statements of changes in equity capital.²

¹ The reports required under PCC/PSDTC's proposals are already prepared by their bank participants and filed with the appropriate state or federal regulatory authorities. Thus, PCC/PSDTC believe that the submission of these reports to PCC/PSDTC would not impose any significant additional regulatory or administrative burdens on bank participants.

² PCC Rule II, Section 4(b); PCC Rule XIII, Section 2; PSDTC Rule 2, Section 4(b); and PSDTC Rule 10, Section 2 authorize PCC/PSDTC to require participants to provide information relating to their financial condition.

PCC/PSDTC believe that the proposals are consistent with section 17A of the Act because they would enable PCC/PSDTC to improve their monitoring processes and therefore would facilitate the clearance and settlement of securities transactions and the safeguarding of securities and funds. Specifically, PCC/PSDTC believe that they would obtain more information about their bank participants' financial condition by requiring those participants to submit quarterly financial reports. PCC/PSDTC believe that these reports would enable them to improve their evaluation of the financial risks faced by PCC/PSDTC and their participants.

Copies of all documents related to the proposal, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, may be inspected and copied at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. and at PCC/PSDTC's principal offices.

To assist the Commission in determining whether to approve the proposals or to institute disapproval proceedings, the Commission invites public comment on the proposals. Please refer to File Nos. SR-PCC-85-03 and SR-PSDTC-85-04 and file six copies of comments with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, by August 13, 1985.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: July 16, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-17436 Filed 7-22-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Application of New Wien Airlines, Inc. d/b/a/ Wien Airlines for Certificate Authority Under Subpart Q

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 85-7-44), Docket 43060.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order finding New Wien Airlines, Inc. d/b/a Wien Airlines fit, transferring the certificate of public convenience and necessity issued to Wien Air Alaska, Inc., by Order 82-12-131 to New Wien, for authority to engage in scheduled interstate and

¹ Under NSCC's continuous net settlement system, daily projection reports show participants' settlement obligations for the following day. Short positions in securities will be settled automatically through deliveries from participants' depository accounts unless a participant "exempts" the short position (i.e., unless a participant directs NSCC not to settle the short position or a portion of it).

overseas air transportation, and cancelling the domestic all-cargo service certificate issued to Wien Air Alaska, Inc., by Order 78-1-86.

DATES: Persons wishing to file objections shall do so no later than August 6, 1985; answers to objections shall be filed no later than August 18, 1985.

ADDRESSES: Objections and answers to objections should be filed in Docket 43060 and addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590, and should be served upon the persons listed in Attachment B to the order.

FOR FURTHER INFORMATION CONTACT: Juliana M. Winters, (202) 426-7631, Office of Aviation Enforcement and Proceedings, or Linda L. Lundell, (202) 755-3812, Office of Aviation Operations, Special Authorities Division, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The complete text of Order 85-7-44 is available from our Documentary Services Division at the address above. Persons outside the metropolitan area may send a postcard request for Order 85-7-44 to that address.

Dated: July 17, 1985.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-17416 Filed 7-22-85; 8:45 am]

BILLING CODE 4910-62-M

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held August 22, 1985, at 10:00 a.m., at the Los Angeles Airport Marriott Hotel, 5855 West Century Boulevard, Los Angeles, California. The agenda for the meeting is as follows:

- Status of MBRC programs
- WBE initiative

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the

meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, SW, Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on July 17, 1985.

Amparo B. Bouchev,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 85-17415 Filed 7-22-85; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 85-122]

Fish; Tariff-Rate Quota for Calendar Year 1985

AGENCY: Customs Service, Treasury.

ACTION: Announcement of the quota quantity on certain fish for Calendar Year 1985.

SUMMARY: The tariff-rate quota for fish pursuant to item 110.55 (TSUS) for the 1985 Calendar Year is 56,822,178 pounds.

EFFECTIVE DATES: The 1985 tariff-rate quota is applicable to fish described in

item 110.50, TSUS, which are entered, or withdrawn from warehouse, for consumption during Calendar Year 1985.

FOR FURTHER INFORMATION CONTACT: William J. Wagner, III, Head, Quota Section, General Programs Branch, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229, (202) 556-8592.

SUPPLEMENTARY INFORMATION: This tariff-rate quota for fish is equal to 15 percent of the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks of cod, cusk, haddock, hake, pollock, and rosefish, for the 3 preceding years, as provided for in Headnote 1, part 3A Schedule 1, and item 110.50, TSUS.

It has been determined that the average aggregate consumption for Calendar Years 1982 through 1984 was 378,814,524 pounds. Therefore, the quota quantity for fish, item 110.50, TSUS for Calendar Year 1985 is 56,822,178 pounds. William von Raab,
Commissioner of Customs.

U.S. Production, Entries of American Fisheries, and Imports for Consumption of: Fresh or frozen fillets, steaks and sticks of cod, haddock, hake, pollock, cusk and rosefish.

POUNDS—1982-1984

Year	Production	Entries of American fisheries	Imports of consumption	Total ¹
1982	* 70,994,000		280,198,145	351,192,145
1983	* 79,812,000		295,143,139	374,955,139
1984	104,800,000		305,496,287	410,296,287
Total	255,606,000		880,837,571	1,136,443,571
3-year average			378,814,523	
15% of 3-year average			56,822,178	
Quarterly quotas for 1985:				
1st			14,205,544	
2nd			14,205,544	
3rd			14,205,545	
4th			14,205,545	
Yearly total			56,822,178	

¹ Apparent consumption as provided in Headnote 1 and item 110.50, Part 3A Schedule 1, TSUS.
² Production figures for 1982 and 1983 were revised by National Fisheries Service, U.S. Department of Commerce by letter dated March 21, 1985.

³ The 1984 import figure is as shown on computer records on January 2, 1985, for the period ending December 31, 1984.
Source: Production from National Marine Fisheries Service, U.S. Department of Commerce; entries of American Fisheries by U.S. International Trade Commission from records of the U.S. Department of Commerce; imports for consumption from records of U.S. Customs Service, Department of the Treasury.

Fish

	Jan. to Mar. 1984
Canada	40,653,292
Total other countries	36,228,379
Grand total	76,879,671
	April to June 1984
Canada	54,521,687
Total other countries	32,129,708

Fish—Continued

Grand total	77,651,395
	July to Sept. 1984
Canada	50,638,090
Total other countries	34,867,379
Grand total	85,505,471
	Oct. to Dec. 1984
Canada	33,832,259

Fish—Continued

Total other countries.....	31,627,490
Grand total.....	65,459,749
Yearly total.....	305,496,287

[FR Doc. 85-17439 Filed 7-22-85; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service**1986 Individual Income Tax Return Electronic Filing Pilot****AGENCY:** Internal Revenue Service, Treasury.**ACTION:** Electronic filing pilot.

SUMMARY: A growing number of tax preparation firms use computers to prepare individual income tax returns. To take advantage of this trend, the Internal Revenue Service (IRS) is planning to conduct a pilot of electronic filing in 1986. In this pilot, qualified automated return preparers will electronically transmit tax year 1985 individual income tax returns to the IRS. The pilot will be limited to refund returns prepared for taxpayers in the Phoenix, Arizona; Cincinnati, Ohio; and Raleigh-Durham-Fayetteville, North Carolina metropolitan areas.

Electronic filing eliminates most of the manual processes required to handle paper returns. Thus, IRS expects to reduce by two to three weeks the time required to issue refunds on electronically filed returns. However, this result of more rapid refunds cannot be guaranteed by IRS because, as with any return, errors made by the taxpayer, the preparer or the IRS, may cause delays.

Interested firms that prepare returns in the three metropolitan pilot sites should write to the Assistant Commissioner (Planning, Finance and Research), IRS, 1111 Constitution Avenue, NW, Washington, D.C. 20224. Attn: Electronic Filing Project, or alternatively call the Project Office at (202) 566-7541, for detailed requirements that must be met to qualify for participation in this pilot. As a basic requirement, firms should have at least two years of experience in the automated preparation of tax returns. Firms wishing to be considered for participation in this pilot must apply to the Service by September 12, 1985.

John L. Wedick, Jr.,*Assistant Commissioner (Planning, Finance and Research).*

[FR Doc. 85-17486 Filed 7-22-85; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY**President's International Youth Exchange Initiative**

The United States Information Agency (USIA) announces the establishment of an international youth exchange organization index.

Purpose

USIA intends to conduct a series of limited solicitations during fiscal year 1986, whereby specific organizations will be invited to submit proposals in competition for exchange projects initiated by USIA. For each project, the Agency will identify organizations that are deemed competent to implement the project and solicit proposals from them to conduct the exchanges. Organizations will be chosen for consideration from a list maintained by USIA for this purpose. This list will be known as the index. It is anticipated that the index will facilitate the grant review process for this year's grants competitions by enabling all organizations to submit basic documentation at one time, rather than with each proposal submitted, as in the past. This announcement is not a request for proposals.

Eligibility

Youth exchange organizations may be listed in the index by submitting program information and a uniform set of documents as outlined below. Inclusion in the index does not guarantee selection in any limited solicitation, nor even an invitation to submit a proposal. It also does not signify any degree of US Government approval for an organization or its programs. Organizations must be incorporated not-for-profit in the United States and the focus of their activities should be international youth exchange or youth service. The term youth in this context refers to individuals aged 15-25. Organizations that have current grants under the President's International Youth Exchange Initiative may find it advisable to participate in this exercise in order to guarantee that USIA has up-to-date information on the full breadth of each organization's program. Although the index listing is not a requirement for being considered for a request for proposals, it will be the principal source of information for USIA in determining whether an organization might be interested in a given project.

Documentation for the Index

The Youth Exchange Staff of USIA will distribute a form to facilitate this collection of data. Organizations may

request the form by writing to the address at the end of this announcement. The data includes the following:

- Name of organization.
- Address and phone number.
- Date of incorporation.
- Previous legal names, if any.
- Names and titles of key officers (chief executive, program, and financial officers) in the central office.
- Total institutional annual budget.
- American regional offices:
- Number and location.
- Number of paid employees in each.
- Number of volunteers attached to each.
- Affiliates abroad:
- Number and location of affiliates.
- Profit/not-for-profit status of each.
- Number of paid staff in each.
- Number of volunteers attached to each.

Brief description of the program or programs currently conducted by your organization; information should include at a minimum:

- Project type (e.g., year long academic homestay program) and title (e.g., Americans Overseas).
- Duration of each exchange program (e.g., academic year—9 months).
- Nature of program, including the standard age range of participants and significant activities (e.g., American youth aged 15-19 are placed in high schools abroad, stay with host families, receive orientation for two weekends during the 3 months prior to departure, etc.)
- Tuition, program fee, or cost.

Quantitative data:

- The number of participants, outbound and inbound, for each program for the 1985 calendar year or the 1985-86 academic year by country.
- The number of participants for any program that is ongoing but which may be in hiatus during 1985 (e.g., the organization may have been conducting exchanges with Brazil for several years, but had no exchanges in 1985).
- The number of years that your organization has been active in each country where you conduct exchanges.

This data is critical to the intended use of the index.

Additionally the following documents should be enclosed with the form:

- Articles of incorporation and evidence of legal changes of name.
- Proof of tax exempt status.
- List of the organization's board of directors or similar governing body.
- The latest annual report and current audited financial statement.

Statement whether organization has J-1 visa designation. If not, a description of type of visa used to bring foreign participants to the United States.

Organizations interested in being considered for grants must supply the following documents related to anti-discrimination and equal employment opportunity:

1. A statement of assurance of equal employment opportunity and compliance, signed by a responsible officer of the organization.
2. Data describing the employment profile of the organization by sex, minority status, age and handicap.
3. A copy of any existing Affirmative Action Plan of the organization, if there are more than 50 employees.

The information and documentation described above should be received in USIA no later than August 31, 1985. Please address all correspondence on this matter to: Youth Exchange Staff, Room 255, USIA, 301 Fourth Street, SW., Washington, D.C. 20547. For further information call (202) 485-7299.

Dated: July 18, 1985.

Ronald L. Trowbridge,
*Associate Director, Bureau of Educational
and Cultural Affairs.*

[FR Doc. 85-17394 Filed 7-22-85; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 50, No. 141

Tuesday, July 23, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	<i>Items</i>
Equal Employment Opportunity Commission	1
Federal Communications Commission	2
Federal Reserve System	3
International Trade Commission	4, 5, 6
Merit Systems Protection Board	7
Nuclear Regulatory Commission	8

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (eastern time), Monday, July 29, 1985.

CHANGE IN THE MEETING: 9:30 a.m. (eastern time), Tuesday, July 30, 1985. The closed session will be held immediately following the open session.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634-6748.

This Notice Issued July 19, 1985.

Cynthia C. Matthews,
Executive Officer, Executive Secretariat.
[FR Doc. 85-17563 Filed 7-19-85; 2:18 p.m.]

BILLING CODE 6750-06-M

2

FEDERAL COMMUNICATIONS COMMISSION

July 18, 1985.
The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 25, 1985, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No. and Subject

General—1—Title: Report and Order to allocate spectrum for the provision of a new Radiodetermination Satellite Service (RDSS). Summary: The FCC will consider an amendment to the Table of Frequency Allocations to provide allocations for radiodetermination satellite service.

Private Radio—1—Title: Amendment of Part 90 Subpart M of the Commission's Rules Governing the Application Processing Procedures for the 800 MHz Private Land Mobile Band. Summary: The Commission is adopting a Report and Order to amend its rules governing the application processing procedures for the 800 MHz and land mobile band to encourage the expansion of fully loaded trunked systems.

Common Carrier—1—Title: Western Union Application for Review of Order Authorizing RCA American Communications to Modify its Space Stations in the 12/14 GHz Bands. Summary: The Commission will consider arguments made by Western Union that a decision by the Common Carrier Bureau on January 25, 1985 authorizing RCA American to increase the power of its traveling-wave tube amplifiers on certain of its satellites was in error.

Common Carrier—2—Title: Western Union Telegraph Company Petitions for Reconsideration of the 1983 Authorizations to Construct, Launch and Operate Space Stations in the Domestic Fixed-Satellite Service. Summary: The Commission will consider arguments made by Western Union that the Commission's decision (94 FCC 2d 467 (1983)) not to permit Western Union to substitute a new satellite system for one that was abandoned was erroneous.

Common Carrier—3—Title: Petition for Reconsideration by Advanced Business Communications, Inc. Summary: The Commission will consider arguments made by ABCI that the Commission's decision, released February 27, 1985, which declared ABCI's space station authorizations null and void was in error. Title: Application for Review by Rainbow Satellite, Inc. Summary: The Commission will consider arguments made by Rainbow that a decision by the Common Carrier Bureau released February 14, 1985 which declared Rainbow's space station authorizations null and void was in error. Title: Applications for Review by United States Satellite Systems, Inc. Summary: The Commission will consider arguments made by USSSI that a decision by the Common Carrier Bureau released February 14, 1985, which declared USSSI's space station authorizations null and void was in error.

Common Carrier—4—Title: Licensing Space Stations in the Domestic Fixed-Satellite Service (CC Docket No. 85-135). Summary: The Commission will consider revisions to Part 25 of the rules and other matters pertaining to the qualifications of domestic fixed-satellite applicants.

Common Carrier—5—Title: Assignment of Orbital Locations to Space Stations in the Domestic Fixed-Satellite Service. Summary: The Commission will consider an orbit assignment plan for new and previously authorized space stations.

Common Carrier—6—Title: Amendment of Sections 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry). Summary: the Commission will consider whether to institute a new Computer Inquiry rulemaking proceeding proposing revision of the Second Computer Inquiry ("Computer II") treatment of enhanced and non-communications services, and to address related issues that have arisen in the past, including: protocol conversion; colocation issues integrated services digital

networks (ISDN); voice message storage services; and the Computer II (but not Part 68) treatment of network channel terminating equipment (NCTE). Title: Report and Order regarding the establishment of satellite systems providing international communication services CC Docket No. 84-1299, and Memoranda Opinions and Orders regarding the applications filed by Crion Satellite Corporation, International Satellite Inc., RCA American Communications, Inc., Cygnus Satellite Corporation, and Pan American Satellite Corporation. Summary: The Commission will consider whether to issue a Report and Order regarding the establishment of satellite systems which would provide international communications services. The Commission will also consider whether to issue Memoranda Opinions, Orders and Authorizations on the five applications filed by Orion Satellite Corporation, International Satellite, Inc., RCA American Communications, Inc., Cygnus Satellite Corporation, and Pan American Satellite Corporation.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Office of Congressional and Public Affairs, telephone number (202) 254-7674.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 85-17513 Filed 7-19-85; 10:46 am]
BILLING CODE 6712-01-M

3

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS.

TIME AND DATE: 3:30 p.m., Thursday, July 18, 1985.

The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: July 18, 1985.
James McAfee,
Associate Secretary of the Board.
[FR Doc. 85-17548 Filed 6-19-85; 12:10 pm]
BILLING CODE 6210-01-M

4

INTERNATIONAL TRADE COMMISSION
PREVIOUSLY ANNOUNCED TIME AND DATE
OF THE MEETING: 3:00 p.m., July 22, 1985.

CHANGES IN THE MEETING: The meeting originally scheduled to be held on Monday, July 22, 1985, has been rescheduled to begin at 10:00 a.m., on Thursday, July 25, 1985.

In conformity with 19 CFR 201.37(b), Commissioners Stern, Liebeler, Eckes, Lodwick, and Rohr determined by unanimous vote that Commission business requires the change in date, affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,
Secretary.
[FR Doc. 85-17446 Filed 7-19-85; 3:23 pm]
BILLING CODE 7020-02-M

5

INTERNATIONAL TRADE COMMISSION
[USITC SE-85-31]

TIME AND DATE: At 11:00 a.m., Friday, August 2, 1985.

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. Ratification List.
4. Petitions and Complaints.
5. Investigation 731-TA-270 [Preliminary] [84 KDRAM components from Japan]—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,
Secretary.
[FR Doc. 85-17579 Filed 7-19-85; 3:37 pm]
BILLING CODE 7020-02-M

6

INTERNATIONAL TRADE COMMISSION
[USITC SE-85-28A and 29A]

PREVIOUSLY ANNOUNCED TIME AND DATE
OF THE MEETING: 4:00 p.m., Tuesday, July

16, 1985 and 11:00 a.m., Friday, July 19, 1985.

CHANGES IN THE MEETING:

The following item is deleted from the agenda for Tuesday, July 16, 1985:

Item 5—Investigation 337-TA-185 (Rotary wheel printing systems)—briefing and vote.

and the following item is added to the agenda for Friday, July 19, 1985:

Item 4—Investigation 337-TA-185 (Rotary wheel printing systems)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,
Secretary.
[FR Doc. 85-17578 Filed 7-19-85; 3:37 pm]
BILLING CODE 7020-02-M

7

MERIT SYSTEMS PROTECTION BOARD
TIME AND DATE: 2:30 p.m., Thursday, August 8, 1985.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. *Channel v. Department of Transportation*, MSPB Docket No. CH07318510332.
2. *Murphy v. Department of Transportation*, MSPB Docket No. CH07318410464.
3. *Meyer v. Department of Transportation*, MSPB Docket No. NY07318510206.
4. *Vowell v. Office of Personnel Management*, MSPB Docket No. AT07318510337.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Dated: July 18, 1985.
Robert E. Taylor,
Clerk of the Board.
[FR Doc. 85-17496 Filed 7-19-85; 10:06 am]
BILLING CODE 7400-01-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of July 22, 29, August 5, and 12, 1985.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of July 22

Tuesday, July 23
2:30 p.m.
Discussion on Threat Level and Physical Security (Closed—Ex. 1)

Wednesday, July 24

10:00 a.m.
Briefing on Accident Source Term Reassessment (Public Meeting)
1:30 p.m.
Briefing on Davis-Besse (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Policy Statement on Confidentiality (tentative)
b. Disposition of Hearing Request Regarding Materials License Amendment for Kerr-McGee Sequoyah Fuels Facility (tentative)
c. Limerick Generating Station, Units 1 & 2, Immediate Effectiveness Review (tentative)

Friday, July 26

10:00 a.m.
Briefing by Georgia Power (Vogtle) on Operational Readiness Review Pilot Program (Public Meeting)

2:00 p.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

Week of July 29—Tentative

Monday, July 29

2:00 p.m.
Discussion of DOE High Level Waste Management Program (Public Meeting)

Tuesday, July 30

10:00 a.m.
Continuation of 5/15 Briefing on Proposed Revision of Part 20 (Public Meeting)

2:00 p.m.
Discussion—Possible Vote on Full Power Operating License for Diablo Canyon 2 (Public Meeting)

Wednesday, July 31

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.
Discussion of Proposed Station Blackout Rule (Public Meeting)

Thursday, August 1

10:00 a.m.
Briefing on Safety Goal Evaluation Plan (Public Meeting)

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of August 5—Tentative

Thursday, August 8

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of August 12—Tentative

Thursday, August 15

11:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Briefing by Executive Branch (Closed—Ex. 1) was held on July 12.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410.

Julia Corrado,
Office of the Secretary.
[FR Doc. 85-17580 Filed 7-19-85; 3:05 pm]
BILLING CODE 7590-01

Federal Register

Tuesday
July 23, 1985

Part II

**Department of the
Treasury**

Customs Service

**Privacy Act of 1974, Notices of Systems
of Records**

DEPARTMENT OF THE TREASURY

Customs Service

Privacy Act of 1974: Periodic Publication of all Privacy Act Systems of Records

The Department of the Treasury is systematically republishing all of its systems of records notices. This notice updates the information for the systems of records maintained by the U.S. Customs Service. The notices for these systems of records were last published by the *Federal Register* in the Privacy Act Issuances 1984 Compilation, pages 714-767.

The Department has eliminated Appendix AA which listed blanket-type routine uses. The applicable routine uses now appear in each system of records. All other changes are editorial in nature and consist principally of address changes, revision of organizational titles, and transfer of functions. None of the changes require an altered system report as prescribed by 5 U.S.C. 552a(o).

The U.S. Customs Service has deleted 10 systems of records for the reasons noted below.

Dated: July 15, 1985

John F.W. Rogers,

Assistant Secretary of the Treasury (Management).

Deletions

- CS .124—Inspector Training Quarterly Checklist Forms and Inspector Correspondence Course Enrollment Forms (Obsolete)
- CS .253—Vehicle Microfiche File (Not a Customs system of records)

The following systems contain no personal information and are not Privacy Act Systems of Records:

- CS .103—Firearms Qualification
- CS .111—I.D. Cards
- CS .113—Import Specialist Activities—Investigation Referrals
- CS .114—Import Specialist Activities—Laboratory Samples
- CS .115—Import Specialist Seminars
- CS .116—Import Specialist—220 Visits, Region IX
- CS .135—Legal Case Inventory System
- CS .160—Operations Officer's (Classification and Value) Work Accomplishments

Table of Contents

- CS .001—Acceptable Level of Competence, Negative Determination
- CS .002—Accident Reports
- CS .269—Accounts Payable Voucher File
- CS .005—Accounts Receivable
- CS .009—Acting Customs Inspector (Excepted)
- CS .014—Advice Requests (Legal) (Pacific Region)

- CS .021—Arrest, Seizure, Search Report, and Notice of Penalty File
- CS .022—Attorney Case File
- CS .285—Automated Index of Central Enforcement Files
- CS .270—Background—Record of Non-Customs Employees
- CS .028—Baggage Declaration
- CS .067—Bank Secrecy Act Reports File
- CS .030—Bankrupt Parties-in-Interest
- CS .031—Bills Issued Files
- CS .032—Biographical Files (Headquarters)
- CS .271—Cargo Security Record System
- CS .037—Cargo Security File
- CS .040—Carrier File
- CS .041—Cartmen or Lightermen
- CS .042—Case and Complaint File
- CS .043—Case Files (Regional Counsel—South Central Region)
- CS .044—Certificates of Clearance
- CS .045—Claims Act File
- CS .046—Claims Case File
- CS .049—Claims (Receivable and Payable)
- CS .050—Community Leader Survey
- CS .051—Complaints Against Customs Personnel
- CS .053—Confidential Source Identification File
- CS .054—Confidential Statements of Employment and Financial Interests
- CS .056—Congressional and Public Correspondence
- CS .057—Container Station Operator Files
- CS .058—Cooperating Individual Files
- CS .061—Court Case File
- CS .064—Credit Card File
- CS .272—Currency Declaration File (IRS Form 4790)
- CS .287—Customs Automated Licensing Information System (CALIS)
- CS .069—Customhouse Brokers File
- CS .077—Disciplinary Action and Resulting Grievance or Appeal Case Files
- CS .078—Disclosure of Information File
- CS .081—Dock Passes
- CS .277—Drivers License File
- CS .278—Early Implementation System
- CS .273—Employee Debts
- CS .083—Employee Relations Case Files
- CS .090—Equipment Record File
- CS .092—Exit Interview
- CS .093—Federal and New York State Licenses for Commercial Importation of Alcoholic Beverages
- CS .096—Fines, Penalties and Forfeiture Control and Information Retrieval System
- CS .098—Fines, Penalties and Forfeiture Records
- CS .099—Fines, Penalties and Forfeiture Files (Supplemental Petitions)
- CS .100—Fines, Penalties and Forfeiture Records (Headquarters)
- CS .105—Former Employees
- CS .109—Handicapped Employee File
- CS .112—Immediate Delivery Violation Record
- CS .274—Importer, Brokers, Carriers, Individuals and Sureties Master Files
- CS .122—Information Received File
- CS .123—Injury Notice
- CS .125—Intelligence Log
- CS .127—Internal Security Records System
- CS .128—Investigations Program Analysis
- CS .129—Investigations Record System
- CS .130—Investigative Program Analysis
- CS .133—Justice Department Case File
- CS .136—Liquidated Damage Cases, Prior Violators
- CS .137—List of Vessel Agents Employees
- CS .138—Litigation Issue Files
- CS .140—Lookout Notice
- CS .144—Mail Protest File
- CS .148—Military Personnel and Civilian Employees' Claims Act File
- CS .268—Military Personnel and Civilian Employees' Claims Act File
- CS .151—Motor Vehicle Accident Reports
- CS .152—Motor Vehicle Operator's Identification Card
- CS .153—Motor Vehicle Operator's I.D. Card and Record
- CS .155—Narcotics Suspect File
- CS .156—Narcotics Violator Files
- CS .159—Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs
- CS .193—Operating Personnel Folder Files
- CS .161—Optional Retirement List
- CS .162—Organization (Customs) and Automated Position Management System (COAPMS)
- CS .163—Outside Employment Requests
- CS .165—Overtime Earnings
- CS .170—Overtime Reports
- CS .172—Parking Permits File (New York Region)
- CS .175—Patrol Division Daily Activity Report
- CS .180—Payroll Record of Employees NOT covered by the Automated System
- CS .182—Penalty Case File
- CS .186—Personnel Search
- CS .190—Personnel Case File
- CS .194—Personnel/Payroll System
- CS .284—Personnel Verification System
- CS .196—Preclearance Costs
- CS .197—Private Aircraft/Vessel Inspection Reporting System
- CS .201—Property File—Non-Expendable
- CS .206—Regulatory Audits of Customhouse Brokers
- CS .207—Reimbursable Assignment System
- CS .208—Restoration of Forfeited Annual Leave Cases
- CS .209—Resumes of Professional Artists
- CS .210—Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List
- CS .211—Sanction List
- CS .212—Search, Arrest, Seizure Report
- CS .214—Seizure File
- CS .215—Seizure Report File
- CS .217—Set Off Files
- CS .219—Skills Inventory Records
- CS .220—Supervisory Notes and Files
- CS .224—Suspect Persons Index
- CS .226—Television System
- CS .227—Temporary Importation Under Bond
- CS .228—Temporary Importation Violation Record
- CS .232—Tort Claims Act File
- CS .234—Tort Claims Act File
- CS .236—Training and Career Individual Development
- CS .239—Training Records
- CS .243—Travel Payment System
- CS .244—Treasury Enforcement Communications System

CS 249—Uniform Allowances—Unit Record
 CS 251—Unscheduled Overtime Report
 CS 252—Valuables shipped Under the Government Losses in Shipment Act
 CS 257—Violator's Card File
 CS 258—Violator's Case Files
 CS 260—Warehouse Proprietor Files
 CS 262—Warnings to Importers in lieu of penalty

Treasury/Customs .001

SYSTEM NAME:

Acceptable Level of Competence, Negative Determination-Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee of U.S. Customs Service Northeast Region, who receives a negative determination regarding acceptable level of competence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, Social Security number, position description, grade, and correspondence containing specific reasons for negative determination.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with

criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (6) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and stored in locked file cabinets.

RETRIEVABILITY:

The records are filed by the individual's name.

SAFEGUARDS:

Direct access is limited to the Director and five employees of the Personnel Division. In addition to being stored in locked cabinets, the area in which these records are stored is locked during non-duty hours and the building is guarded by uniformed security police.

RETENTION AND DISPOSAL:

Records are retained until the employee leaves the Customs Service.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is furnished by the employee, employee's supervisor and the Federal Employee Appeals Authority.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .002

SYSTEM NAME:

Accident Reports-Treasury/Customs.

SYSTEM LOCATION:

Logistics Management Division, Southeast Region, 99 SE 5th Street, Miami, FL 33131; Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee of Southeast Region who has had an accident on Government property or in an official vehicle since 1973.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Government forms dealing with accidents and personal injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended, Executive Order 11807 and Section 19 of Occupational Health & Safety Act of 1970; 5 U.S.C. 8101-8150, 8191-8193.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to

obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each case folder is maintained in an unlocked drawer in chronological order by date.

RETRIEVABILITY:

Each case is identified by employee name and date of accident.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Logistics Management Division within the Southeast Region Headquarters Building. During non-working hours the room in which the metal container is located is locked.

RETENTION AND DISPOSAL:

Accident Record files are retained in accordance with the Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Logistics Management Division, Southeast Region, Headquarters, 99 S.E. 5th Street; Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctors' reports.

Treasury/Customs .269

SYSTEM NAME:

Accounts Payable Voucher File-Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, South Central Region, 1440 Canal Street, New Orleans, LA 70112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All South Central Region personnel to whom travel and other disbursements

are made. All individuals who provide goods and services to the South Central Region.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invoices and travel/other vouchers and supporting disbursements schedules.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in unlocked file cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

RETENTION AND DISPOSAL:

In accordance with Records Control Manual; records are disposed of when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, South Central Region, 1440 Canal Street, New Orleans, LA 70112.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Invoices and travel/other vouchers submitted by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .005

SYSTEM NAME:

Accounts Receivable Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110; Financial Management Division, District and Ports, 99 SE 5th Street, Miami, FL 33131; U.S. Customs Service, Financial Management Division, Increase and Refund Section, 6 World Trade Center, New York, NY 10048; Financial Management Division, U.S. Customs Service, South Central Region, 1440 Canal Street, New Orleans, LA 70112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons owing money for Customs duties and services and money owed to persons for overpayment of excessive duties and services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and documentation of telephone calls with debtors and creditors or their representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored in file folders which are contained in an unlocked metal file cabinet.

RETRIEVABILITY:

The file is retrieved by the name of the individual which is kept in alphabetical order within the work area of the Collection Section.

SAFEGUARDS:

The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized

persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The file is retained until collection or refund is effected and two (2) years thereafter, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110; Director of Financial Management, 99 S.E. 5th Street, Miami, FL 33131; Regional Commissioner, U.S. Customs Service, 6 World Trade Center, New York, NY 10048; Financial Management Division, U.S. Customs Service, South Central Region, 1448 Canal Street, New Orleans, LA 70112.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in the system is obtained from data gathered from the automated billing system and ports of entry.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .009

SYSTEM NAME:

Acting Customs Inspector (Excepted)—Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, IL 60603, and Offices of the District Directors, North Central Region, Chicago, IL; Inspection and Control Division, U.S. Customs Service, Southwest Region, 500 Dallas Street, Suite 1240, Houston, TX 77002; Office of the District Director, San Diego, CA; Offices of the Port Directors, San Ysidro, CA; Calexico, CA; Tecate, CA; Andrade, CA; San Diego Barge Office; and the Offices of the Patrol Division, San Diego, CA; San Ysidro, CA; Calexico, CA; Tecate, CA; (see Customs Appendix A.); U.S. Customhouse, P.O. Box 111, District Director's Office, St. Albans, VT 05478; Office of the District Director, P.O. Box 2112, San Juan, PR 00903.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or members of other Federal agencies who are designated by

the District Directors as Customs Inspectors (Excepted).

CATEGORIES OF RECORDS IN THE SYSTEM:

System has name, Social Security number, rank or grade and duty station of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

CF 55 forms kept in manila folders in file cabinet.

RETRIEVABILITY:

Filed alphabetically.

SAFEGUARDS:

During non-working hours the offices and/or buildings in which records are located are locked.

RETENTION AND DISPOSAL:

Until individual transfers or designation is cancelled. Form is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division; North Central Region, 55 E. Monroe Street, Chicago, IL 60603; Director, Inspection and Control Division, U.S. Customs Service, Southwest Region, 500 Dallas, Suite 1240, Houston, TX 77002; District Director, Port Directors, and Division Directors, within the San Diego Customs District (see Appendix A.); District Direction, U.S. Customs Service, St. Albans, VT 05478, District Director, P.O. Box 2112, San Juan, PR 00903.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual and his or her agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .014

SYSTEM NAME:

Advice Requests (Legal) (Pacific Region)—Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subject of any request for legal advice by another office within Customs, another Government agency, or the private individual himself. An example would be a requested by a District Director for advice as to whether or not a violation of a Customs law for which a penalty may be assessed has occurred.

CATEGORIES OF RECORDS IN THE SYSTEM:

Intra-agency or inter-agency memoranda and reports of investigation and other documents submitted by the requesting office for use in handling the request. Correspondence from the private individual submitting the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or

other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the individual who is the subject of the request and in the alphabetical file folder within the metal file cabinet by the name of the individual who is the subject of the request.

SAFEGUARDS:

The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Request for legal advice files are retained until there is no longer any space available for them within the metal file cabinet, at which time files are transferred to the Federal Record Center or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, 211 Main Street, San Francisco, CA 94105.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information comes from the memoranda or correspondence from the office or individual requesting the advice and from any supporting documents that office or individual may transmit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .021

SYSTEM NAME:

Arrest/Seizure/Search Report and Notice of Penalty File-Treasury/Customs.

SYSTEM LOCATION:

Office of the District Director of Customs, Room 228, United States Customs Service, 335 Merchant Street, Honolulu, HI 96813.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are suspected of attempting to smuggle, or have smuggled, merchandise or contraband into the United States; individuals who have undervalued merchandise upon entry into the United States; vessels and aircraft which have been found to be in violation of Customs laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals, vessels, aircraft, identifying factors; nature of violation or suspected violation; circumstances surrounding violation or suspected violation; date and place of violation or suspected violation; and on-site disposition actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information

to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each report is assigned a case number and filed accordingly in a locked, metal file located in the Office of the Director of Patrol.

RETRIEVABILITY:

Each report is identified in a manual alphabetical card file by the name of the individual, vessel or aircraft.

SAFEGUARDS:

In addition to being stored in a locked metal cabinet, these records are located in a locked room, the keys of which are controlled and issued only to authorized personnel.

RETENTION AND DISPOSAL:

These records are retained for one year (1) or until action has been completed.

SYSTEM MANAGER(S) AND ADDRESS:

District Director of Customs, U.S. Customs Service, Post Office Box 1641, Honolulu, HI 96806.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .022

SYSTEM NAME:

Attorney Case File-Treasury/Customs.

SYSTEM LOCATION:

Office of Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties in litigation with the United States Government or sub-units, or employees or officers thereof, in matters which affect or involve the U.S. Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Seizure reports, investigative reports, Customs forms and documents relative to the case, petitions for relief, decisions on petitions, other background information relating to the litigation, motions, orders, etc., filed in connection with the litigation; investigative reports relative to an individual's economic ability to pay a claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records maintained in file folders.

RETRIEVABILITY:

Records indexed by name of private individual involved in the litigation.

SAFEGUARDS:

Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and his staff only.

RETENTION AND DISPOSAL:

Retained until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files is received from U.S. Customs employees, reports of investigation, Customs penalty case files, other Government agencies, parties involved in litigation, banks and credit bureaus, administrative proceedings regarding disciplinary action taken against Customs Service employees, Equal Opportunity complaints, denials of tort claims, denials of information under the Freedom of Information Act, and from other parties' information pertinent to the litigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .285**SYSTEM NAME:**

Automated Index to Central Enforcement Files-Treasury/Customs.

SYSTEM LOCATION:

Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S.

Customs and/or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the U.S. (5) Individuals filing official U.S. Government forms 4790 (Currency and Monetary Instruments Reporting), 4789 (Currency Transaction Report), 90.22-1 (Foreign Banking Act Report).

CATEGORIES OF RECORDS IN THE SYSTEM:

A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Currency and Monetary Instrument Reports, Currency Transaction Reports, reports on Foreign Banking transactions, reports on Fines, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations, Investigation Program Analyst (IPA) reports relating to an individual, various other correspondence (letter, memoranda, etc.), which relates to an individual in the Treasury Enforcement Communications System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Treasury Department Order No. 165, Revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C. 1431; 19 U.S.C. 1624; 19 U.S.C. 66; 31 CFR Part 103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to

opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape, microfiche.

RETRIEVABILITY:

Name, personal identification numbers, Customs case number, document's central file number.

SAFEGUARDS:

(1) All Central Files users must have a full field background investigation. (2) The "need to know" principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all Office of Investigations terminals and all Law Enforcement Systems Division Headquarters and San Diego terminals.

RETENTION AND DISPOSAL:

Records will be maintained in the Automated Index to Central Enforcement files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning or shredding the microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H), and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .270

SYSTEM NAME:

Background Record File of Non-Customs Employees-Treasury/Customs.

SYSTEM LOCATION:

Offices of District Directors, North Central Region, Chicago IL 60603, for addresses. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past non-Customs personnel requiring a background investigation to gain admittance to restricted U.S. Customs premises.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of background investigations, names, addresses, Social Security numbers and date and place of birth, etc. of non-Customs employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and stored in file cabinets in each District Director's office within the North Central Region, Chicago, IL 60603.

RETRIEVABILITY:

Each file is identified by the name of the non-Customs employee.

SAFEGUARDS:

The file cabinets are maintained within the area assigned to the District Director. During nonworking hours the room and/or building in which the file cabinet is located is locked.

RETENTION AND DISPOSAL:

Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, as appropriate in the North Central Region, Chicago, IL 60603.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this file originates from the individual non-Customs employee working for a private contractor who requires admittance to restricted U.S. Customs premises, from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .028

SYSTEM NAME:

Baggage Declaration-Treasury/Customs.

SYSTEM LOCATION:

Located at the District and Port Directors' offices in the Ogdensburg, New York district. (Northeast Boston).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons required to make a written baggage declaration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, items declared and value.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 C.F.R. 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

In file folders in file cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Available to authorized Customs personnel only.

RETENTION AND DISPOSAL:

Free entry declarations are retained for three (3) years then destroyed. Dutiable declarations are retained for three years at the port, seven years at

the Federal Record Center, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

District and Port Directors.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The individual who files the baggage declaration.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .067**SYSTEM NAME:**

Bank Secrecy Act Reports File-Treasury/Customs.

SYSTEM LOCATION:

Computerized Records; U.S. Customs Service, Law Enforcement Center, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Treasury Enforcement Communications System, San Diego, CA, with computer terminal access in various Customs and IRS regional offices. Originals: 4790's—Customs ports of entry or departure; 4789's—Internal Revenue Service, Ogden, UT; 90.22-1's—Customs Headquarters, Washington, D.C.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Listing of individuals who filed Form 4790 (Currency and Monetary Instrument Report), Form 4789 (Currency Transaction Report), and Form 90.22-1 (Foreign Banking Account Report).

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individuals and other entities filing the above-referenced forms, reports of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, accounts numbers, addresses, personal identifiers, dates of birth, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 5311 *et seq*; 31 CFR Part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose

pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relations to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic tapes (original 4790's are stored at the appropriate Customs port of entry or departure, original 4789's are stored by IRS in Ogden, UT; and original 90.22-1's are stored at Customs Headquarters in Washington, D.C.):

RETRIEVABILITY:

By name and other unique identifiers.

SAFEGUARDS:

Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See 5 U.S.C. 552a (e)(4)(G) and (f)(1).)

RECORD ACCESS PROCEDURE:

This system of records may not be accessed under the Privacy Act for the Purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .030

SYSTEM NAME:

Bankrupt Parties-in-Interest—
Treasury/Customs.

SYSTEM LOCATION:

Regional Headquarters in Southwest Region, U.S. Customs Service, 500 Dallas Street, Suite 1280 Houston, TX 77002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indebted to U.S. Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 89-508, the "Federal Claims Collection Act of 1966;" 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate

Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Cases are maintained in file folders at work site.

RETRIEVABILITY:

Alphabetical order by name.

SAFEGUARDS:

These cases are placed in locked cabinets during non-working hours. The building is guarded by uniformed security police.

RETENTION AND DISPOSAL:

As satisfaction is received, cases are closed. Records are maintained per Records Control Manual FIS-4 No. 124.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, TX 77002.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The source of information is obtained from individuals, bankruptcy courts, Customhouse brokers, and sureties.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .031

SYSTEM NAME:

Bills Issued Files—Treasury/Customs

SYSTEM LOCATION:

Regional Commissioner of Customs, Suite 1501, 55 East Monroe, Street, Chicago, IL 60603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals to whom bills have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence received from or sent to individuals in relation to bills issued by the United States Customs Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or

settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual alphabetical file folders in file cabinet.

RETRIEVABILITY

Access by name of individual.

SAFEGUARDS:

The file cabinet is maintained in the offices of the Regional Commissioner, North Central Region, Chicago, IL. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized personnel.

RETENTION AND DISPOSAL:

Correspondence is maintained for a period of three (3) years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner of Customs, Room 1501, 55 East Monroe Street, Chicago, IL 60603.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information consists of copies of letters or memoranda issued to or received from individuals. Records of phone calls and copies of documents related to the individual's transaction.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .032

SYSTEM NAME:

Biographical Files (Headquarters)—Treasury/Customs.

SYSTEM LOCATION:

Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and the Regional Public Information offices located at the addresses listed in Customs Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

General biographical records are maintained on all Customs employees for new release and public information purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

General biographical information including home address, date and place of birth, educational background, work experience, honors and awards, hobbies, and other information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained in file cabinets in the Public Information Division at Customs Headquarters.

RETRIEVABILITY:

File folders are identified by the name of the person and are filed in alphabetical order.

SAFEGUARDS:

The office in which the records are located is locked during non-working hours and the building is guarded by uniformed guards.

RETENTION AND DISPOSAL:

Files are retained during the individual's tenure as an employee of the Customs Service, after which the files are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Public Information Division, U.S. Customs Service Headquarters,

1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The individual involved, Customs personnel officers and co-workers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .037

SYSTEM NAME:

Cargo Security File-Treasury/Customs.

SYSTEM LOCATION:

Special Agent in Charge, Room 350, Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, MI 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, OH 44114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Longshoremen, Customs Bonded Warehouse employees, licensed Cartmen employees and other persons having access to cargo.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, place of employment, residence, criminal records, date of birth, Social Security numbers, photographs, descriptions and other identifying data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has

requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in loose-leaf binders and cross indexed index cards showing license numbers are kept in a metal box. They are kept in the communications room for rapid access.

RETRIEVABILITY:

Names of companies and individuals can be retrieved by checking the loose-leaf binders kept in an alphabetical listing. License plate numbers are listed in numerical sequence on index cards.

SAFEGUARDS:

The records are kept in a room within the office which is locked when not in use. Keys are available only to employees, and are not accessible to persons other than employees. Employees having access to the room have received a security background investigation and clearance. The offices are located in buildings with guards, and admittance is controlled by sign-in, sign-out sheets after regular hours.

RETENTION AND DISPOSAL:

Information remains in the system until no longer needed. The records are disposed of by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Special Agent In Charge, Room 350, Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, MI 48226;

Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, OH 44114.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .271

SYSTEM NAME:

Cargo Security Record System-Treasury/Customs.

SYSTEM LOCATION:

District Director, 600 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Drivers of motor vehicles of licensed cartmen and lightermen; properties and operators of each class of Customs bonded warehouse and their employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or

regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and Social Security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

RETRIEVABILITY:

By individual name or corporate name.

SAFEGUARDS:

Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

RETENTION AND DISPOSAL:

Information on drivers is retained in active file until revoked or cancelled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration

Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, 600 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601.

NOTIFICATION PROCEDURES:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act Pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .040

SYSTEM NAME:

Carrier File-Treasury/Customs.

SYSTEM LOCATION:

Located in the Office of the District Director, Terminal Island, San Pedro, CA; Office of the District Director, San Diego, CA; Offices of the Post Directors, Los Angeles International Airport, Los Angeles, CA; Room 130 U.S. Customhouse, Terrace and International Streets, Nogales, AZ, 85621; San Ysidro, CA; Tecate, CA; Calexico, CA; Andrade, CA; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego CA; San Ysidro, CA; Calexico, CA; Tecate, CA; see Customs Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers or owners, employees, associates of Customs Bonded Carriers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, Social Security number, place of birth and other information relating to officers, Associates, employees, etc., of Bonded Carriers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relates to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folder in file cabinet.

RETRIEVABILITY:

Filed by name of company or individual.

SAFEGUARDS:

Building locked during non-working hours.

RETENTION AND DISPOSAL:

Records retained until obsolete, then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, Port Directors, and Division Directors within the San Diego Customs District; District Director,

Terminal Island, San Pedro, CA, and Port Director, Los Angeles International Airport, Los Angeles District; District Director, U.S. Customhouse, Nogales, AZ 85621. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Customs Bonded Carriers' employees and correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury Customs .041

SYSTEM NAME:

Cartmen or Lightermen-Treasury/Customs.

SYSTEM LOCATION:

Customs ports, districts, and regional offices. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms who have applied for or hold a license as a bonded cartman or lighterman and individuals employed by cartman or lightermen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Customs Service memoranda and related materials regarding applications for licenses and identification cards, reports of investigations for approving these licenses and identification cards and card files showing outstanding identification cards and their location. Files also include fingerprint cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil.

criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information in this system is contained in a metal file cabinet in the office maintaining the system, or on magnetic disc.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the licensed cartman or lighterman and in the alphabetical file folder by the name of the licensed cartman or lighterman. Each employee's record is filed in a manual alphabetical card file cross-referenced with company names.

SAFEGUARDS:

The file is placed in a metal file cabinet at the work site. At locations where work is not performed on a 24-hour basis the work area is locked and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Files are reviewed at least once a year at which time cancelled I.D. cards may be removed. Closed CF 3078's may also be removed, but normally are held for approximately three years in case a new application is received from the same company or transferred to another company after a new investigation.

SYSTEM MANAGER(S) AND ADDRESS:

Port Directors, District Directors, and Regional Commissioners of the U.S. Customs Service. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), e(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .042

SYSTEM NAME:

Case and Complaint File-Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual initiating a court case or against whom a court case is brought; any individual involved in a personnel action, either initiating a grievance, discrimination complaint, or unfair labor practice complaint against the U.S. Customs Service or against whom a disciplinary or other adverse action is initiated; claimants or potential claimants under the Federal Tort Claim Act; individuals involved in accidents with U.S. Customs Service employees; U.S. Customs Service employees involved in accidents; persons seeking relief from fines, penalties and forfeitures and restoration of proceeds from the sale of seized and forfeited property; requesters under the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The System contains the individual's name, the type of case, the uniform filing guide number, the Regional Counsel's office file number, by whom the matter was referred, the district where the action originated, if applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each alphabetical card is inserted in a metal file drawer.

RETRIEVABILITY:

Each card is identified alphabetically by the individual's name described in Category of Individual and the filing is alphabetically used by last name.

SAFEGUARDS:

The metal filing drawer containing the alphabetical cards described above is maintained within the area assigned to the Office of the Regional Counsel, North Central Region at 55 E. Monroe Street, Chicago, IL 60603. During non-working hours, the room in which the metal filing drawer is located is locked and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

RETENTION AND DISPOSAL:

These files are retained until there is no longer space available for them within the metal filing drawer at which time the oldest cards for closed files will be transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets, unable to be locked.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, IL 60603.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained on these cards originates with the initiation of any action by an individual which is channeled through the Regional Counsel's office. Additional information is identifying information for locating the particular case file relating to the court case, personnel action, tort claim, relief petition, or request under the Freedom of Information Act.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .043**SYSTEM NAME:**

Case Files (Regional Counsel-South Central Region)—Treasury/Customs.

SYSTEM LOCATION:

The system is located at 1440 Canal Street, New Orleans, LA 70112, Office of the Regional Counsel, South Central Region, United States Customs Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) The first category of individuals on whom records are maintained in the system includes employees who have filed adverse actions, equal employment opportunity complaints, and grievances within the South Central Region; employees who have filed tort claims under the Military Personnel and Civilian Employees Act; employees of the Regional Counsel's staff with regard to travel, training, evaluations, and other related personnel records; and applications for employment submitted to the Office of the Regional Counsel by prospective employees; (2) The second category of individuals on whom records are maintained in the system includes those individuals not employed by the agency who have filed equal employment opportunity complaints; tort claims under the Federal Tort Claims Act; tort claims filed under the Small Claims Act; individuals who have outstanding Customs bills submitted for collection; individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions on fines, penalties, and forfeitures within the South Central Region; files relating to individuals, corporations, partnerships, and proprietorships upon whom criminal case reports are prepared pending litigation and prosecution for violation of 19 U.S.C. 1305, 18 U.S.C. 542, 18 U.S.C. 545, 18 U.S.C. 549, 18 U.S.C. 1001, 18 U.S.C. 496, and 18 U.S.C. 371; on individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions submitted in civil and technical violations for 19 U.S.C. 1592, 19 U.S.C. 1453, 19 U.S.C. 1448, 19 U.S.C. 1584, irregular deliveries, shortages and overages; and miscellaneous civil and technical violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained in the system are personnel actions; tort claims; collection efforts; supplemental petitions for fines, penalties, and forfeitures case in the South Central Region; criminal case reports for pending litigation and prosecution of cases in the South Central Region;

supplemental petitions for civil and technical violations committed within the South Central Region; and employment applications for positions in the Office of the Regional Counsel, South Central Region.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 185, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The records are currently maintained in alphabetical file folders which are filed in two steel filing cabinets in the Office of the Regional Counsel, South Central Region, and they are maintained under lock and key outside the ordinary business hours.

RETRIEVABILITY:

Records maintained by the Office of the Regional Counsel, South Central Region, are retrievable by identifying

the character of the record (i.e., adverse action, grievance, tort claim, criminal case), then by comparable statute or regulation, and then alphabetically by name and identifier. In addition, each case file is similarly identified on the alphabetical file folder within the steel filing cabinet.

SAFEGUARDS:

(a) The steel filing cabinets described above are maintained within the area assigned to the Office of the Regional Counsel, 1440 Canal Street, New Orleans, LA 70112. During non-working hours the room in which the locked steel cabinets are located is locked, and access to the building is controlled at all times by uniformed guards; (b) The policies and practices of the Office of the Regional Counsel regarding access controls are that only members of the staff of the Office of the Regional Counsel have access to the records maintained by the office.

RETENTION AND DISPOSAL:

Individual records are placed into a file of closed cases by category as stated above, and within each category by name. The oldest closed cases are forwarded to the Federal Records Center in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system of records maintained by the Office of the Regional Counsel is the Regional Counsel, South Central Region, United States Customs Service, 1440 Canal Street, New Orleans, LA 70112.

NOTIFICATION PROCEDURE:

See Appendix A.

RECORD SOURCE CATEGORIES:

The categories of sources of records in this system are the individual himself and files compiled by the United States Customs Services by using employers, other government agency resources, financial institutions, educational institutions attended, and previous employers. Additional information in these files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, investigations of tort claims, the processing of inter-office memoranda information requested under the Freedom of Information Act, and the investigation regarding the collection of debts due the Government

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .044

SYSTEM NAME:

Certificates of Clearance—Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Northeast Region, Boston, MA who have transferred, retired or resigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documented detailed information on an "in-house" prepared form indicating that the employee has returned all Government property in his personal possession and that the employee has cleared all debts owing to Customs such as unearned uniform allowances and travel advances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Data is stored in file folders by District and name of employee in a metal file cabinet in the work area of the Payment Section.

RETRIEVABILITY:

The file is retrievable by District and name of employee.

SAFEGUARDS:

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed

security policy and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The files are kept for 10 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in the system originates at the District where the individual is employed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .045

SYSTEM NAME:

Claims Act File-Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Customs employees who have filed, or may file claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to any inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as

exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified alphabetically in the file folder within the metal container by the name of the person who has filed or may file a claim.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor. Where a claim is not filed, the information is limited to the investigative reports of damage to or loss of personal property of a Customs employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .046

SYSTEM NAME:

Claims Case File-Treasury/Customs.

SYSTEM LOCATION:

Office of Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110; Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105; Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, TX 77002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties who have filed claims for damage or injury against the Government, or against whom the Government has a claim for damage or injury in matters which affect or involve the U.S. Customs Service; private individuals or Government employees who are involved in the incident which gave rise to the claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports relative to the circumstances of the claim (including accident reports provided by Customs personnel, agents' investigative reports, correspondence between Customs and the claimant or his representative); reports relative to an individual's ability to pay a claim for damages.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to

opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders.

RETRIEVABILITY:

Records indexed by name of private individual making a claim or against whom a claim is made; cross-referenced file with name of Government employee, if any, involved.

SAFEGUARDS:

Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and staff only.

RETENTION AND DISPOSAL:

Retained until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110; Regional Counsel, 211 Main Street, San Francisco, CA 94105; Regional Counsel, Suite 1220, U.S. Customs Service, 500 Dallas Street, Houston, TX 77002.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files is received from U.S. Customs employees, reports of investigation, credit checks, private individuals involved in the claims, other Government agencies and other individuals with pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .049

SYSTEM NAME:

Claims (Receivable and Payable)—Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have presented claims for payments by Customs or one involved in debts due Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documented detailed information concerning the claims or debts involved in each case and related financial data on individuals involved in the debt or claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored in file folders maintained in a metal file cabinet under the physical security of the Chief, Accounting Branch of the Financial Management Division.

RETRIEVABILITY:

The file is retrieved by the name of the individual on subject matter.

SAFEGUARDS:

The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The files on unusual cases are kept as long as needed or reference; routine cases are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management
Division, U.S. Customs Service, 100
Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in the
system is obtained from the Personnel
Department and the Payroll Data
Center.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS
OF THE ACT:**

None.

Treasury/Customs .050

SYSTEM NAME:

Community Leader Survey-Treasury/
Customs.

SYSTEM LOCATION:

Equal Employment Opportunity
Officer, U.S. Customs Service,
Southwest Region, 500 Dallas Street,
Suite 1240, Houston, TX 77002.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

The names, titles, and organization of
persons who may be construed to be
occupying a community leadership role
and who may be in a position to furnish
information or have some influence in
regard to the equal employment
opportunity program area.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records consist of a card index
of the names, titles, and organization of
community leaders.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

5 U.S.C. 301; Treasury Department
Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the
records may be used: (a) To provide
information to a congressional office in
response to an inquiry made at the
request of the individual to whom the
record pertains. (b) To provide
information to unions recognized as
exclusive bargaining representatives
under the Civil Service Reform Act of
1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

An alphabetical card listing filed in a
metal file cabinet.

RETRIEVABILITY:

Listed and filed alphabetically.

SAFEGUARDS:

The metal file cabinet described
above is maintained within the area
assigned to the Equal Employment
Opportunity Officer. During non-
working hours this office area is locked
and access to the building is controlled
at all times by uniformed guards.

RETENTION AND DISPOSAL:

To be useful, this information file
must be kept current. Non-current files
will be destroyed locally.

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity
Officer, U.S. Customs Service,
Southwest Region, 500 Dallas Street,
Suite 1240, Houston, TX 77002.

NOTIFICATION PROCEDURES:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information included in these files
is developed from local agencies (city,
county, state, and Federal) and from
local civil organizations.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS
OF THE ACT:**

None.

Treasury/Customs .051

SYSTEM NAME:

Complaints Against Customs
Personnel—Treasury/Customs.

SYSTEM LOCATION:

Director, District Patrol Division, 600
South Street, New Orleans, LA 70130;
Director, District Patrol Division, Room
213, International Trade Center, 250 N.
Water Street, Mobile, AL 36602.

**CATEGORIES OF INDIVIDUALS COVERED BY THE
SYSTEM:**

Present and past employees of the
Patrol Division and U.S. Customs
Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters and official government
memoranda.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

5 U.S.C. 301; Reorganization Plan No.
1 of 1950; Treasury Department Order
No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN
THE SYSTEM, INCLUDING CATEGORIES OF
USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the
records may be used: (a) To disclose
pertinent information to appropriate
Federal, State, local, or foreign agencies
responsible for investigating or
prosecuting the violations of, or for
enforcing or implementing, a statute,
rule, regulation, order, or license, where
the disclosing agency becomes aware of
an indication of a violation or potential
violation of civil or criminal law or
regulation. (b) To disclose information
to a Federal, State, or local agency,
maintaining civil, criminal or other
relevant enforcement information or
other pertinent information, which has
requested information relevant to or
necessary to the requesting agency's or
the bureau's hiring or retention of an
individual, or issuance of a security
clearance, license, contract, grant, or
other benefit. (c) To disclose information
to a court, magistrate, or administrative
tribunal in the course of presenting
evidence, including disclosures to
opposing counsel or witnesses in the
course of civil discovery, litigation, or
settlement negotiations or in connection
with criminal law proceedings. (d) To
provide information to a congressional
office in response to an inquiry made at
the request of the individual to whom
the record pertains. (e) To provide
information to the news media in
accordance with guidelines contained in
28 CFR 50.2 which relate to an agency's
functions relating to civil and criminal
proceedings. (f) To provide information
to third parties during the course of an
investigation to the extent necessary to
obtain information pertinent to the
investigation.

**POLICIES AND PRACTICES FOR STORING,
RETRIEVING, ACCESSING, RETAINING, AND
DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The information in this system is
contained in file folders and stored in
locked metal cabinets.

RETRIEVABILITY:

File folders for this system are filed
according to Customs filing code system.

SAFEGUARDS:

File is maintained in locked, metal file
cabinet, the keys of which are controlled
by the custodian of the files. Those
departmental officials who may

occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

RETENTION AND DISPOSAL:

Complaints against Customs Personnel files are normally destroyed by shredding after one (1) year. If there are any pending complaints, the file may be kept until the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, District Patrol Division, 600 South Street, New Orleans, LA 70130.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates from any Federal, state or local law enforcement agencies or individuals, from any private business or individuals who may have any complaints against Customs personnel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .053

SYSTEM NAME:

Confidential Source Identification File-Treasury/Customs.

SYSTEM LOCATION:

Components of this system are located in the Office of Investigations, U.S. Customs Service Headquarters, and the Office of Management Integrity, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and the offices of the Area Directors (Management Integrity) located in New York, Chicago, Los Angeles and Miami. Their addresses are as follows: 6 World Trade Center, Room 502, New York, NY 10048; 55 E. Monroe Street, Suite 1539, Chicago, IL 60603; 300 N. Los Angeles Street, Los Angeles, CA 90053; and 99 SE 5th Street, Miami, FL 33131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (sources) supplying confidential information to the U.S. Customs Service, Office of Investigations and Office of Management Integrity.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains some or all of the following information: name (actual or assumed), source (identifying) number, date number assigned, address, citizenship, occupational information, date and place of birth, physical description, photograph, miscellaneous identifying number such as Social Security number, driver's license number, FBI number, passport number, Customs Form 4621 documenting information received from confidential source, amount and date of monetary payment made to source for information supplied, criminal record, copy of driver's license, and copy of alien registration card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1619; and 18 U.S.C. Chapter 27.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures are not made outside the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in locked cabinets. Access during working hours is limited to authorized personnel.

RETRIEVABILITY:

Office of Investigations and Office of Management Integrity—The name of each source is filed in both alphabetical order and by location of the submitting office.

SAFEGUARDS:

In addition to being stored in secure metal cabinets with government approved locks, the files are located in closely watched rooms of the Office of Investigations and the Office of Management Integrity, Headquarters, and in the four Area Director (Management Integrity) offices. Personnel maintaining the files are selected for their reliability, among other qualities, and afforded access only after having been cleared by a full field investigation. During non-working hours the rooms in which the records are located are locked and access to the building is controlled by uniformed security guards.

RETENTION AND DISPOSAL:

The Office of Investigations destroys a file when it no longer has any utility by either shredding or burning; the Office of Management Integrity reviews

files annually for relevance and necessity, and when a file no longer has any utility, it is destroyed either by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229, for those components of the system maintained by the Office of Investigations; Director, Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and Area Directors (Management Integrity) located in the four U.S. Customs areas for those components of the system maintained by the Office of Management Integrity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .054

SYSTEM NAME:

Confidential Statements of Employment and Financial Interests—Treasury/Customs.

SYSTEM LOCATION:

Located in the Regional office or Personnel Management Division, U.S. Customs Service, of each region and headquarters, according to Customs Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those employees as listed in Treasury Personnel Manual Chapter 735 Subpart C, Section 0.735-320, Customs Appendix A, and the currently effective edition of Customs Circular PER-2-PER (Subject: Personnel; Departmental Rules of Conduct and Requirements Concerning Financial Statement).

CATEGORIES OF RECORDS IN THE SYSTEM:

Form TD 3087, Confidential Statement of Employment and Financial Interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose

pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked safe.

RETENTION AND DISPOSAL:

Records are destroyed two (2) years after employee leaves a position in which a statement is required, or two (2) years after the employee leaves the agency, whichever is earlier.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229, or appropriate Regional Principal Field Officer.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Individuals required to submit Form TD 3087.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .056

SYSTEM NAME:

Congressional and Public Correspondence File—Treasury/Customs.

SYSTEM LOCATION:

Support Staff, Office of Inspection and Personnel Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons sending letters of inquiry or complaint concerning Customs activities and procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence, the agency's reply, and related materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Correspondence records are maintained in file folders and on cards.

RETRIEVABILITY:

Correspondence records are identified by the name of the person making inquiry or complaint. The cards are then filed alphabetically.

SAFEGUARDS:

Access to the records is granted only to authorized Customs personnel. During non-working hours the room in which the records are located in locked and access to the building is controlled by uniformed security police.

RETENTION AND DISPOSAL:

The records are maintained from two to five years and then destroyed or retired to the Federal Records Center as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Office Manager, Support Staff, Office of Inspection and Director, Personnel Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Correspondence and related records and materials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .057

SYSTEM NAME:

Container Station Operator Files—Treasury/Customs.

SYSTEM LOCATION:

Offices of District Directors, North Central Region, Chicago, IL (see Customs Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past container station operators and employees that require an investigation and related information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of investigations, application and approval or denial of bond to act as container station operator and other Customs Service memoranda. Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Customs Regulations, Part 19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information

to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and stored in file cabinets in each District Director's office within the North Central Region, Chicago, IL.

RETRIEVABILITY:

Each file is identified by the name of the container station operator.

SAFEGUARDS:

The file cabinets are maintained within the area assigned to the District Director. During non-working hours, the room and/or building in which the file cabinet is located is locked.

RETENTION AND DISPOSAL:

These files are disposed of in accordance with the Treasury Records Control Manual. Employee name data retained for period of employment with container station operator.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, each district within the North Central Region, Chicago, IL. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this file originates from the individual applicant for

container station operator bond, from reports of investigation and other Customs memoranda.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .058

SYSTEM NAME:

Cooperating Individual Files-Treasury/Customs.

SYSTEM LOCATION:

These files are located in regional and local Customs Patrol Offices within the United States. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons providing confidential information to the U.S. Customs Service Patrol Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include: assumed names; actual names; code numbers; addresses; telephone numbers; physical descriptions; miscellaneous identifying numbers such as Social Security numbers, driver's license number, etc., date individual's record was established; amount and date of reward paid for information supplied.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures are not made outside the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All files and indices relating to cooperating individuals are stored in metal file cabinets secured with combination locks in a government secured building.

RETRIEVABILITY:

The name of each cooperating individual is filed in alphabetical order by assumed name and by actual name. The indices are maintained in the same alphabetical order and are also cross-referenced by the Patrol Division alpha numeric code number. All other identifying data is used for verification

of identity rather than method of retrieval.

SAFEGUARDS:

In addition to being stored in secure metal cabinets with government approved locks, the metal files are kept locked when not in use and located in a closely watched room of the Patrol Division. Personnel maintaining the files are selected for their reliability among other qualities, and they are afforded access only after having been cleared by a full field investigation. The files are given the same treatment as material classified as Secret. During duty hours, Patrol Division personnel maintain visual control and during off-duty hours the area containing the files is locked.

RETENTION AND DISPOSAL:

Retention periods have been established for records contained in the file in accordance with the Treasury Records Control Manual. When a file no longer has any utility, it is destroyed either by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Regional Patrol Director in Regional Customs Patrol Offices; the District Patrol Director in District Patrol Offices; and the Supervisory Customs Patrol Officer in suboffices of District Customs Patrol. (See Customs Appendix A.)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .061

SYSTEM NAME:

Court Case File—Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053; Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105; Office of the Regional Counsel, U.S. Customs Service, North Central, Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Court documents with exhibits, reports of investigations, Internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation, to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified by the name of the person against whom the

Government has initiated the litigation, or by the name of the person who initiated the litigation against the Government.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles Street, Los Angeles, CA 90053; Regional Counsel, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105; Regional Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with a request by a District Director to the appropriate United States Attorney that he institutes suitable judicial action to enforce the forfeiture of merchandise and vehicles, or the value thereof, which had been imported or used in violation of the Customs laws, and upon which final administration action has taken place. Information in this file also originates with the filing of a complaint by a private person against the Government, and by the filing of a complaint by the Government against private persons or former employees to enforce the collection of debts due the Government. Information in the files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes and denial of tort claims.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .064

SYSTEM NAME:

Credit Card File—Treasury/Customs.

SYSTEM LOCATION:

Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Headquarters Customs Service Employees to whom national gasoline credit cards and Hertz/Avis automobile rental cards have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

Credit card numbers, names, and signatures of employees to whom credit cards have been issued, and the date of issuance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Alphabetically by name or by credit card number.

RETRIEVABILITY:

A portion of the index cards are identified by the name of the person to whom the credit card was issued in the case of credit cards which have been permanently assigned to higher level Customs Service officers and such index cards are filed alphabetically. The remainder of the index cards relate to credit cards which are issued to Customs Service officers or employees on a one-transaction basis, and these index cards are filed by the applicable credit card number.

SAFEGUARDS:

The metal cabinet in which the index cards are placed is locked, and the room in which the metal cabinet is located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Index cards filed alphabetically by name are retained during the period that the officials named thereon are in possession of the credit cards, and these index cards are disposed of when the officials are no longer in possession of the credit cards. Index cards filed by credit card number are retained until all signature lines have been used, at which time these index cards are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system is obtained from Customs Service records and is also furnished by the officers or employees to whom the credit cards have been issued.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .272

SYSTEM NAME:

Currency Declaration File (IRS Form 4790)—Treasury/Customs

SYSTEM LOCATION:

One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals departing from or entering the country who filed IRS Form 4790.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, identifying number, birthdate, address, citizenship, visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 1101; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures are not made outside the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The Form 4790 is maintained in a file folder or binder in an open storage rack.

RETRIEVABILITY:

They are indexed and filed by name in the folder or binder.

SAFEGUARDS:

The office and building are locked during non-working hours.

RETENTION AND DISPOSAL:

The records are retained from one to five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors of Customs.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information on the IRS Form 4790 originates from the individual or Customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding 5,000 dollars.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .287

SYSTEM NAME:

Customs Automated Licensing Information System (CALIS)—Treasury/Customs.

SYSTEM LOCATION:

ADP Branch, U.S. Customs Service, 8 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms who have applied for or been granted licenses in the New York Region as customhouse brokers, or as bonded cartmen or lightermen, and officers, employees and associates of licensed customhouse brokers or licensed bonded cartmen or lightermen; individuals who have applied for or been granted approval to act as container station operators or

bonded warehouse proprietors, firms which have applied for approval or been approved as container stations or bonded warehouses, and officers, employees and associates of approved container stations or approved bonded warehouses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security numbers, dates of birth, and other pertinent data extracted from Reports of Investigation, Regulatory Audit reports, Treasury Enforcement Communications System entries, and Search, Arrest, and Seizure Reports, information obtained from informants, reports from or to other law enforcement bodies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1621; 19 CFR Part 111, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1561; 19 CFR Part 112; 19 CFR Part 19; 19 U.S.C. 1556.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To disclose information to foreign governments in accordance with formal or informal international agreements. (e) To provide information to a congressional office in response to an inquiry made at the request of the

individual to whom the record pertains. (f) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (g) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc.

RETRIEVABILITY:

Records can be retrieved by name or personal identification numbers and by employer's name and employer's identification numbers.

SAFEGUARDS:

Access to the office where records are maintained is controlled at all times. A password is required to gain access to records in the computer. The office where the records are maintained is locked during non-working hours. The records are available to those personnel in Operational Analysis and other appropriate Customs personnel on a "need to know" basis.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes, and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Operational Analysis Officer, U.S. Customs Service, 6 World Trade Center, Room 748, New York, NY 10048.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the

purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .069

SYSTEM NAME:

Customhouse Brokers File-Treasury/Customs.

SYSTEM LOCATION:

Office of the Chief Counsel, Entry, Licensing and Restricted Merchandise Branch, Entry Procedures and Penalties Division; U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, D.C. 20229, and Customs regional, district and port offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed customhouse brokers, employees of customhouse brokers, individuals or firms who have applied for a broker's license.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Customs Service memoranda and related material regarding proposed administrative disciplinary action against customhouse brokers for violation of the regulations governing the conduct of their business; broker applications and related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1641; 19 CFR Part 111; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency,

maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container, or on magnetic disc.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the customhouse broker and in the alphabetical file folder within the metal container by the name of the customhouse broker.

SAFEGUARDS:

The files described above are maintained in Customs Service Buildings. During non-working hours the room in which the files are located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Customhouse broker files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel; Director, Entry Procedures and Penalties Divisions, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. Customs regional commissioners, district directors, and port directors.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS CATEGORIES:

The information contained in these files originates from audits of or investigations into the conduct of customhouse brokers' businesses, applications for licenses, references as to character, court records, and local credit reporting services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .077

SYSTEM NAME:

Disciplinary Action and Resulting Grievance or Appeal Case Files-Treasury/Customs.

SYSTEM LOCATION:

Located in the Personnel Management Division of each Region and Headquarters, and in District, Port, and appropriate post of duty offices. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees on whom disciplinary action is pending or has occurred.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on such action as leave restriction letters, reprimands, and suspension, adverse actions, etc., and resulting grievance or appeal by employee. Copies of correspondence, management requests for assistance, evidentiary materials on which action is contemplated, proposed or taken, regulatory material, examiners' reports, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or

regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in manila folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a locked file and stamped "For Official Use Only".

RETENTION AND DISPOSAL:

Records are maintained for five years and then transferred to Federal Records Center where they are maintained for fifteen years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, in each region and Headquarters, or appropriate managerial official in employee's district, port, or post of duty. (See Custom Appendix A.)

RECORD SOURCE CATEGORIES:

Supervisors and supervisory records and notes; evidentiary materials supporting planned, proposed, or accomplished actions; grievance letters submitted by employee, grievance examiner, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the

Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .078

SYSTEM NAME:

Disclosure of Information File-Treasury/Customs.

SYSTEM LOCATION:

Office of Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, MD 21202; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons requesting access to information pursuant to the Freedom of Information Act or any other statute, regulation, directive or policy to disclose such information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding disclosure of the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 31 CFR Part 1, 19 CFR Part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in the file folder within the metal container by the name of the person requesting disclosure.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Customhouse broker files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, MD 21202; Regional Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; Regional Counsel, 211 Main Street, San Francisco, CA 94105.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from the requests for information filed with the Customs Service which may pertain to any information contained in the files of the U.S. Customs Service.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 00.081

SYSTEM NAME:

Dock Passes-Treasury/Customs.

SYSTEM LOCATION:

District Director's office, U.S. Customs Service, 228 Federal Building, 335 Merchant Street, Honolulu, HI 96813.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consulate staff members, brokers, private individuals, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Form lists following information: pass number; port; date of issue; name of individual; organizational affiliation; expiration date of pass; and vessel name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

3 x 5 card box loose leaf binder.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Building locked during non-working hours.

RETENTION AND DISPOSAL:

Retained until expiration.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, U.S. Customs Service, 228 Federal Building, 335 Merchant Street, Honolulu, HI 96813.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Individual applicants.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .277

SYSTEM NAME:

Drivers License File-Treasury/Customs.

SYSTEM LOCATION:

Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information furnished by employee before being issued a government drivers license. It may also include information from National Driver Register Service if they have any information on the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to National Driver Register Service to determine whether they have any information on the individual which would concern the employee's suitability for receiving a government drivers license. (b) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The information in this system is contained on Standard Form 47 (physical fitness inquiry for motor vehicle operators) and Treasury Form 2770 (application for motor vehicle operator's ID card and operator's record). These forms are kept in a desk file.

RETRIEVABILITY:

Each set of forms for a particular employee is numbered and those numbers are shown on an index sheet as pertaining to the particular employee.

SAFEGUARDS:

The desk in which the records are kept is within an office which is locked during non-working hours.

RETENTION AND DISPOSAL:

Forms are retained in this system in accordance with the requirements of the Treasury Records Control Manual. Forms of past employees who were issued drivers licenses are periodically destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with, and consists solely of, information supplied by the applicants on forms SF-47 and form 2770. There is a possibility that in the future, there will be a response from the National Driver Register Service on a particular applicant. At the present time there are none in this system of records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury Customs .278**SYSTEM NAME:**

Early Implementation System (EIS)-Treasury/Customs.

SYSTEM LOCATION:

The Computer is located at 1301 Constitution Avenue, Washington, D.C. 20229. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington, D.C. (For addresses of Customhouses, see Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Customs Service employees and individuals involved in the import trade.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. Certain portions contain no information about individuals. These are the Tariff Schedules of the United States Annotated (TSUSA) file, country file, criteria file for the selection of routine items, Team TSUSA file, district port file, and the entry master file. The following system files may contain information about U.S. Customs Services employees and/or individuals/companies involved in the import trade. (1) Authorized Terminals Users File: Contains randomly established five-digit identification codes and passwords assigned to Customs Service employees authorized to use the system. The file consists of the names and identification of all Customs Service employees using the remote terminals to input information into the system. It does not contain Social Security numbers. The degree of access to the system varies according to the users responsibilities in the system. (2) Importer/Broker/Consignee Bond File: Records consist of importer of record number, importer name, type of importation bond, expiration date, and surety code. The importer of record number is used as the

method of accessing the file. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS Employer Identification Number (EIN). The vast majority of importers have the EIN because of the business necessity of it. The second alternative is the Social Security number (SSN). The third alternative is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is properly bonded. (3) Broker File: A record consists of a three-digit Customs-assigned Customhouse broker number (non-SSN) and the broker name. The file is referenced during entry processing to validate the broker number and to prepare and distribute the Broker ID Performance Report to the individual or company concerned. The subject of the report is compliance with the entry filing requirements under the immediate delivery program. Information is disclosed only to the party-of-record. (4) Surety File: A record consists of a three-digit surety code (non-SSN) assigned by the Customs Accounting Division and the surety name. The file is referenced during entry processing to validate these surety codes. No information on surety company affairs is collected or disseminated in the system. (5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated. (6) Manufacturer File: The file contains only a three-digit manufacturer code number (non-SSN) and manufacturer name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to the Bureau of the Census by providing magnetic tapes containing foreign trade data. (b) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or

regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic Disc.

RETRIEVABILITY:

By identification codes and/or name.

SAFEGUARDS:

Access to computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. The codes are changed periodically to enhance security. All computer terminals are key-locked when not in use. Access to the Customers computer from other than system terminals is prohibited by hardware controls. Users must input a unique identification code during the terminal log-in procedure to gain access to the system. The identification code is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a "need to know" basis. A listing of identification codes of authorized users can be printed only at the computer room site by request of the security officer.

RETENTION AND DISPOSAL:

Files are periodically up-dated to reflect changes, etc., and are disposed of

in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Business Systems Division, Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, is responsible for all data maintained in the files.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The system data base is limited to data about individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in administering the tariff laws and regulations of the United States. No information concerning any individual's or company's importation activity, bonds status, and compliance or noncompliance with Customs Regulations will be disclosed for non-authorized purposes to any person other than the party-of-record upon receipt of a written request.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .273

SYSTEM NAME:

Employee Debts-Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees involved in transfer within the Government for which the Government is pursuing collection for overpayment of travel expenses or overpayment for maintaining uniforms.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records reflecting the documents involved in the overpayment and correspondence with the employee involved and his representative.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored in a file folder located in a file cabinet under the physical security of the Operating Accountant.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The file is retained until the debt is collected and then destroyed. Unusual cases are retained as a reference for similar type cases.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in the system originates from the employee, other Regions of Customs, and the Payment Section of the Financial Management Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .083

SYSTEM NAME:

Employee Relations Case Files—Treasury/Customs.

SYSTEM LOCATION:

Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records maintained on all individuals who have requested assistance in a problem, such as, Office of Workers' Compensation Programs [OWCP], leave, health and life insurance, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence. Copies of initiating correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a locked file.

RETENTION AND DISPOSAL:

Maintained for period of time employee remains with Customs. Records destroyed upon separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Individuals and offices depending on problem.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .090

SYSTEM NAME:

Equipment Record File—Treasury/Customs.

SYSTEM LOCATION:

Office of the District Director, United States Customs Service, 40 South Gay Street, Baltimore, MD 21202; Patrol Office, Room 15, 40 South Gay Street, Baltimore, MD 21202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees in the Baltimore District to whom equipment is assigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of individuals and type and identifying numbers of equipment signed out (including non-expendable property, weapons etc.).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File cards and folders located in metal containers.

RETRIEVABILITY:

Cards are filed alphabetically by names of those to whom equipment is assigned.

SAFEGUARDS:

File cards and folders are located in unlocked metal containers. The building is guarded by uniformed security police who control access to the building.

RETENTION AND DISPOSAL:

Records are retained in accordance with the requirements of the Treasury Records Control Manual

SYSTEM MANAGER(S) AND ADDRESS:

Office of the District Director of Customs, 40 South Gay Street, Baltimore, MD 21202.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Property Officer and personnel to whom equipment is assigned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .092

SYSTEM NAME:

Exit Interview—Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division, in each Region and Headquarters. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees terminating from the Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, position, time in grade and position, time with Customs, organization designation, supervisor's name and answers to various questions about employment with Customs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Forms are kept in manila folders.

RETRIEVABILITY:

By organization or by name.

SAFEGUARDS:

Locked office.

RETENTION AND DISPOSAL:

Retained in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division. (See location above.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information obtained from departing employee and Employee's supervisor.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs 00.093

SYSTEM NAME:

Federal & New York State licenses for commercial importation of alcoholic beverages—Treasury/Customs.

SYSTEM LOCATION:

Area Director, New York Seaport Area, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All companies and individuals who have filed import licenses for alcoholic beverages with this office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Licenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File cabinets.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Office locked at end of day.

RETENTION AND DISPOSAL:

Retained in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner (Area Director, New York Seaport Area).

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Individuals who have applied for an alcoholic beverage license.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .096

SYSTEM NAME:

Fines, Penalties and Forfeiture Control and Information Retrieval System—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Regulations and Rulings, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and businesses who have been fined, penalized or have forfeited merchandise because of violations of Customs and/or related laws or breaches of bond conditions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals and business names, address, personal identifying numbers, date and type of violation, parties entitled to legal notice or who are legally liable, case information, bond and petition information, and actions (administrative) taken by U.S. Customs. Also included are actions taken by violator prior to the disposition of the penalty or liquidated damage case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To

provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

(1) Magnetic disc and tape, (2) Hard copy Customs Form 5955a (Notice of Liquidated Damages Incurred and Demand for Payment) and Customs Form 151 Search/Arrest/Seizure Report.

RETRIEVABILITY:

Individual's name or case number.

SAFEGUARDS:

All inquiries are made by officers with a full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

A maximum of 10 years. Erasure of disc/tapes and shredding and/or burning of hard copy customs form 5955a.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Customs Form 5955a (Notice of Penalty or liquidated Damages Incurred and Demand for Payment) and CF 151 (Search/Arrest/Seizure Report) prepared by Customs Employees at the time and place where the violation has occurred.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .098**SYSTEM NAME:**

Fines, Penalties and Forfeitures Records-Treasury/Customs.

SYSTEM LOCATION:

Customs district offices. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms who have been administratively charged with violations of Customs laws and regulations and other laws and regulations enforced by the Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entry documentation, notices, investigative reports, memoranda, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (c) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The records are maintained in folders in file cabinets and safes.

RETRIEVABILITY:

The records are filed either by the name of the individual or chronologically with a cross reference index by the name of the individual.

SAFEGUARDS:

During non-working hours, the records are maintained in locked rooms, locked

buildings and buildings guarded by uniform guards.

RETENTION AND DISPOSAL:

The records are retained for three to five years after which they are either destroyed or forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors of Customs (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .099

SYSTEM NAME:

Fines, Penalties, and Forfeiture Files (Supplemental Petitions)—Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105; Office of the Regional Counsel, Room 7422, New Federal Building, 300 North Los Angeles Street, Los Angeles, CA, 90053; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed supplemental petitions for relief from fines, penalties and forfeitures assessed for violations of the laws and regulations administered by Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions and supplemental petitions and other documents filed by the individual; reports of investigation concerning the fine, penalty or forfeiture; and documents relating to the

internal review and consideration of the request for relief and decision thereon.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965. 19 U.S.C. 1618; 19 CFR Parts 171 and 172.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclosure to the Department of Justice or an individual United States Attorney to assist that Department or United States Attorney when suit is filed by the Government in civil prosecution of the fine, penalty or forfeiture; (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the petitioner and in the alphabetical file folder within the metal file cabinet by the name of the petitioner.

SAFEGUARDS:

The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Supplemental petition files are retained until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, 211 Main Street, San Francisco, CA 94105; Regional Counsel, Room 7422, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, CA 90053; Regional Counsel, Room 1417, U.S. Customs Service, 55 East Monroe Street, Chicago, IL 60603.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information contained in these files is obtained from the individual petitioning for relief and from the District Director of Customs within whose jurisdiction the fine, penalty or forfeiture action lies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a, (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 00.100

SYSTEM NAME:

Fines, Penalties and Forfeiture Records (Headquarters)—Treasury/Customs.

SYSTEM LOCATION:

Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on persons who have been administratively charged with violating Customs and related laws and regulations and on persons who have applied for awards of compensation for providing information regarding such violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Entry documentation, notices, investigative and other reports, memoranda of information received, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases and applications for awards of compensation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The records are kept in file cabinets in the central file room of the Entry Procedures and Penalties Division at U.S. Customs Service Headquarters.

RETRIEVABILITY:

The records are filed chronologically with a case number given to each file. The records are retrievable by means of an alphabetical card index system by names of individuals charged with a violation.

SAFEGUARDS:

The records are maintained in the U.S. Customs Service Headquarters building which is guarded by security police. During non-working hours, the central file room is locked and the building is guarded by security police.

RETENTION AND DISPOSAL:

The records are generally retained for five years after closing of the case. The records are then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .105

SYSTEM NAME:

Former Employees-Treasury/Customs.

SYSTEM LOCATION:

Laboratory Division, Room 1508, 630 Sansome Street, San Francisco, CA 94111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All past employees of the Customs Laboratory.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains copies of personnel action notices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders and stored in a metal file cabinet.

RETRIEVABILITY:

The record is filed alphabetically by name.

SAFEGUARDS:

The file is stored in a metal file cabinet in a private inner office of a government building protected by 24-hour guard service with limited access. The file is only used on a "need to know" basis and only by the laboratory employees.

RETENTION AND DISPOSAL:

Retained in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Laboratory Division, U.S. Customs Service, 630 Sansome Street, Room 1508, San Francisco, CA 94111.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information contained in personnel action files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .109

SYSTEM NAME:

Handicapped Employee File—
Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division,
Regional Commissioner of Customs, 55
East Monroe Street, Suite 1501, Chicago,
IL 60603

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees identified as handicapped.

CATEGORIES OF RECORDS IN THE SYSTEM:

Indicates employee's home and organizational location and various physical and mental handicaps, infirmities and conditions. Also shows veteran's preference

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

List.

RETRIEVABILITY:

Lists employees alphabetically by district.

SAFEGUARDS:

None at present and none required.

RETENTION AND DISPOSAL:

Employee's name removed from list at time of termination.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Date furnished by employee and employee's physician.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .112

SYSTEM NAME:

Immediate Delivery Violation
Record—Treasury/Customs.

SYSTEM LOCATION:

Fines, Penalties and Forfeiture
Section, Room 102, United States
Customhouse, 2nd and Chestnut Streets,
Philadelphia, PA 19106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons qualified to obtain release of imported merchandise under the immediate delivery privilege.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record reveals the individuals' or Customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by anyone individual, firm, or Customhouse broker and disciplinary action toward reduction or elimination of violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at

the request of the individual to whom the record pertains. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Immediate Delivery Record Cards are filed alphabetically in an unlocked metal file cabinet.

RETRIEVABILITY:

Each record card is filed alphabetically within the metal cabinet.

SAFEGUARDS:

The metal cabinet described above is maintained within the area assigned to the Fine, Penalties and Forfeiture section in Room 102 of the Customhouse, Philadelphia, PA; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

RETENTION AND DISPOSAL:

Immediate Delivery Record cards are retained at location three (3) years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

District Director of Customs, Room 102, U.S. Customhouse, 2nd and Chestnut Street's Philadelphia, PA 19106.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained on these cards originates from liquidated damage cases instituted for failure to timely file entries and pay duty.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .274

SYSTEM NAME:

Importer, Brokers, Carriers, Individuals and Sureties Master Files-Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, 99 S.E. 5th Street, Miami, FL 33131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Brokers, Importers, Individuals, Carriers, and Sureties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence incoming and outgoing, copies of bonds, entries, bills, data center listings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Alphabetical by name appearing on correspondence.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Financial Management, 99 S.E. 5th Street, Miami, FL 33131.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Correspondence, Customs Service Data Center, Districts and Ports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .122

SYSTEM NAME:

Information Received File-Treasury/Customs.

SYSTEM LOCATION:

District Patrol Division, Room 200, United States Customhouse, La Marina, Old San Juan, PR 00901; Office of the Director, Regional Patrol, 600 S. Street, New Orleans, LA 70130; Office of the District Director, 880 Front Street, San Diego, CA 92318; Offices of the Port Directors, San Ysidro, CA., Tecate, CA., Calexico, CA., Andrade, CA; San Diego Barge Office, Offices of the Customs Patrol Division, San Diego, CA., San Ysidro, CA., Calexico, CA., Tecate, CA; Los Angeles Region. Office of the Director, District Patrol, 600 S. Street, New Orleans, LA 70130; Director, District Patrol Division, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602; U.S. Customs Air Support Branch, Patrol Division PM-TUM, Homestead Air Force Base, Homestead, FL 33030; Intelligence Support Staff (Pacific Region), Room 7514, 300 N. Los Angeles Street, Los Angeles, CA 90053; District Patrol, 300 Ferry Street, Terminal Island, San Pedro, CA 90731; District Patrol, International and Terrace Streets, P.O. Box 670, Nogales, AZ 85621; Customs Patrol, Room 7N-FB-05, 301 W. Congress, Tucson, AZ 85701.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons in whom Customs and/or other government agencies are interested from a law-enforcement and/or security point of view.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, alias, date of birth or age, personal data, addresses, home and business telephone number, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where

the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are kept in a locked metal cabinet.

RETRIEVABILITY:

Records are filed within a metal file.

SAFEGUARDS:

The files are located within an office that is locked during non-working hours. The building is guarded by uniformed Customs guards, and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Files are retained for a period of three (3) years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, District Patrol Division, United States Custom Service, Room 200, La Marina, Old San Juan, PR 00901; Director, District Patrol Division, 600 S. Street, New Orleans, LA 70130; Chief, Air Support Branch, U.S. Customs Service, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, FL 33030; Director, Regional Patrol, 600 S. Street, New Orleans, LA 70130; District Director, Port Directors, and Division Directors within the San Diego Customs District: Intelligence Support Staff (Pacific Region), Room 7514, 300 N. Los Angeles Street, Los Angeles, CA 90053; District Patrol, 300 Ferry Street,

Terminal Island, San Pedro, CA 90731; District Patrol, International and Terrace Streets, P.O. Box 670, Nogales, AZ 85621; Customs Patrol, Room 7N-FB-05, 301 W. Congress, Tucson, AZ 85701 (see Customs Appendix A).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .123

SYSTEM NAME:

Injury Notice—Treasury/Customs.

SYSTEM LOCATION:

Each Logistics Management Division in each regional Headquarter Office (see Customs Appendix A for addresses) and all offices of the District Director, North Central Region, Chicago, IL.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who sustain an injury in performance of duty as an employee of U.S. Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, home address, organization, place of injury, date and hour of injury, dependents, occupation, cause of injury, nature of injury, statement of witness, supervisor's report of injury.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 19 and 24 of the Occupational Safety and Health Act of 1970; 84 Statute 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to the Department of Labor for that agency's official use. (b) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (c) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information in this system is contained on CA forms. The CA forms

are filed in a loose leaf, alphabetical binder and placed in a metal file container.

RETRIEVABILITY:

Each CA form is identified by the name of the injured employee and filed alphabetically in a binder.

SAFEGUARDS:

The binder is placed within a metal file container located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Notice of injury reports are maintained in the employee's OPF and disposed of in accordance with the Treasury Records Control Manual. Copies maintained by the systems manager are maintained at location for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Each Director, Logistics Management Division, in each Customs Regional Headquarters (see Appendix A for address), each District Safety Officer, North Central Region, Chicago, IL (see Customs Appendix A for addresses of District Directors).

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with and consists solely of information supplied by the injured employee, his supervisor, appropriate witness and attending physician on CA forms.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .125

SYSTEM NAME:

Intelligence Log—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Air Support Branch, Patrol Division, PM-TUM, Homestead Air Force Base, Homestead, FL 33030.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are believed to be involved in activities which constitute,

or may develop into, possible violation of Customs and related laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The intelligence log is maintained within a security area.

RETRIEVABILITY:

A manual, master card index, is maintained for the entire system. This index includes name and/or numerical identifier.

SAFEGUARDS:

The information files and master card index are located within an office which

is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

These files are retained until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Air Support Branch, Patrol Division, U.S. Customs, PM-TUM, Homestead Air Force Base, Homestead, FL 33030.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .127

SYSTEM NAME:

Internal Security Records System-Treasury/Customs.

SYSTEM LOCATION:

Internal Security Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Tort Claim Investigation Files, Information relating to investigations, and index card files at each Office of Management Integrity Office. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past employees, applicants for positions that require an investigation, and others that are principals or others in an investigation, or integrity issue.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security clearance records; background, tort claim, integrity investigation and related information and other Customs related investigations including individuals involved in accidents under investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate

Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 C.F.R. 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Investigative records are maintained on microfiche and in file folders and stored in metal security cabinets secured by government approved three-position, combination locks. Security clearance records are stored on magnetic tape with a manual back-up system.

RETRIEVABILITY:

A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

SAFEGUARDS:

In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are

selected for their experience and afforded access only after having been cleared by a full field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

RETENTION AND DISPOSAL:

With exception of tort claim investigations, the file records are maintained as long as the subject of the investigation is employed by the U.S. Customs Service and for one (1) year after the subject terminates employment. The files are then transferred to the Federal Records Center. Tort Claim investigations are retained for five (5) years after the close of the investigation and then destroyed. Once files are transferred, they are retained for the following periods of time by the Federal Records Center and then destroyed: Background investigations—25 years. Conduct and special inquiry investigations—15 years, & Equal Employment Opportunity investigations—10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Internal Security, U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, D.C. 20229.

RECORD SOURCE CATEGORIES:

Sources of information are: Employers; educational institutions; police; government agencies; credit bureaus; references; neighborhood checks; confidential sources; medical sources; personal interviews; military, financial, citizenship, birth and tax records; and the applicants or employee's personal history and application forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H), and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5).

Treasury/Customs .128

SYSTEM NAME:

Investigations Program Analysis—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Investigations, 1301 Constitution

Avenue, NW., Washington, D.C. 20229; 1719 West End Building, Room 303, Nashville, TN 37203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special Agents assigned to Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of cases assigned to individual agent showing date assigned, status, date closed, time spent on case, arrests, dispositions of arrests; seizures, penalties, and recoveries, if any. An inventory of types of cases handled by an agent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is contained in a printout.

RETRIEVABILITY:

Information is retrieved from the printout by case number, name of agent, and date by month and year.

SAFEGUARDS:

During non-working hours the room in which the above described printouts are located is locked.

RETENTION AND DISPOSAL:

The files are disposed of in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information furnished by Customs Special Agents.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .129

SYSTEM NAME:

Investigations Record System—Treasury/Customs.

SYSTEM LOCATION:

All Office of Investigations offices located within each Customs Service Region in the United States and within each Office of Investigations office located in a foreign country. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals who may bear some necessary relevance to investigations conducted within the scope of authority of the Office of Investigations, United States Customs Service. The categories include but are not limited to: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the U.S. and foreign countries. (3) Fugitives with outstanding warrants, Federal or State. (4) Suspect violators of U.S. Customs or other related laws. (5) Victims of violations of the U.S. Customs or related laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

The subject records may contain any identifying or other relevant information on subject individuals which might relate to the following categories of investigations: Smuggling Investigations Branch—Smuggling, Diamonds & Jewelry; Smuggling, Liquor; Smuggling, Narcotics; Smuggling, All Other; Prohibited Importations; Navigation, Airplane and Vehicle Violations; Neutrality Violations; Illegal Exports. Regulatory Investigations Branch—Baggage Declaration Violations; Customhouse Brokers and Customs Attorneys; Applications for Licenses; Theft, Loss, Damage and Shortage; Irregular Deliveries; All Other Criminal Cases; Currency Violations. Special Investigations Branch—Organized Crime; Personnel Derelictions; Other Departments, Bureaus and Agencies; Federal Tort Claims; Personnel Background Investigations. Technical Investigations Branch—Undervaluation and False Invoicing; Petitions for Relief; Verification Investigations Branch—Drawback; Marking of Merchandise; Customs Bonds; Customs Procedures;

Collections of Duties and Penalties; Trademarks and Copyrights; Foreign Repairs to Vessels and Aircraft. Foreign Investigations Branch: Classification; Market Value; Dumping; Countervailing Duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072; Title 19, United States Code; Title 18, United States Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in both hard copy files and on microfiche which are placed in locked metal containers.

RETRIEVABILITY:

The record system is indexed on 3 x 5 file cards by the individual's name and/or identification number and by the investigative case numbers to which the information relates. The hard copy and

microfiche records are retrieved by means of the investigative case numbers.

SAFEGUARDS:

All records are held in steel cabinets and are maintained according to the requirements of the United States Customs Records Manual and the United States Customs Security Manual. Access is limited by visual controls and/or a lock system. During normal working hours, files are either attended by responsible Office of Investigations employees or the file area is restricted. The office in which the records are located is locked during non-working hours and the building is patrolled by uniformed security guards.

RETENTION AND DISPOSAL:

The index cards, the hard copies and microfiche records are retained in accordance with standard Customs Service record retention and disposal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .130

SYSTEM NAME:

Investigative Program Analysis—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Investigations, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Customs Special Agents and Operations Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case assignment information such as case number, case hours, court hours, case description and disposition, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) Magnetic tape. (2) Manual files maintained by the Office of Investigations field officer.

RETRIEVABILITY:

By name and Social Security Number of subject Customs Officer.

SAFEGUARDS:

On a "need-to-know" basis to Office of Investigations personnel only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

RETENTION AND DISPOSAL:

The records are disposed of in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Supervisory Customs Special Agents when making case assignments to Special Agents or Operations Officers on foreign assignments.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .133

SYSTEM NAME:

Justice Department Case File—Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, Northeast Region, 100 Summer Street,

Boston, MA 02110; Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Ave., NW., Washington, D.C., 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation report requests and responses thereto, reports of investigations, Internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 507; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to the Department of Justice or directly to United States Attorneys upon request to assist in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (e) To provide

information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in the file folder within the metal container.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Counsel. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

The files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, Northeast Region, 100 Summer Street, Boston, MA 02110; Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C., 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the request from the Department of Justice or directly from a United States Attorney or other Government agency or officer which results in a communication regarding the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes or regulations, administrative proceedings or any matter affecting or involving the United States Customs Service or its officers or employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of

the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 136

SYSTEM NAME:

Liquidated Damage Cases; Prior Violators—Treasury/Customs.

SYSTEM LOCATION:

Office of the District Director, Fines and Penalties Office, U.S. Customs Service, 2 India Street, Boston, MA 02109, and Office of the District Director, Fines and Penalties Office, U.S. Customs Service, P.O. Box 111, St. Albans, VT 05478.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prior violators of Customs Laws: e.g. Customhouse brokers, individual TIB violators, liquidated damage cases only.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security number, type of violation and frequency of past violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Stored on 3 x 5 index cards and in file folders.

RETRIEVABILITY:

Alphabetically; by name.

SAFEGUARDS:

In locked file cabinet when not in use.

RETENTION AND DISPOSAL:

Boston District files are kept for two years and then destroyed on site. St. Albans District files are kept for five (5) years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Fines and Penalties Officer, U.S. Customhouse, Boston, MA 02109. Fines and Penalties Officer, Post Office and Customhouse Building, St. Albans, VT 05478.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is received from the individual at the time the violation occurs and from penalty notices which are issued in the Penalties section. Also, the Office of Investigations provides any information developed during its investigation.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .137

SYSTEM NAME:

List of Vessel Agents Employees—Treasury/U.S. Customs.

SYSTEM LOCATION:

Offices of District Directors, North Central Region, Chicago, IL (see Customs Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons employed by Vessel agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Open file.

RETRIEVABILITY:

Alphabetical listing of employees by vessel agent name.

SAFEGUARDS:

The file described is maintained in the Offices of the District Directors in North Central Region, Chicago, IL. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

RETENTION AND DISPOSAL:

Employee name retained for period of employment with vessel agent agency.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, as appropriate, in North Central Region, Chicago, IL (see Location above).

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Submission of data by importing carrier or his agent.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .138

SYSTEM NAME:

Litigation Issue Files-Treasury/Customs.

SYSTEM LOCATION:

Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, NY 10007.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties in litigation before the United States Customs Court (or subunits or employees or officers thereof), and other

individuals with knowledge of the issues in controversy, e.g., trade witnesses, foreign or domestic manufacturers, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1514-1516; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to the Department of Justice upon request to assist that Department in representing the interests of the Government, or agency involved in the litigation. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each issue file is inserted in a numerical file folder (according to issue) which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each issue filed is cross-indexed in the following card files: (a) By name of party-plaintiff; (b) by issue; and, (c) by titles of decided cases.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Assistant Chief Counsel within the Federal Building. At all times the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, NY 10007.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the receipt of protest reports (based on information supplied by the subject individuals or by their authorized agents or attorneys) from the various Districts and/or litigation report requests from the Department of Justice which result in a written report to that Department regarding the facts of the particular case.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .140

SYSTEM NAME:

Lookout Notice-Treasury/Customs.

SYSTEM LOCATION:

Lookout files are maintained in Offices of the District and Port Directors and the District and Local offices of the

Patrol Division. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Suspected violators of laws enforced by Customs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, height, weight, and any other information available on the individual at the time the notice is instituted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The notice is printed on regular paper and then copied and stored within a file box.

RETRIEVABILITY:

Alphabetically, by name.

SAFEGUARDS:

Stored in locked filing cabinet and access is limited to administrative personnel.

RETENTION AND DISPOSAL:

Retained for two years and then destroyed on site.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner of Customs, Regional Director of Investigations, Regional Patrol Director at appropriate Region. (See Customs Appendix A.)

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .144

SYSTEM NAME:

Mail Protest File-Treasury/Customs.

SYSTEM LOCATION:

Foreign Mail Branch, 2200 NW. 72 Avenue, Miami, FL 33166; District Director of Customs: 3180 Bladensburg Rd., NE., Washington, D.C. 20018; 620 East 10th Avenue, Anchorage, AK 99501; 215 1st Avenue North, Great Falls, MT 59401; 335 Merchant, Honolulu, HI 96813; 511 NW. Broadway, Portland, OR 97209; 555 Battery Street, San Francisco, CA 94126; 909 First Avenue, Seattle, WA 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed formal protest of the amount of duty assessed against mail parcels.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, invoices, and other pertinent documents pertaining to protests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are kept in file folders within a metal file cabinet.

RETRIEVABILITY:

Records are retrievable by name or protest number.

SAFEGUARDS:

Access is limited to appropriate personnel and the office is locked during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

District Director of Customs: 77 SE. 5th Street, Miami, FL 33131; 3180 Bladensburg Road, NE., Washington, D.C. 20018; 620 East 10th Avenue, Anchorage, AK 99501; 215 1st Avenue North, Great Falls, MT 59401; 335 Merchant, Honolulu, HI 96813; 511 NW. Broadway, Portland, OR 97209; 555 Battery Street, San Francisco, CA 94126; 909 First Avenue, Seattle, WA 98714.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Source information is from the sender, the addressee, the Customs value records, and the manufacturer of the item.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .148

SYSTEM NAME:

Military Personnel and Civilian Employees' Claims Act File-Treasury/Customs.

SYSTEM LOCATION:

Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and alphabetically in the file folder within the metal container by the name of the person who filed the claim.

SAFEGUARDS:

The metal container described above is maintained within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Regional Counsel, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Regional Counsel, U.S. Customs Service,

6 World Trade Center, New York, NY 10048.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .268

SYSTEM NAME:

Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, TX 77002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified alphabetically in the file folder within the metal container by the name of the person who filed the claim.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel (12th floor), 500 Dallas Street, Houston, TX 77002. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

RETENTION AND DISPOSAL:

These files are retained until closed at which time the closed files are transferred to the Director, Logistics Management Division, Office of the Regional Commissioner, Houston, TX, for ultimate transportation to the Federal Record Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, TX 77002.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with the Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .151

SYSTEM NAME:

Motor Vehicle Accident Reports—Treasury/Customs.

SYSTEM LOCATION:

Each Logistics Management Division, in each Customs Regional Headquarters (see Customs Appendix A).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Customs Employee involved in an automobile accident while on official duty.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security number, home address, telephone number, age, title, date of accident, place of accident, make, year, license number of vehicles, description of accident, information on driver of other vehicle.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Administrative Circular No. 131, dated August 19, 1965, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer in a metal file cabinet.

RETRIEVABILITY:

Each case file is identified in a file folder identified by the name of the Customs employee involved in the automobile accident.

SAFEGUARDS:

The metal file cabinet described above is maintained within the area assigned to the Regional Safety Coordinator within the office of the Regional Commissioner of Customs. Access to the building during non-working hours is controlled.

RETENTION AND DISPOSAL:

Files are maintained at location for two years and then transferred to the Federal Records Center where they are retained for four years.

SYSTEM MANAGER(S) AND ADDRESS:

Each Director, Logistics Management Division in each Regional Headquarters (see Customs Appendix A for addresses).

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in these files originates from the employee involved in the automobile accidents, police report and report of investigation conducted by the Office of Internal Affairs.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .152

SYSTEM NAME:

Motor Vehicle Operator's Identification Card—Treasury/Customs.

SYSTEM LOCATION:

District Director, 600 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601; Regional Commissioner, 1440 Canal Street, New Orleans, LA 70112.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Customs employees in the South Central Region whose official duties require the use and operation of an agency-owned vehicle or a government-owned vehicle leased from General Service Motor Vehicle Pool.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on file contain the following information: Name, address, place and date of birth, statement of physical fitness, results of examination on driving capability, summary of past driving record, record of summonses, arrests, and accidents during past five years, record of safe driving awards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

On SF-47 and Treasury Department Form 2770 in appropriate file.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Unlocked file cabinet in locked office.

RETENTION AND DISPOSAL:

Forms are maintained for the period in which the individual is employed in the Customs Service, or until revoked. Upon separation or revocation, forms are removed from active file and placed in an inactive file for a period of three years, after which time the cards are disposed of as provided in GSA's General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, 800 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601; District, Logistics Management Division, 1440 Canal Street, New Orleans, LA 70112.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

All information contained on SF-47 and TD Form 2770 is obtained directly from employee.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .153**SYSTEM NAME:**

Motor Vehicle Operators I.D. Card and Record-Treasury/Customs.

SYSTEM LOCATION:

Room 102, Federal Building, 511 N.W. Broadway, Portland, OR 97209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of Portland District authorized to drive government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, position, driving record of employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in index card file. Stored in unlocked metal cabinet.

RETRIEVABILITY:

Information is on cards, indexed alphabetically by name of individual.

SAFEGUARDS:

The office and building are locked during non-working hours.

RETENTION AND DISPOSAL:

Retained two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, Federal Building, Room 198, 511 NW. Broadway, Portland, OR 97209.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information furnished by employee and his supervisors. Accident reports.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .155**SYSTEM NAME:**

Narcotics Suspect File-Treasury/Customs.

SYSTEM LOCATION:

Customs Patrol Office, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Known violators of Federal narcotics laws. Suspected violators of Federal narcotics laws. Associates of known and suspected violators. Informants and other persons of interest to patrol officers in the performance of their duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Criminal and civil case files; information of possible violators, informant files, known suspect files, and files of information of interest to patrol officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency,

maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's function relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders and stored in metal file cabinets which are located in locked or occupied offices which are located in locked and guarded Federal Buildings.

RETRIEVABILITY:

A manual master card index is maintained for the entire system. This index includes name and/or numerical identifier.

SAFEGUARDS:

In addition to being stored in secure metal containers, the containers are maintained in offices which are either occupied or locked at all times. These offices are located in locked Federal buildings.

RETENTION AND DISPOSAL:

The file records are maintained in accordance with the disposal requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Baltimore Patrol Division, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .156

SYSTEM NAME:

Narcotic Violator File-Treasury/ Customs.

SYSTEM LOCATION:

Fines, Penalties and Forfeitures Office, District Director of Customs, Room 603, U.S. Federal Building, 111 West Huron Street, Buffalo, NY 14202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been found in possession of any controlled substance within the Buffalo District.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetized cross reference of violators names and the associated case numbers assigned to these individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Open card file (3x5) is kept in metal flip file.

RETRIEVABILITY:

Narcotic violator case files are cross-referenced by a 3x5 alphabetized card which contains both name and case number.

SAFEGUARDS:

Open card file is kept in the Fines, Penalties and Forfeitures Office which is locked after working hours. During working hours, a staff person is always in the office. The building is under 24-hour guard.

RETENTION AND DISPOSAL:

File system has a purge date of two years after which cross reference cards are destroyed and case numbered file is no longer accessible by name of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, United States Customs Service, Room 603, 111 West Huron Street, Buffalo, NY 14202.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in these files is obtained from Search/Arrest and Seizure Reports transmitted to the Fines, Penalties and Forfeitures Office by ports and stations within the District.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .159

SYSTEM NAME:

Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs—Treasury/Customs.

SYSTEM LOCATION:

Personal Management Division, 500 Dallas Street, Houston, TX 77002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees who are suspected of misconduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

A written or telephone notification made by the Office of Internal Affairs that an investigation has been opened on an individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Notifications provided by the Office of Internal Affairs are maintained in a file folder and stored in a metal security cabinet equipped with a lock.

RETRIEVABILITY:

The file contains the name of the employee; therefore, retrievability is by the individual's name.

SAFEGUARDS:

A metal container, described above, is maintained the area assigned to

Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

The name file is retained until notification has been received that the investigation has been canceled or on receipt of a report of investigation from the Office of Internal Affairs.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, 500 Dallas Street, Houston, TX 77002.

RECORD SOURCE CATEGORIES:

The only source of notification that an employee has been placed under investigation is the Regional Director, Internal Affairs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .193**SYSTEM NAME:**

Operating Personnel Folder Files—Treasury/Customs.

SYSTEMS LOCATION:

Files are located in Headquarters, Regional, District, Port and other post of duty offices throughout the Customs Service depending upon post of duty of employee. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees, present.

CATEGORIES OF RECORDS IN THE SYSTEM:

In addition to the appropriate Personnel offices, records are also maintained by district, post, or other post of duty management on personnel matters and biographical data such as, but not limited to name, Social Security number, awards, letters of appreciation, promotions, step increases, memoranda, forms and materials related to hiring, address, pay, transfer and separation, service time, salary, phone, education, society memberships, publications, skills, chronological work history, position descriptions, reports of discussions held with employee regarding performance, copies of letters written to employee concerning performance, overtime hours, seniority status, leave, overtime earnings,

productivity, locator card information, and related employment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to the public for employment and salary verification upon request. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (e) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders, and/or on index cards, and/or ledgers, and/or magnetic tape and disc.

RETRIEVABILITY:

Records are indexed by name, or Social Security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms with limited access. For automated records,

procedural and physical safeguards are utilized, such as, accountability and receipt records, restricted access.

RETENTION AND DISPOSAL:

When the employee leaves the Customs Service through transfer or other separation, the file will immediately be forwarded to the office maintaining the Official Personnel Folder other than exact duplicates of papers already so filed. The file and its contents will then be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee or Headquarters. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from employee, from personnel actions as noted in official personnel folders, and from supervisor.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .161

SYSTEM NAME:

Optional Retirement List-Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees who are eligible for optional retirement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of mandatory retirement, and service computation date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in

response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in a locked file cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Accessible only to the Personnel Officer. The area in which these records are stored is locked during non-working hours, and the building is guarded by uniformed security police.

RETENTION AND DISPOSAL:

Records are retained for two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information is obtained from the Employees Service Record Report.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .162

SYSTEM NAME:

Organization (Customs) and Automated Position Management System (COAPMS)—Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Customs employees by organizational entity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Position control number and other personnel data such as Social Security number, date of birth, name, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on Mag-tape.

RETRIEVABILITY:

Records are indexed by organizational segment, code, position control number, and name.

SAFEGUARDS:

Limited access.

RETENTION AND DISPOSAL:

Records are maintained on Mag-tapes until employee separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

COAPMS is composed of four basic inputs—CF-105—Position Change Form—presently prepared by the Headquarters Personnel Branch and operating offices; Post of Duty Codes—established by the Accounting Division; Ceilings—established by the Budget Division; and CF-112—a Request for PPBS Code and Standard Abbreviation of Position. In addition to these four sources, the IRS payroll tape has many inputs—1150, 1125, 50, 52, union dues, etc., and Accounting tape K from IRS.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .163**SYSTEM NAME:**

Outside Employment Requests-
Treasury/Customs.

SYSTEM LOCATION:

Located in the Personnel Management Division of each Region and Headquarters and/or appropriate District, Port, or post of duty office of employee making request.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees engaged in outside employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Outside employment request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

CF-3031 kept in manila folder.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Locked file cabinet or limited access offices.

RETENTION AND DISPOSAL:

Until disengagement from outside employment or employee separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division in each regional office and Headquarters and/or appropriate managerial official in each port or district of employee.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Employee submission of Form CF-3031.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .165**SYSTEM NAME:**

Overtime Earnings-Treasury/
Customs.

SYSTEM LOCATION:

Inspection and Control Division, San Francisco District, 555 Battery Street, Room 111, San Francisco, CA 94126; Inspection and Control Division, Pacific Region, 300 N. Los Angeles Street, Los Angeles, CA 90012; Los Angeles District, Airport Division, Los Angeles International Airport, 5758 W. Century Boulevard, Los Angeles, CA 90045; District Director, 300 S. Ferry Street, Terminal Island, San Pedro, CA 90731; District Director, International and Terrace Streets, P.O. Box 670, Nogales, AZ 85621; San Diego Barge Office; Offices of the Port Directors; San Ysidro, CA; Andrade, CA; Calexico, CA; Douglas, AZ; Las Vegas, NV; Lochiel, AZ; Lukeville, AZ; Naco, AZ; Oxnard, CA; Phoenix, AZ; San Luis Obispo, CA; San Luis, AZ; Sasabe, AZ; Tecate, CA; Tucson, AZ. Office of the Regional Commissioner, North Central Region, Inspection and Control Division, 55 E. Monore Street, Suite 1501, Chicago, IL 60603; and District Directors Offices: Chicago, IL; Pembina, ND; Detroit, MI; Minneapolis, MN; Cleveland, OH; St. Louis, MO; Duluth, MN; Milwaukee, WI. Chief Inspector, 1790 W. Port Boulevard, Miami, FL 33132; Port Director of Customs, Port Everglades, FL; Port Director of Customs, West Palm Beach, FL; Director, Airport Operations, Miami International Airport; Office of the Supervisory Warehouse Officer, U.S. Customhouse, Room 103, 2nd and Chestnut Streets, Philadelphia, PA 19106; U.S. Custom Service, Honolulu International Airport, Honolulu, HI 96819.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inspection and Control employees participating in overtime assignments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and the total current monetary earnings computed to the nearest dollar.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The information is kept on a visible chart board and the information on earnings is constantly changing.

RETRIEVABILITY:

The individual's name appears alphabetically.

SAFEGUARDS:

The room where the records are kept is locked at other than regular working hours.

RETENTION AND DISPOSAL:

The information on each employee constantly changes and is maintained as long as the employee is working in the overtime system.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisory Customs Inspector, Station 1, U.S. Customs Service, 555 Battery Street, Room 111, San Francisco, CA 94126; Supervisory Customs Inspector, I & C, Pacific Region, 300 N. Los Angeles Street, Room 7508, Los Angeles, CA 90012; Director (Airport) Los Angeles International Airport, 5758 W. Century Blvd., Los Angeles, CA 90045; District Director, 300 S. Ferry Street, Terminal Island, San Pedro, CA 90731; District Director, International and Terrace Streets, P.O. Box 670, Nogales, AZ 85621; San Diego Barge Office; Port Directors: San Ysidro, CA; Andrade, CA; Calexico, CA; Douglas, AZ; Las Vegas, NV; Lochiel, AZ; Lukeville, AZ; Naco, AZ; Oxnard, CA; Phoenix, AZ; San Luis Obispo, CA; San Luis, AZ; Sasabe, AZ; Tecate, CA; Tucson, AZ; Director, Inspection and Control Division, North Central Region, 55 E. Monroe Street, Suite 1501, Chicago, IL 60603; District Directors: Chicago, IL; Pembina, ND; Detroit, MI; Minneapolis, MN; Cleveland, OH; St. Louis, MO; Duluth, MN; Milwaukee, WI; District Director of Customs, 77 S.E. 5th Street, Miami, FL 33131; District Director of Customs, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA

19106; District Director of Customs, U.S. Customs Service, Honolulu, HI 96819.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is obtained from actual overtime earnings made by each employee in the system.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .170

SYSTEM NAME:

Overtime Reports-Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Investigations, South Central Region, RDI, 1440 Canal Street, New Orleans, LA 70112; SAC, 600 South Street, Room 444, New Orleans, LA 70130; SAC, P.O. Box 1704, Mobile, AL 36601; RA, 1719 West End Building, Room 303, Nashville, TN 37203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Special Agents in region certified to receive premium compensation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Numbers of hours worked by Special Agents over and above the normal 40-hour week.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

These forms are maintained in file folders in a locked filing cabinet.

RETRIEVABILITY:

Files are kept in alphabetical order.

SAFEGUARDS:

During non-working hours the rooms in which the above described containers are located are locked.

RETENTION AND DISPOSAL:

These files are destroyed three years after Special Agent leaves agency or office.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, Investigations, U.S. Customs Service, Office of Investigations, 1440 Canal Street, New Orleans, LA 70112; Special Agent in Charge, Office of Investigations, 600 South Street, Room 444, New Orleans, LA 70130; Special Agent in Charge, U.S. Customs Service, Office of Investigations, P.O. Box 1704, Mobile, AL 36601; Resident Agent, U.S. Customs Service, Office of Investigations, 1719 West End Building, Room 303, Nashville, TN 37203.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with, and consists solely of information supplied by employees.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .172

SYSTEM NAME:

Parking Permits File (New York Region)—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Assistant Regional Commissioner (Administration), 6 World Trade Center, New York, NY 10048; Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Ave., NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Organizational units and persons holding parking permits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of person issued parking permit, and number of parking spots assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Office locked at night.

RETENTION AND DISPOSAL:

Retained until changed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner of Customs, U.S. Customs Service, 6 World Trade Center, New York, NY 10048; Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is compiled when parking permit is assigned.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .175

SYSTEM NAME:

Patrol Division Daily Activity Report—Treasury/Customs.

SYSTEM LOCATION:

Offices of the Patrol Division, Chicago District, Detroit District and Pembina District, North Central Region, Chicago, IL. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals employed as Customs Patrol Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Patrol Division folder maintained by Director, Patrol, by name to record work performance on a daily basis of each individual Patrol Officer. Also, individual record of scheduled overtime, sick or annual leave hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Individual activity records are maintained in file folders stored in a locked metal file cabinet.

RETRIEVABILITY:

Each folder is filed alphabetically by an individual's name.

SAFEGUARDS:

File folders are kept in a locked metal file cabinet which is located in an office that is locked during non-working hours.

RETENTION AND DISPOSAL:

Folders are maintained for the duration of an employee's service with the Patrol Division, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisory Customs Patrol Officers, Chicago District, Detroit District and Pembina District, North Central Region, Chicago, IL. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in this record system originates from reports of

Customs Patrol Officers involving records of their daily patrol activities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .180

SYSTEM NAME:

Payroll Record of Employees Not Covered By The Automated System—Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of various types of earnings and taxes withheld from employees who are not covered by the automated payroll system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Recorded detail of earnings and taxes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Data is placed in a file folder maintained in an unlocked file cabinet located within the Payment Section work area.

RETRIEVABILITY:

Each file is identified by the name of the individual

SAFEGUARDS:

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The files are retained for two years on the premises and then sent to the

Federal Records Center where they are retained for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs, Appendix A.

RECORD SOURCE CATEGORIES:

The information in the system originates from the individual's preparation of his travel voucher and compensation forms.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .182

SYSTEM NAME:

Penalty Case File-Treasury/Customs.

SYSTEM LOCATION:

Office of Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted supplemental petitions in relation to penalties, claims for liquidated damages or forfeitures of property which are being processed by the U.S. Customs Service, Northeast Region and which have been referred to the Regional Commissioner of Customs, Northeast Region.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Reports relative to the circumstances of an alleged violation (including any Customs forms or documents relating to the incident, agents' investigative reports, seizure reports); (b) Reports relative to an individual's economic interest in a penalty case; (c) Investigative reports relative to claims made in petitions for relief; (d) Recommendations made by other Government agencies that have an interest in the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name of alleged violator.

SAFEGUARDS:

Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked file cabinet with keys retained by Regional Counsel and his staff only.

RETENTION AND DISPOSAL:

Retained until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Exemption below.

RECORD SOURCE CATEGORIES:

The information contained in these files is received from U.S. Customs employees, reports of investigation, petitions for relief, other Government agencies with an interest in the case and members of the general public who have pertinent information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .186**SYSTEM NAME:**

Personal Search-Treasury/Customs.

SYSTEM LOCATION:

Office of the Director, District Patrol, 600 South Street, New Orleans, LA 70130; District Director and Director, District Patrol Division, International Trade Center, 250 N. Water Street, Mobile, AL 36602; all Ports, North Central Region, Chicago, IL; U.S. Customs Service, Honolulu International Airport, Honolulu, HI 96819; Ports of Entry, Nogales, AZ (District).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indicating unlawful or suspicious activity that might result in a Customs violation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, phone number, place of business, physical description, associates, vessel, automobile, or aircraft identified with, make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of

an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records maintained in standard Customs file folders in locked metal cabinets.

RETRIEVABILITY:

System indexed by identifying file number and manually retrieved.

SAFEGUARDS:

File maintained in locked metal file cabinet, the keys of which are controlled by the Custodian of the files. Those departmental officials who may occasionally be granted access, consistent with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

RETENTION AND DISPOSAL:

Negative Search Reports are destroyed after a 5 year period. Method of disposal is shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, District Patrol Division, 600 South Street, New Orleans, LA 70130; District Directors/Port Directors as applicable, in North Central Region, Chicago, IL; District Director of Customs, P.O. Box 2748, Mobile, AL 36601; District Director of Customs, U.S. Customs Service, Honolulu, HI 96819; Port Directors at the various ports of entry in the Nogales, AZ (District).

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with, and consists solely of information supplied by the individual being searched and the patrol officer doing the search.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .190

SYSTEM NAME:

Personnel Case File-Treasury/Customs.

SYSTEM LOCATION:

Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Regional Counsel of Customs, 6 World Trade Center, New York, NY 10048; Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C.

301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose to the Office of Personnel Management (OPM) in connection with administrative hearings and to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted alphabetically in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

SAFEGUARDS:

The metal container described above is maintained within the Customs Service Building. During non-working hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Regional Counsel of Customs, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; Regional Counsel of Customs, New York, NY 10048; Regional Counsel of Customs, 211 Main Street, San Francisco, CA 94105.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .194

SYSTEM NAME:

Personnel/Payroll System-Treasury/Customs.

SYSTEM LOCATION:

Located in Personnel and Financial Management Divisions of each region and headquarters. Computerized

through a Servicing Data Processing Center. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Customs employees, present and former.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain personnel data maintained primarily in the Official Personnel Folder and Payroll information such as name, Social Security number, grade, series, step, organizational codes, tax withholding information, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, other deductions, and all payroll information. Also in this system are records of time and attendance and leave.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (f) To disclose to furnish another Federal agency information to

effect inter-agency salary offset. (g) To disclose to furnish another Federal agency information to effect inter-agency administration offset. However no IRS obtained address shall be disclosed to another Federal agency. (h) To disclose to furnish a consumer reporting agency information to obtain commercial credit reports. (i) To disclose to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services. Routine users outside the Department are other federal agency personnel offices; the Office of Personnel Management; U.S. Department of Labor. Office of Employee Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities under a Customs Service-union contract or E.O. 11491, as amended, for the administration of the Federal labor-management relations program as described in the routine use; creditors; federal agencies; consumer reporting agencies to obtain credit reports; debt collection agencies; Members of Congress; next-of-kin; and voluntary guardian and other representative or successor in interest.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a (b)(12) and Section 3 of the Debt Collection Act of 1982; Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on mag-tape and computer printout.

RETRIEVABILITY:

Records are indexed by name or Social Security number.

SAFEGUARDS:

Records are maintained in locked files, secured rooms, or limited access.

RETENTION AND DISPOSAL:

Individual records are not in system after separation; Official Personnel Records of separated employees either

are sent to new agency or to Records Center. Time and attendance records are maintained six (6) years or until after audit, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Directors, Personnel and Financial Management Division in each region and headquarters.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is obtained from Official Personnel Folders employee management, time and attendance, and leave records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .196

SYSTEM NAME:

Preclearance Costs-Treasury/ Customs.

SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Customs Inspectors and Foreign Service employees of the North Central Region, who are stationed at Toronto and Montreal, Canada.

CATEGORIES OF RECORDS IN THE SYSTEM:

Salaries, living allowances and benefits paid to employees who are stationed at Toronto and Montreal, Canada.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential

violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored in a file folder within two metal file cabinets in the work area of the Budget Section.

RETRIEVABILITY:

The file is identified as the "Pre-clearance Record" which contains the names of all employees listed in alphabetical order with corresponding costs associated with each employee.

SAFEGUARDS:

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

RETENTION AND DISPOSAL:

The files are kept for three (3) years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .197

SYSTEM NAME:

Private Aircraft/Vessel Inspection Reporting System-Treasury/Customs.

SYSTEM LOCATION:

Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Names of pilots and vessel masters arriving in the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and personal identifiers of pilots, vessel masters, and owners of vessels with appropriate registration and/or documentation numbers and characteristics, and arrival dates at port of entry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to

opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape storage; microfiche.

RETRIEVABILITY:

By individual name, private aircraft/vessel registration number; vessel name.

SAFEGUARDS:

All inquiries are made by officers with full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

The records are periodically updated to reflect changes and maintained as long as needed, then destroyed. (Minimum of five years for aircraft arrival reports.)

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Proposed Customs Form 178 (Private Aircraft Inspection Report) which will be prepared by Customs officers, unnumbered forms prepared by vessel masters or owners who report their arrival to a United States port of entry, and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k) (2).

Treasury/Customs .201**SYSTEM NAMES:**

Property File-Non-Expendable-Treasury/Customs.

SYSTEM LOCATION:

Offices of District Directors, North Central Region, Chicago, IL (see Customs Appendix A); Logistics Management Division, U.S. Customs Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Office of the District Director, San Diego, CA; Offices of the Port Directors: San Ysidro, CA; Tecate, CA; Calexico, CA; Andrade, CA; San Diego Barge Office, and the Offices of the Customs Patrol Division, San Diego, CA; San Ysidro, CA; Calexico, CA; Tecate, CA; District Directors Office, Entry Control Section (see Customs Appendix A); United States Customs Service, Room 228, Federal Building, 335 Merchant Street, Honolulu, HI 96813; Logistics Management Division, Southeast Region; U.S. Customs Service, 99 SE. 5th Street, Miami, FL 33131; Federal Building, Room 198, 511 NW. Broadway, Portland, OR 97209; Office of District Director, Administrative Officer, United States Customs Service, 555 Battery Street, Room 318, San Francisco, CA 94126.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees issued non-expendable property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Receipts for badges, cap insignias, bonded warehouse keys, identification cards, Government driver's licenses, firearms and other non-expendable property.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Locked file cabinet.

RETRIEVABILITY:

Folders identified by individual's name.

SAFEGUARDS:

During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

RETENTION AND DISPOSAL:

Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, MO; thirty (30) days after employee is separated.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors in the North Central Region, Chicago, IL; Director, Logistics Management Division, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; District Director, Port Directors, and Division Directors within the San Diego Customs District (see Customs Appendix A); Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229; Local Property Officer, Room 228, Federal Building, Entry Control Section, 335 Merchant Street, Honolulu, HI 96813; Director, Logistics Management Division, United States Customs Service, Southeast Region, 99 SE. 5th Street, Miami, FL 33131; District Director, Federal Building, Room 198, 511 NW. Broadway, Portland, OR 97209; Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, CA 94126.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system consists of receipts of employees receiving non-expendable property.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .206**SYSTEM NAME:**

Regulatory Audits of Customhouse Brokers-Treasury/Customs.

SYSTEM LOCATION:

Division of Regulatory Audit, United States Customs Service Headquarters,

1301 Constitution Avenue, NW., Washington, D.C. 20229, and at each of the nine regional offices of Regulatory Audit (see Customs Appendix A for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons licensed to conduct customhouse brokerage business pursuant to 19 U.S.C. 1641.

CATEGORIES OF RECORDS IN THE SYSTEM:

Audit reports of custom housebroker accounts and records; correspondence regarding such reports; Congressional inquiries concerning customhouse broker and disposition made of such inquiries; names of officers of customhouse brokerage firms, license numbers and dates issued and district covered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1641; 19 CFR Part III. 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent

necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each customhouse broker file is inserted in alphabetical order by name of the firm in one of nine regional file folders which are filed in an unlocked drawer within a metal file cabinet. Duplicate copies are maintained at Customs Service Headquarters.

RETRIEVABILITY:

Each broker file is identified on alphabetical file locator cards which contain the name and address of the broker, the region and district in which he operates, and the number of the file drawer. In addition each regional office maintains its own alphabetical file, containing the above information, for broker activities within their region.

SAFEGUARDS:

The files described above are maintained within the area assigned to the Regulatory Audit Division within the Customs Service Building. During non-working hours, the room in which the files are located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Customhouse broker files are retained until there is no longer any space available for them at which time the oldest files are destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Regulatory Audit Division, United States Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Regional Director, Regulatory Audit Division of the nine regional offices (see Appendix A for addresses)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from audits conducted by the regional regulatory audit staff, of customhouse brokers' businesses. The audits are supplemented with information furnished by the Office of the Chief Counsel, Office of Investigation and the Office of Regulations. These audits include examinations of brokers' business records, including all financial books of accounts, check books, and financial statements. In the event that

the broker is engaged in various business enterprises such as freight forwarding and insurance, and these financial records are commingled with those financial records relating to the brokerage business, it would be necessary to examine the other business records to complete the audit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .207

SYSTEM NAME:

Reimbursable Assignment System-Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs Service employees who perform reimbursable services and parties in interest for whom reimbursable services are performed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security number or importer of record number assigned by the Customs Service, listings of reimbursable overtime assignments of Customs employees, bills and refund checks issued to parties in interest, travel expenses incurred by Customs employees in connection with the reimbursable services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 261, 267, and 1451; 19 CFR 24.16 and 24.17; 5 U.S.C. 301; Treasury Department Order No. 165; Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to any inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information in this system is contained in a computerized system utilizing magnetic tape storage techniques.

RETRIEVABILITY:

The information in this system is retrieved by the individual's Social Security number or by the individual's importer of record number.

SAFEGUARDS:

Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm systems.

RETENTION AND DISPOSAL:

The records in this system are retained in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Ave, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with the receipt of a request, for reimbursable services from the party in interest. In addition, information in this system is derived from Customs Form 5106 (Notification of Importer's Number/Application for Importer's Number) which is filed with the Customs Service by the importer, and from Customs Form 6082 (Work Ticket) which is filed by the Customs Inspector who performed the reimbursable services.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .208

SYSTEM NAME:

Restoration of Forfeited Annual Leave Cases-Treasury/Customs.

SYSTEM LOCATION:

Located in the Personnel Management Division of each region and Headquarters according to list in Customs Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the U.S. Customs Service who have applied for restoration of forfeited annual leave.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee applications for restoration of leave. Management decisions on employee applications for restoration of leave. Applicable regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 185, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in manila folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked files.

RETENTION AND DISPOSAL:

Records are retained in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, in each region and Headquarters.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Evidential materials supporting employee applications for restoration of forfeited annual leave. Evidential materials supporting management decisions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .209

SYSTEM NAME:

Resumes of Professional Artists-Treasury/Customs.

SYSTEM LOCATION:

Area Director, New York Seaport Area, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional Artists.

CATEGORIES OF RECORDS IN THE SYSTEM:

Artist's name and professional art background.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 185, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Filing cabinet, office locked at end of the day.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Area Director New York Seaport Area, 6 World Trade Center, New York, NY 10048.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Resume information provided by artist.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .210

SYSTEM NAME:

Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List—Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, Districts and Ports, 99 SE 5th Street, Miami, FL 33131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Corporate and Individual Brokers, Importers, Carriers, and Private Individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Corporations and individuals in financial difficulty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 185, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Alpha File in Manila Folder by Month.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

RETENTION AND DISPOSAL:

These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Financial Management, 99 SE 5th Street, Miami, FL 33131.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Generated in house by Accounting Personnel from delinquent bill listings and open file of outstanding bills. Additionally, feedback from Districts and Ports on bankrupt firms and from Regulatory Audit Division on firms in financial difficulty or under investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .211

SYSTEM NAME:

Sanction List-Treasury/Customs.

SYSTEM LOCATION:

Regional Commissioner of Customs, Suite 1501, 55 E. Monroe Street, Chicago, IL 60603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are indebted to the United States Government for bills that are unpaid and past due.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing is issued monthly showing individual's name and address plus number and amount of unpaid and past due bills.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Each sanction list is stored in a file drawer or in an unlocked file cabinet.

RETRIEVABILITY:

Each sanction list is identified by month and year of issuance.

SAFEGUARDS:

The file cabinet described above is maintained within the area assigned in the Customs Office. During non-working hours the room and/or building in which the file cabinet is located is locked.

RETENTION AND DISPOSAL:

Retained in Customs Office for minimum of one year. Disposal in accordance with Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Commissioner of Customs, Suite 1501, 55 E. Monroe Street, Chicago, IL 60603.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this listing is secured from CF 6084 and 6084A, Miscellaneous Bill Form issued to each individual and correspondence files maintained for individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .212

SYSTEM NAME:

Search/Arrest/Seizure Report-Treasury/Customs.

SYSTEM LOCATION:

Patrol Division Offices of the U.S. Customs Service. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have or may have violated a law of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, alias, date of birth, age, personal data, addresses, home and business telephone numbers, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, mode of entry of individual or contraband, fingerprints, pictures, declaration forms, cash receipts, receipt for seized goods, all other forms pertinent to the case, such as Notice to Master, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

RETRIEVABILITY:

The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

SAFEGUARDS:

The metal file cabinet and the metal file box are located within an office that is locked during non-working hours. The building is guarded by uniformed customs guards, and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

These cases are retained for a period of three years after which they are destroyed together with related index cards.

SYSTEM MANAGER(S) AND ADDRESS:

Director, District Patrol Division. (See Customs Appendix A.)

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .214**SYSTEM NAME:**

Seizure File-Treasury/Customs.

SYSTEM LOCATION:

Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Ships masters, ships crew members, longshoremen, vessels, private aircraft, private vessels, individuals from whom seizures have been made, or upon whom Memoranda of Information Received have been written.

CATEGORIES OF RECORDS IN THE SYSTEM:

Memoranda of Information Received, which are reports from law enforcement agencies of suspects or arrests. Reports of Seizures by Customs, other information indicating violators or suspected violators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an

individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Manila files within metal file cabinets.

RETRIEVABILITY:

Alphabetical; for aircraft or car by number; by seizure number; by name of individual.

SAFEGUARDS:

Room has a 24-hour guard and is locked.

RETENTION AND DISPOSAL:

Seizure files are maintained for three years after final disposition. Memoranda of Information Received are maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .215**SYSTEM NAME:**

Seizure Report File-Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Mail Facility, Room 416, 1675-7th Street, Oakland, CA 94615.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals to whom prohibited merchandise is addressed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, property description, estimated foreign value, duty, domestic value, circumstances of seizure, sender, section of law violated, delivery to San Francisco seizure clerk.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The information in this system is contained on Customs Form 5955 Seizure Reports, Customs Form 6043—Delivery Ticket, and Customs Form 151—Search/Arrest/Seizure Report. These forms are placed within file folders which are located in a metal file cabinet.

RETRIEVABILITY:

Each Seizure Report and Delivery Ticket (stapled together) are identified

by the name of the person to which the seized items are addressed and the names are filed alphabetically by fiscal year.

SAFEGUARDS:

The file folders are placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted in the building.

RETENTION AND DISPOSAL:

Last three fiscal-year records are kept in a file cabinet in the office. Three fiscal years prior are kept in boxes in the detention area.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Surface Mail Section. See location above.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with and consists of information obtained from mail shipments.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .217**SYSTEM NAME:**

Set Off Files-Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, 99 SE. 5th Street, Miami, FL 33131.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Importer of Record, customhouse broker, parties in interest.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, identification number, copies of refund checks and copies of set off bills.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose

pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Files are maintained in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

File folders with individual's name annotated with set off.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

RETENTION AND DISPOSAL:

These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Financial Management, 99 SE. 5th Street, Miami, FL 33131.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

District Directors, Port Directors, Import Control Officers, External Auditors and Other Customs Employees.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .219

SYSTEM NAME:

Skills Inventory Records-Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained in this system on Customs personnel in grades GS-13 and above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data elements to provide a complete skills profile of the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained on a Customs Form 121 and Mag-tape.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked file and limited access to computer system.

RETENTION AND DISPOSAL:

Records are maintained until separation of an employee from the Customs Service.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, U.S. Customs Service, Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

CF-121 which is prepared by the employee.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .220

SYSTEM NAME:

Supervisory Notes and Files SF-7B,- Treasury/Customs.

SYSTEM LOCATION:

Records are located with the immediate supervisor or at the immediate supervisor's operating office. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

SF-7B card contains identical information to that contained on SF-7 card; in addition it can have attached or separately-maintained supervisory notes concerning an employee's performance on-the-job, conduct, counseling sessions, training recommended or taken, awards granted, emergency contact information, job assignments, to be used for administration resource purposes in recommending or authorizing discipline, recognition, assignment of performance rating, training, job assignments, leave requests, and/or similar matters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are stored in manila folders or special file cabinets.

RETRIEVABILITY:

Records are indexed by organizational code and name.

SAFEGUARDS:

Records are stored in lockable metal filing cabinets or in a secured room. Alternative storage facilities may be employed provided they furnish an equivalent or greater degree of physical security.

RETENTION AND DISPOSAL:

Records are retained while employee is employed, and are destroyed upon separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, in each Regional Office and in Headquarters. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

(See Customs Appendix A.)

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Form SF-50, Employee and employee's supervisors.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .224

SYSTEM NAME:

Suspect Persons Index-Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs District Officers located at the following addresses: 620 E. 10th Avenue, Anchorage, AK 99501; 215 1st Avenue, North, Great Falls, MT 59401; 335 Merchant, Honolulu, HI 96813; 511 NW. Broadway, Portland, OR 99209; 555 Battery Street, San Francisco, CA 94126; First and Marion Streets, Seattle, WA 98714.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons suspected of violation of Customs Laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and related file number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in folders and stored in a metal file cabinet.

RETRIEVABILITY:

The office and building are locked during non-working hours.

SAFEGUARDS:

Alphabetical by use of cross index.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

District Director of Customs. See location above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to U.S.C. 552a (k)(2).

Treasury/Customs .226**SYSTEM NAME:**

Television System-Treasury/Customs.

SYSTEM LOCATION:

Office of Port Director, U.S. Border Station, San Ysidro, CA 92073.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in incidents related to search and subsequent disturbance while entering the United States from Mexico.

CATEGORIES OF RECORDS IN THE SYSTEM:

An audio-video cassette recording of persons being escorted into, as well as inside, the business offices of the Customs area of the Port of Entry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an

agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Audio-video cassette.

RETRIEVABILITY:

By subject's name, date, and time.

SAFEGUARDS:

Cassettes are under control of Port Director and released only to the courts when subpoenaed or when requested to be reviewed by subject and his attorney.

RETENTION AND DISPOSAL:

All cassettes with incidents are retained for six months. Those on which some action may be taken are retained for one year or close of the case. Cassettes are reusable. Therefore, erasure occurs when new recording takes place.

SYSTEM MANAGER(S) AND ADDRESS:

Port Director, U.S. Border Station, San Ysidro, CA 92073.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Audio-video recording of persons being escorted into the Customs area.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .227**SYSTEM NAME:**

Temporary Importation Under Bond (TIB) Defaulter Control System—Treasury/Customs.

SYSTEM LOCATION:

U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been denied T.I.B. privileges because of failure to pay outstanding liquidated damages.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, personal identifying numbers and characteristics, address, company and case description, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

(1) Magnetic disc and tape storage; (2) Hard copy; (3) Microfiche files.

RETRIEVABILITY:

Indexing is by violator name.

SAFEGUARDS:

All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with the requirements of the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Customs officers completing Customs Form 164 (TECS-TIB Defaulter Control).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .228

SYSTEM NAME:

Temporary Importation Violation Record—Treasury/Customs.

SYSTEM LOCATION:

Fines, Penalties and Forfeitures Section, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19108.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making importations against Temporary Importation Bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record reveals the individual's or customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or customhouse broker and disciplinary action toward reduction or elimination of violations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute,

rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Temporary Importation Record Cards are filed alphabetically in an unlocked metal file cabinet.

RETRIEVABILITY:

Each record card is filed alphabetically within the metal cabinet.

SAFEGUARDS:

The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102, of the Customhouse, Philadelphia, PA; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

RETENTION AND DISPOSAL:

Temporary Importation Record Cards are retained at location for three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19108.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained on the cards originated from liquidated damage cases instituted for failure to comply with T.I.B. provision.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .232

SYSTEM NAME:

Tort Claims Act File—Treasury/Customs.

SYSTEM LOCATION:

Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053; Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Regional Counsel of Customs, 6 World Trade Center, New York, NY 10048; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of Regional Counsel, Suite 1220, 500 Dallas Street, Houston, TX 77002; Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private persons who have filed or may file claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigation regarding accidents involving Customs employees, documents relating to the administrative handling of the claims filed thereon, and documents submitted by the claimant in support of the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2672, *et seq.*; 28 CFR 14.1, *et seq.*; 31 CFR 3.1, *et seq.*; Treasury Department Administrative Circular No. 131, dated August 19, 1965.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where

the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each case file is identified in the alphabetical file folder within the metal container by the name of the person who has filed or may file a claim.

SAFEGUARDS:

During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

RETENTION AND DISPOSAL:

Tort claim files are retained until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles Street, Los Angeles, CA 90053; Regional Counsel, Room 125, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048; Regional Counsel of Customs, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; Regional Counsel,

Suite 1220, U.S. Customs Service, 500 Dallas Street, Houston, TX 77002; Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files originates with a Standard Form 95 (Claim for Damage or Injury) which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims. When a claim is not filed, the information is limited to the investigative reports of the property damage or personal injury.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .234

SYSTEM NAME:

Tort Claims Act File—Treasury/Customs.

SYSTEM LOCATION:

Offices of the District Directors, North Central Region, Chicago, IL 60603. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals presenting claims of damage to personal property resulting from Customs activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written damage claims supported by estimates, bills, claim forms and internal Customs Service memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 CFR Part 3; 5 U.S.C. 301; Treasury Department Order No. 165. Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide

information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed in cabinets in the District Directors offices.

RETRIEVABILITY:

Folders filed in alphabetical sequence.

SAFEGUARDS:

File cabinets are located within the area assigned in the Customs office. During non-working hours the room in which the cabinets are located is locked.

RETENTION AND DISPOSAL:

Retained in District Directors offices for three years then transferred to the Federal Record Center for seven years and three months prior to destruction.

SYSTEM MANAGER(S) AND ADDRESS:

District Director as appropriate in the North Central Region, Chicago, IL. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates with a written claim submitted by the claimant, as well as information supplied on Standard Form 95 and internal Customs memoranda.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .239

SYSTEM NAME:

Training and Career Individual Development Plans—Treasury/Customs.

SYSTEM LOCATION:

Located in the Personnel Management Division of each region and headquarters and/or district, ports, and post of duty of employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All U.S. Customs employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are maintained on training or other development activities completed and/or planned for individual

employees, whether for programs such as Executive Development or Upward Mobility, or other special emphasis development programs. Records also include such things as, but not limited to skills, abilities, education, experience, career plans and goals, and other related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are located in file folders, and/or official personnel folder.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked file or office.

RETENTION AND DISPOSAL:

Records are retained until separation or until employee is no longer part of a special emphasis program.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division, in each region and headquarters.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information is obtained from the employee and supervisors.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .239

SYSTEM NAME:

Training Records—Treasury/Customs.

SYSTEM LOCATION:

Personnel Management Division of each region and headquarters. Also located in districts, ports, and posts of duty.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees who have completed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Certificates of completion of training courses, memoranda documenting successful completion of training assignments, grades assigned by educational institutions when appropriate, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, on file cards, on Training forms, or on Mag-tape.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a locked file or room, or with limited access.

RETENTION AND DISPOSAL:

Records are maintained for up to three years after employee separates from the Service.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Information for this file is obtained from supervisors, managers, instructors, educational institutions, and/or training facilities such as the Office of Personnel Management, Department of the Treasury, etc.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .243

SYSTEM NAME:

Travel Payment System-Treasury/Customs.

SYSTEM LOCATION:

Located in Financial Management Divisions of each region and headquarters. (See Appendix A for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs Service employees who travel on official business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel authorizations, travel vouchers, and travel advance records, which contain the employee's name, residence, place and mode of travel, travel dates, month of travel advance, expenses incurred, amount of travel advance, amount of advance outstanding and division code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (c) To disclose records are also used from this system of records to furnish another federal agency information to effect inter-agency salary offset; (d) To disclose to furnish another federal

agency information to effect inter-agency administrative offset. However, no IRS obtained address shall be disclosed to another federal agency; (e) To disclose to furnish a consumer reporting agency information to obtain commercial credit reports; (f) and to disclose to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services.

Routine users outside the Department are other federal agency personnel offices: The Office of Personnel Management, U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities under a Customs Service-union contract or E.O. 11491, as amended, for the administration of the Federal labor-management in relations program as described in the routine use; creditors; Federal agencies; consumer reporting agencies to obtain credit reports; debt collection agencies; Members of Congress; next-of-kin; and voluntary guardian and other representative or successor in interest.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a (b)(12) and Section 3 of the Debt Collection Act of 1982: Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The information in this system is contained on index cards placed within a file box, in file folders or on separate sheets of paper within a metal container and in a computer system utilizing magnetic disc storage techniques.

RETRIEVABILITY:

The information is filed alphabetically by the name of the traveling individual; each file folder is placed within the metal container alphabetically by the name of the traveling individual to whom it pertains; the separate sheets of paper are grouped in disbursement schedule number sequence by

consecutive numbers and dates showing a listing of payments to travelers; the computer records are retrieved by the accounting number assigned by the Customs Service for each separate travel transaction.

SAFEGUARDS:

The room in which this system of records is located is locked during non-working hours, the building is guarded by uniformed security police, and only authorized persons are permitted within the building.

RETENTION AND DISPOSAL:

The records in this system are retained and disposed of in accordance with the requirements of the Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Directors, Financial Management Divisions in each region and headquarters. (See Appendix A for addresses.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system is derived from information supplied by the traveling individual and from organizational and accounting information maintained by the Customs Service.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .244

SYSTEM NAME:

Treasury Enforcement Communications System (TECS)—Treasury/Customs.

SYSTEM LOCATION:

Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Violators or suspected violators of U.S. Customs or related laws (some of whom have been apprehended by Customs officers); (2) Individuals who are suspected of, or who have been arrested for, thefts from international commerce; (3) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries; (4)

Fugitives with outstanding warrants—Federal or state; (5) Victims of U.S. Customs law violations; (6) Masters associated, in the capacity of ship agent or representative, with vessels in actual or suspected violation of U.S. Customs and related laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Every possible type of information which contributes to effective law enforcement may be maintained in this system of records. Records include but are not limited to records pertaining to known violators, wanted persons, lookouts (temporary and permanent), and document reference records, vessel names and search results. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers (i.e., seizure number), details and circumstances of a search, arrest, or seizure, case information such as merchandise and values, methods of theft, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide

information to third parties during the course of an investigation to the extent necessary obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape, microfiche, and hard copy (i.e. Customs Form 153).

RETRIEVABILITY:

By name (individual or master, owner, or agent name when concerning vessel violation profile); unique identifiers, identification numbers (i.e., personal, seizure number, system identification number); cargo location code or vessel name.

SAFEGUARDS:

(1) All officers making inquiries have had a full field background investigation and are given information on a "need to know" basis only. (2) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

RETENTION AND DISPOSAL:

Review is accomplished by Customs officers each time a record is retrieved and on periodic basis to see if it should be retained or modified. Since both temporary and permanent records are maintained, period of retention will vary with type of record entered. A complete review of each record in system is made annually at Headquarters. (3) The records are disposed of by erasure of magnetic tape or disc, and by shredding and/or burning of hard copy documents.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .249

SYSTEM NAME:

Uniform Allowances-Unit Record-Treasury/Customs.

SYSTEM LOCATION:

Financial Management Division, 99 SE 5th Street, Miami, FL 33131;

Management Services Branch, Administration Division, District Director, San Juan, PR 00903; Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Customs Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name-Record of Uniform Allowance Payments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in an unlocked drawer within a metal file cabinet.

RETRIEVABILITY:

Alphabet by name. Appropriation Accounting Document Number.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours, the room in which the metal container is located is locked and access to the building is controlled by uniformed guards.

RETENTION AND DISPOSAL:

These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Direction of Financial Management, 99 SE 5th Street, Miami, FL 33131; District Director, U.S. Customs Service, P.O. Box 2112, Old San Juan, PR 00903; Director, Financial Management Division, U.S.

Customs Service, 100 Summer Street, Boston, MA 02110.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

From Memoranda received from Districts. Data Transcribed from Payment Vouchers.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .251

SYSTEM NAME:

Unscheduled Overtime Report (Customs Form 31)—Treasury/Customs.

SYSTEM LOCATION:

Director, Office of Operations, 8 World Trade Center, Room 508, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Special Agents assigned to the office of Regional Director of Investigations authorized to receive unscheduled overtime remuneration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customs Form 31 enumerates the nature of overtime performed, the number of hours and the date on which the overtime was performed and the case number of investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

The information in this system is contained on CF 31, the forms are

contained within a file folder and are placed in a metal file cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

The file cabinet is maintained within the area assigned to the Regional Director of Investigations, New York, within the Customhouse. During non-working hours the complex in which the file is located is locked and access to the building is controlled at all times by uniform guards.

RETENTION AND DISPOSAL:

The forms are destroyed after three (3) years.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director of Investigations. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this system originates from the Special Agent who performs the unscheduled overtime.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .252

SYSTEM NAME:

Valuables Shipped Under the Government Losses in Shipment Act—Treasury/Customs.

SYSTEM LOCATION:

District Director of Customs, 610 S. Canal Street, Chicago, IL 60607.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customs employees collecting and transmitting funds to cashier for deposit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, collection document serial numbers, amount of collection.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 300.30, Customs Accounting Manual; 5 U.S.C. 134f; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) Disclosure to

those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Filed in folders with the individual's name appearing at the top thereof in a file cabinet.

RETRIEVABILITY:

Each record folder is filed by name of individual.

SAFEGUARDS:

The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the area in which the cabinet is located is secured.

RETENTION AND DISPOSAL:

Retained from three years and then forwarded to FRC for seven years retention.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, as appropriate, in the North Central Region, Chicago IL.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Data submitted by individual Customs employee involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .257

SYSTEM NAME:

Violators Card File—Treasury/Customs.

SYSTEM LOCATION:

Office of District Director, U.S. Customs Service, U.S. Customhouse, 101 E. Main Street, Norfolk, VA 23510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons or firms who have violated any law administered by the U.S. Customs Service within the Norfolk District.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual or firm, case number and date and section of law violated. This information is obtained from Customs Forms, 151 and 5955-A.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as Amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Each card is filed alphabetically in an unlocked drawer within a metal container.

RETRIEVABILITY:

Each manual alphabetical card file is identified by the name of the person or firm who has violated any law administered by the U.S. Customs Service within the Norfolk District.

SAFEGUARDS:

The metal container described above is maintained within the area assigned to Fines, Penalties & Forfeitures Officer within the U.S. Customhouse. During non-working hours the room in which the metal container is located is locked. Security for the building is maintained by General Services Administration (GSA).

RETENTION AND DISPOSAL:

Cards are reviewed periodically and those pertaining to firms no longer in business are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

District Director of Customs, U.S. Customhouse, 101 E. Main Street, Norfolk, VA 23510.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information contained in these files is derived from Customs Form 151 (Search/Arrest/Seizure Report) and Customs Form 5955-A (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) which are prepared by the Customs Service.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .258

SYSTEM NAME:

Violator's Case Files-Treasury/Customs.

SYSTEM LOCATION:

District Director of Customs, U.S. Customs Service, Main and Stebbins Street, St. Albans, VT 05478.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in smuggling, filing false invoices, documents or statements, violators of Customs bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name and address, Social Security number and physical description; alias, occupation, type of violation, previous record, driver's license, passport number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File folders and 3 x 5 index cards.

RETRIEVABILITY:

Alphabetized by name of individual and local control number.

SAFEGUARDS:

Files are under the supervision of Fines, Penalties and Forfeitures Officer from 8 a.m. to 5 p.m., Monday through Friday. All other hours, office remains locked.

RETENTION AND DISPOSAL:

Files are maintained in the office of the Fines, Penalties, and Forfeitures Officer for a period of five years. At the conclusion of this period, they are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, U.S. Customs Service, St. Albans, VT 05478.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .260

SYSTEM NAME:

Warehouse Proprietor Files—
Treasury/Customs.

SYSTEM LOCATION:

Offices of District Directors, North Central Region, Chicago, IL 60603. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past warehouse proprietors and employees that require an investigation and related information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report of investigations, application and approval or denial of bond to act as warehouse proprietor and other Customs Service Memoranda. Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Customs Regulations, Part 19, 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection

with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in file folders and stored in file cabinets in each District Director's office within the North Central Region, Chicago, IL 60603.

RETRIEVABILITY:

Each file is identified by the name of the warehouse proprietor.

SAFEGUARDS:

The file cabinets are maintained within the area assigned to the District Director. During non-working hours the room and/or building in which the file cabinet is located is locked.

RETENTION AND DISPOSAL:

Employee name date retained for period of employment with warehouse proprietor

SYSTEM MANAGER(S) AND ADDRESS:

District Director, as appropriate in the North Central Region, Chicago, IL 60603. (See Customs Appendix A.)

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The information in this file originates from the individual applicant for warehouse proprietor's bond, from reports of investigation, and other Customs Memoranda.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .262

SYSTEM NAME:

Warnings to Importers in lieu of penalty—Treasury/Customs.

SYSTEM LOCATION:

Located in the Office of the District Director, 880 Front Street, San Diego, CA 92318; Offices of the Port Directors, U.S. Border Station, San Ysidro, CA 92073; P.O. Box 189, Tecate, CA 92080; P.O. Box

632, Calexico, CA 92231; 235 Andrade Road, Winterhaven, CA 92283; Andrade, CA; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, CA; San Ysidro, CA; Calexico, CA; Tecate, CA. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms in violation of Customs' laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

Brief record of violation and warning.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained on 5 x 7 cards.

RETRIEVABILITY:

Alphabetically indexed.

SAFEGUARDS:

Not accessible to other than Customs officers.

RETENTION AND DISPOSAL:

The records are disposed of in accordance with the Treasury Records Control Manual.

SYSTEM MANAGER(S) AND ADDRESS:

District Director, Port Directors, and Division Directors within the San Diego Customs District. (See Customs Appendix A.)

NOTIFICATION PROCEDURES:

See Customs Appendix A.

RECORD ACCESS PROCEDURE:

See Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

RECORD SOURCE CATEGORIES:

Customs Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs 00.284

SYSTEM NAME:

Personnel Verification System (PVS)—Treasury/Customs.

SYSTEM LOCATION:

Office of the Comptroller, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and Regional Offices of the U.S. Customs Service. (See Customs Appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized Customs personnel and non-Customs personnel who have received authorization to use the Regional Communications Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual identifiers including but not limited to name, office address, home address, office telephone number, home telephone number, badge number, Social Security number, radio call sign, page number, organization, and unit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies

responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

(1) Alphabetic or numerical listings or card files. (2) microfiche. (3) magnetic disc and tapes. (4) other electronic storage media.

RETRIEVABILITY:

By name, call sign, paging number, Social Security number, badge number, organizational code.

SAFEGUARDS:

Records are located in controlled access areas with alarm protection systems. Offices are staffed 24 hours a day, seven days a week.

RETENTION AND DISPOSAL:

Records are maintained in the system until such time as the individual is no longer authorized usage of the Regional Communications Center. Disposal is by erasure of disc/tapes, shredding and/or burning of listings or card files, and burning of microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of the Comptroller, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

NOTIFICATION PROCEDURE:

See Customs Appendix A.

RECORD ACCESS PROCEDURES:

See Access Customs Appendix A.

CONTESTING RECORD PROCEDURES:

See Customs Appendix A.

RECORD SOURCE CATEGORIES:

The sources include but are not limited to (1) the individual to whom the record relates; (2) internal Customs Service records; (3) Personnel Verification Sheet.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs 00.285

SYSTEM NAME:

Automated Index to Central Enforcement Files.

SYSTEM LOCATION:

Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the U.S. (5) Individuals filing official U.S. Government forms 4790 (Currency and Monetary Instruments Reporting), 4789 (Currency Transaction Report), 90.22-1 (Foreign Banking Act Report).

CATEGORIES OF RECORDS IN THE SYSTEM:

A listing of Memoranda of Information Received, Reports of Investigations; Search/Arrest/Seizure Reports, Currency and Monetary Instrument Reports, Currency Transaction Reports, reports on Foreign Banking transactions, reports on Fines, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations, investigation Program Analyst (IPA) reports relating to an individual, various other correspondence (letter, memoranda, etc.), which related to an individual in the Treasury Enforcement Communications System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and Treasury Department Order No. 165, revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C.

1431; 19 U.S.C. 1624; 19 U.S.C. 66; 31 CFR Part 103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape, microfiche.

RETRIEVABILITY:

Name, personal identification numbers, Customs case number, document's central file number.

SAFEGUARDS:

(1) All Central Files users must have a full field background investigation. (2) The "need to know" principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all Office of Investigations terminals and all Law Enforcement Systems Division Headquarters and San Diego terminals.

RETENTION AND DISPOSAL:

Records will be maintained in the Automated Index to Central Enforcement files for as long as the

associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning or shredding the microfiche.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Border Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs 00.287

SYSTEM NAME:

Customs Automated Licensing Information System (CALIS).

SYSTEM LOCATION:

ADP Branch, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and firms who have applied for or been granted licenses in the New York Region as customhouse brokers, or as bonded cartmen or lightermen, and officers, employees and associates of licensed customhouse brokers or licensed bonded cartmen or lightermen; individuals who have applied for or been granted approval to act as container station operators or bonded warehouse proprietors, firms which have applied for approval or been approved as container stations or bonded warehouses, and officers, employees and associates of approved container stations or approved bonded warehouses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, Social Security numbers, dates of birth, and other pertinent data extracted from Reports of Investigation, Regulatory Audit reports, Treasury Enforcement Communications System entries, and Search, Arrest, and Seizure Reports, information obtained from informants, reports from or to other law enforcement bodies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1621; 19 CFR Part 111, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1561; 19 CFR Part 112; 19 CFR Part 19; 19 U.S.C. 1558.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To disclose information to foreign governments in accordance with formal or informal international agreements. (e) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (f) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (g) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc.

RETRIEVABILITY:

Records can be retrieved by name or personal identification numbers and by

employer's name and employer's identification numbers.

SAFEGUARDS:

Access to the office where records are maintained is controlled at all times. A password is required to gain access to records in the computer. The office where the records are maintained is locked during non-working hours. The records are available to those personnel in Operational Analysis and other appropriate Customs personnel on a "need to know" basis.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes, and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Operational Analysis Officer, U.S. Customs Service, 6 World Trade Center, Room 748, New York, NY 10048.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (b)(2) and (k)(2).

United States Customs Service

Appendix

Notified procedure: Requests by an individual to be notified if the system contains records pertaining to him shall be in writing and directed to the Director, Regulation Control and Disclosure Division, Office of Regulatory Rulings, U.S. Customs

Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229, or to the Regional Commissioner of the region in which the records are located (see Appendix A). The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Record access procedures: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Director, Regulations Control and Disclosure Law Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229 or to the Regional Commissioner of the region in which the records are located (see Appendix A). The requester will be notified in writing of the procedures to be followed.

Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and

stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to 5,000 dollars. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Addresses of Headquarters, U.S. Customs Service, Regional Commissioners of Customs, Regional Directors (Internal Affairs), District Directors of Customs, and Customs Office of Investigations field offices:

- U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.
- Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110, (617) 223-7506.
- Regional Commissioner of Customs, 55 E. Monroe Street, Chicago, IL 60603, (312) 353-4731.
- Regional Commissioner of Customs, 500 Dallas Street, Houston, TX 77002, (713) 226-4893.
- Regional Commissioner of Customs, 300 N. Los Angeles Street, Los Angeles, CA 90053, (213) 688-5900.
- Regional Commissioner of Customs, 99 S.E. 5th Street, Miami, FL 33131, (305) 350-5952.
- Regional Commissioner of Customs, 1440 Canal Street, New Orleans, LA 70112, (504) 589-6324.
- Regional Commissioner of Customs, 6 World Trade Center, New York, NY 10048, (212) 466-4444.
- Office of Internal Affairs field offices:
 - Regional Director (Internal Affairs), 100 Summer Street, Boston MA 02110.
 - Regional Director (Internal Affairs), 6 World Trade Center, New York, NY 10048.
 - Regional Director (Internal Affairs), P.O. Box 3201, Miami, FL 33101.
 - Regional Director (Internal Affairs), 1440 Canal Street, New Orleans, LA 70112.
 - Regional Director (Internal Affairs), 500 Dallas Street, Houston, TX 77002.
 - Regional Director (Internal Affairs), 55 East Monroe Street, Chicago, IL 60603.
 - Regional Director (Internal Affairs), P.O. Box 951, Main Post Office, Los Angeles, CA 90053.
- Customs District Offices: (Note: New York has Area Directors instead of District Directors.)
 - (Pacific Region) Anchorage, AK 99501/620 E. 10th Avenue, (907) 271-4043.
 - (Northeast Region) Baltimore, MD 21202/103 S. Gay Street, (301) 962-2666.
 - (Northeast Region) Boston, MA 02109/2 India Street, (617) 223-6598.
 - (Northeast Region) Bridgeport, CT 06609/120 Middle Street, (203) 579-5605.
 - (Northeast Region) Buffalo, NY 14202/111 W. Huron Street, (716) 846-4375.
 - (Southeast Region) Charleston, SC 29402/Box 876, (803) 724-4312.
 - (North Central Region) Chicago, IL 60607/610 S. Canal Street, (312) 353-6100.

- (North Central Region) Cleveland, OH 44114/6th Floor, Plaza Nine Bldg., 55 Erieview Plaza, (216) 522-4284.
- (North Central Region) Detroit, MI 48226/Room 200, Patrick V. McNamara Bldg., 477 Michigan Ave., (313) 226-3177.
- (North Central Region) Duluth, MN 55802/Room 209, Federal Bldg., (216) 727-6682.
- (Southwest Region) El Paso, TX 79985/Bldg. B, Room 134, Bridge of the Americas (P.O. Box 9516), (915) 543-7435.
- (Southwest Region) Galveston, TX 77553/P.O. Box 570 (713) 763-1211.
- (Pacific Region) Great Falls, MT 59401/215 1st Avenue, North, (406) 453-7831.
- (Pacific Region) Honolulu, HI 96813/335 Merchant Street, (808) 546-3115.
- (Southwest Region) Houston, TX 77052/701 San Jacinto Street, (713) 226-4316.
- (Southwest Region) Laredo, TX 78040/Mann Road and Santa Maria Streets, (512) 723-2958.
- (Pacific Region) Los Angeles/Long Beach/300 S. Ferry Street, San Pedro, CA 90731 (213) 548-2441.
- (Southeast Region) Miami, FL 33131/77 S.E. 5th Street, (305) 350-5791.
- (North Central Region) Milwaukee, WI 53202/628 East Michigan Street, (414) 291-3924.
- (North Central Region) Minneapolis, MN 55401/110 South Fourth Street, (612) 725-2317.
- (South Central Region) Mobile, AL 36602/250 North Water Street, (205) 690-2106.
- (South Central Region) New Orleans, LA 70130/600 South Street, (504) 589-6353.
- (New York Region) New York: New York Seaport Area, New York, NY 10046, Customhouse, 6 World Trade Center, (212) 466-5817, Kennedy Airport Area, Jamaica, NY 11430, Seaboard World Building, Room 178, (212) 995-7083, Newark Area, Airport International Plaza, Room 210A, Newark, NJ 07114, (201) 645-3760.
- (Pacific Region) Nogales, AZ 85621/International & Terrace Streets, (602) 287-4955.
- (Northeast Region) Norfolk, VA 23510/101 East Main Street, (804) 441-6546.
- (Northeast Region) Ogdensburg, NY 13609/127 North Water Street, (315) 393-0660.
- (North Central Region) Pembina, ND 58271/Post Office Bldg, (701) 825-6201.
- (Northeast Region) Philadelphia, PA 19106/2nd & Chestnut Streets, (215) 597-4605.
- (Southwest Region) Port Arthur, TX 77640/5th & Austin Avenue, (713) 983-8271.
- (Northeast Region) Portland, ME 04112/312 Fore Street, (207) 780-3326.
- (Pacific Region) Portland, OR 97209/511 N.W. Broadway & Glisan Streets, (503) 221-2665.
- (Northeast Region) Providence, RI 02903/24 Weybosset Street, (401) 528-4384.
- (Northeast Region) St. Albans, VT 05478/Main & Stebbins Streets, (802) 524-6527.
- (North Central Region) St. Louis, MO 63105/120 S. Central Avenue, (314) 425-3134.
- (Southeast Region) St. Thomas, VI 00801/P.O. Box 510 (809) 774-2530.
- (Pacific Region) San Diego, CA 92318/880 Front Street, (714) 293-5394.
- (Pacific Region) San Francisco, CA 94126/555 Battery Street, (415) 556-4340.
- (Southeast Region) San Juan, PR 00903/(P.O. Box 2112) (809) 723-2091.
- (Southeast Region) Savannah, GA 31401/1 East Bay Street, (912) 232-4321.
- (Pacific Region) Seattle, WA 98174/909 First Avenue, (206) 442-5491.
- (Southeast Region) Tampa, FL 33602/301 S. Ashley Drive, (813) 228-2381.
- (Northeast Region) Washington, D.C. 20018/3180 Bladensburg Road, NE., (202) 566-8511.
- (Southeast Region) Wilmington, NC 28401/2094 Polk Street, (919) 343-4601.
- Office of Investigations field offices (Northeast Region)—Boston
- Office of Regional Director of Investigations, Suite 1828, 100 Summer St., Boston, MA 02110.
- Office of Resident Agent, P.O. Box 368, Derby Line, VT 05830.
- Special Agent In Charge, P.O. Box 400, Houlton, ME 04730.
- Resident Agent, P.O. Box 4728, Portland, ME 04112.
- Office of Special Agent In Charge, 127 N. Water St., Ogdensburg, NY 13669.
- Office of Resident Agent, Federal Building, Suite 301, 150 Court St., New Haven, CT 06510.
- Office of Special Agent In Charge, U.S. Federal Building, Room 1206, 111 West Huron, Buffalo, NY 14202.
- Office of Special Agent In Charge, P.O. Box 68, Rouses Point, NY 12979.
- (New York Region)—New York
- Office of Regional Director of Inv., U.S. Customs Service, Room 508, 6 World Trade Center, New York, NY 10048.
- Office of Special Agent In Charge, Airport International Plaza, Suite 400, Routes 1 and 9 South, Newark, NJ 07114.
- Office of Special Agent In Charge, J.F.K. International Airport, Inter. Arrival Bldg., 160-19 Rockaway Blvd., Jamaica, NY 11434.
- (Northeast Region)—Baltimore
- Office of Regional Director of Inv., Room 810, U.S. Appraisers Stores Bldg., 103 South Gay Street, Baltimore, MD 21202.
- Office of Resident Agent, 701 West Broad Street, Room 301, Falls Church, Virginia 22046.
- Office of Special Agent In Charge, Room 201, U.S. Customhouse, 2nd & Chestnut Streets, Philadelphia, PA 19106.
- Office of Resident Agent, Room 2236, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.
- Office of Special Agent In Charge, 201 U.S. Customhouse, Norfolk, VA 23510.
- (Southeast Region)—Miami
- Office of Regional Director of Inv., 99 S.E. 5th Street, Miami, FL 33131.
- Office of Resident Agent, 701 Clematis Street, Room 253, West Palm Beach, FL 33401.
- Office of Special Agent In Charge, P.O. Box 1516, Tampa, FL 33601.
- Office of Resident Agent, 2631 Talleyrand Avenue, Jacksonville, FL 32206.
- Office of Special Agent In Charge, Drawer A, Savannah, GA 31408.
- Office of Resident Agent, 1585 Phoenix Boulevard, Suite 5, Atlanta, GA 30349.
- Office of Special Agent In Charge, P.O. Box 898, Wilmington, NC 28401.
- Office of Special Agent In Charge, U.S. Customs Service, P.O. Box S-1272, Old San Juan PR 00902.
- Office of Resident Agent, P.O. Box 127, Ponce Playa, PR 00731.
- Office of Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, PR.
- Office of Special Agent In Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, VI.
- Office of Resident Agent, P.O. Box 1801-Christiansted, St. Croix, VI.
- (South Central Region)—New Orleans
- Office of Regional Director of Inv., 1440 Canal Street, New Orleans, LA 70112.
- Office of Special Agent In Charge, 108 Decatur, New Orleans, LA 70130.
- Office of Special Agent In Charge, International Trade Center, P.O. Box 1704, Mobile, AL 36601.
- Office of Resident Agent, 1717 West End Building, Room 322, Nashville, TN 37203.
- (Southwest Region)—Houston
- Office of Regional Director of Inv., Suite 1380, 500 Dallas Street, Houston, TX 77002.
- Office of Resident Agent, Suite 210, 700 Paredes Ave., Brownsville, TX 78521.
- Office of Resident Agent, P.O. Drawer 1169, Del Rio, TX 78440.
- Office of Resident Agent, 1200 Main Street, Suite 705, Main Tower Bldg., Dallas, TX 75202.
- Office of Special Agent In Charge, P.O. Box 2128, Laredo, TX 78041.
- Office of Resident Agent, P.O. Box 828, Eagle Pass, TX 78852.
- Office of Resident Agent, Room 205A, 320 N. Main St., McAllen, TX 78501.
- Office of Resident Agent, 1802 N.E. Loop 410, Suite 302, San Antonio, TX 78217.
- Office of Special Agent In Charge, P.O. Box 10719, El Paso, TX 79997.
- Office of Resident Agent, 721 19th Street, Room 404, Denver, CO 80202.
- (Pacific Region)—Los Angeles
- Office of Regional Director of Inv., 300 South Ferry Street, Room 2037, Terminal Island, San Pedro, CA 90731.
- Office of Special Agent In Charge, P.O. Box 1385, Nogales, AZ 85621.
- Office of Resident Agent, P.O. Box 5752, Suite 200, First Federal Savings Bldg., 350 West 16th Street, Yuma, AZ 85384.
- Office of Resident Agent, P.O. Box 1076, 1704 10th St., F Glenn Bldg., Douglas, AZ 85607.
- Office of Resident Agent, Room 328, Amerco Towers, 2721 North Central Avenue, Suite 1000, Phoenix, AZ 85004.
- Office of Resident Agent, P.O. Box 2911, Tucson, AZ 85701.
- Office of Special Agent In Charge, P.O. Box 187, San Ysidro, CA 92173.
- Office of Resident Agent, P.O. Box 1510, Calexico, CA 92231.
- (Pacific Region)—San Francisco
- Office of Regional Director of Inv., 211 Main Street, San Francisco, CA 94105.
- Office of Special Agent In Charge, 4100 Federal Office Building, 909 First Avenue, Seattle, WA 98174.
- Office of Resident Agent, P.O. Box 1360, Blaine, WA 98230.
- Office of Special Agent In Charge, P.O. Box 199, Anchorage, AK 99510.
- Office of Special Agent In Charge, 1380 12th Avenue So., Great Falls, MT 59405.

Office of Special Agent In Charge, 300 Ala Moana Blvd., Room 6127, P.O. Box 50104, Honolulu, HI 96850.

Office of Special Agent In Charge, P.O. Box 2841, Portland, OR 97208.

(North Central Region)—Chicago

Office of Regional Director of Inv., 55 E. Monroe Street, Suite 1423, Chicago, IL 60603.

Office of Special Agent In Charge, 628 East Michigan Street, Room 208, Milwaukee, WI 53202.

Office of Special Agent In Charge, 120 South Central Ave., Suite 440, St. Louis, MO 63105.

Office of Special Agent In Charge, Plaza Nine, 55 Erieview Plaza, Room 210, Cleveland, OH 44114.

Office of Resident Agent, P.O. Box 1035, Fountain Square Station, Cincinnati, OH 45201.

Office of Resident Agent, P.O. Box 41809, Weir Cook Airport, Indianapolis, IN 46241.

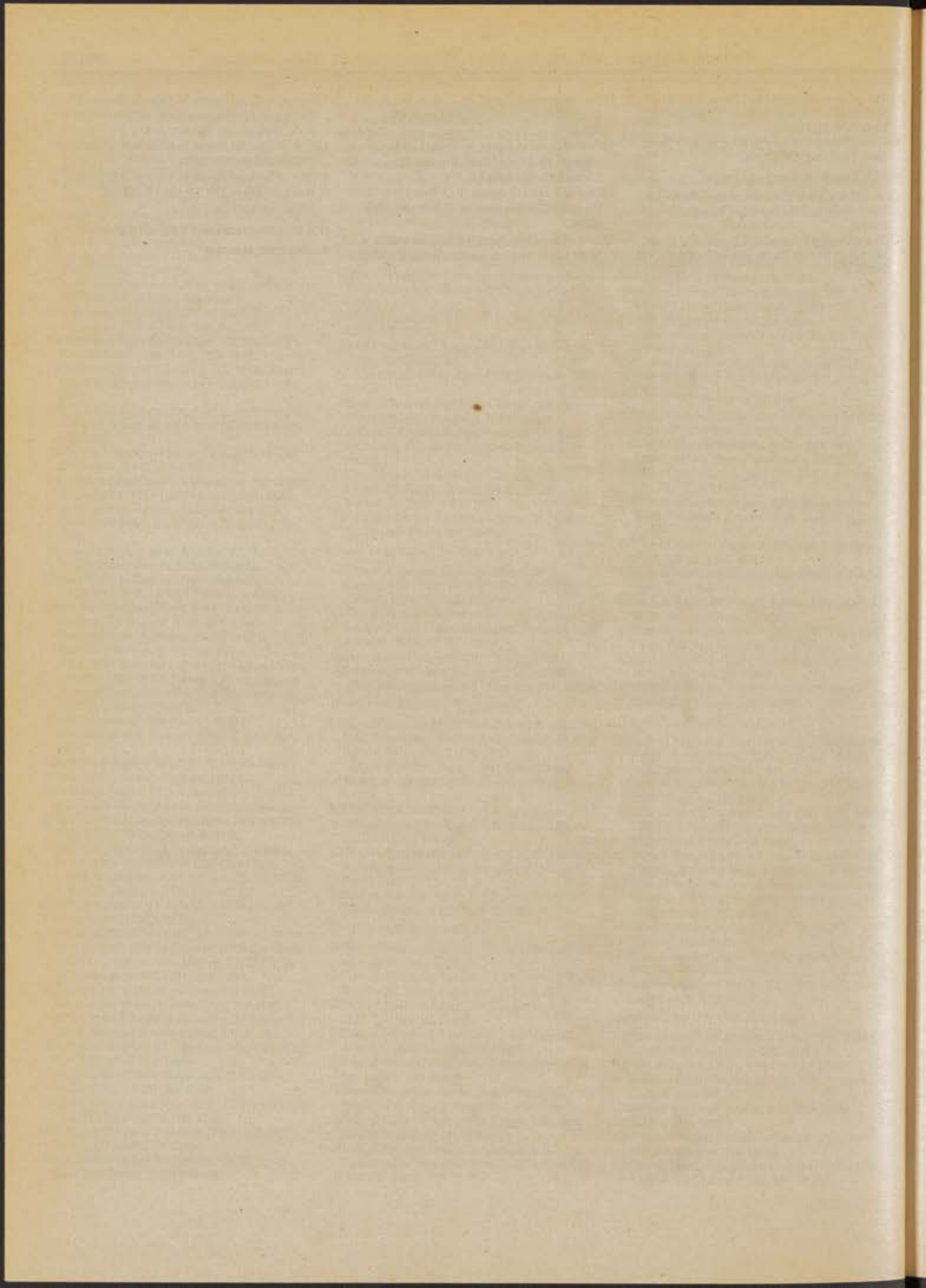
Office of Special Agent In Charge, Room 350, Patrick V. McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226.

Office of Special Agent In Charge, P.O. Box 192, Pembina, ND 58271.

Office of Special Agent In Charge, 212 Third Avenue, Room 154, Federal Building, Minneapolis, MN 55401.

[FR Doc. 85-17242 Filed 7-22-85; 8:45 am]

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federal register

Tuesday
July 23, 1985

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 91
Nighttime VFR Weather Minimums;
Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

(Docket No. 24722; Notice No. 85-14)

Nighttime VFR Weather Minimums

AGENCY: Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).**SUMMARY:** This notice proposes to standardize the nighttime weather minimums for VFR flight in all airspace, controlled or uncontrolled.

Requirements for ceiling, visibility, and distance from clouds would be the same as presently exist for controlled airspace. This amendment would minimize the risks inherent in flying during reduced ceiling and visibility.

DATE: Comments must be received on or before September 23, 1985.**ADDRESSES:** Comments on the proposal may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24722, 800 Independence Avenue SW., Washington, D.C. 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.**FOR FURTHER INFORMATION CONTACT:** Mr. Burton Chandler, Airspace—Rules and Aeronautical Information Division, ATO-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-8626.**SUPPLEMENTARY INFORMATION:**

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24722." The

postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

In response to former FAA Administrator Helms' challenge that the aviation community take a more active role in issues concerning the FAA and the agency's response to aviation problem, a panel of 13 representatives from general aviation was formed for the purpose of recommending regulatory and nonregulatory ways by which the FAA could increase its positive influence on general aviation safety.

Short and long range goals were considered, where short range referred to recommendations that could be acted on immediately and would have an impact within 1 to 3 years. Long range referred to recommendations that could be implemented within 12 to 18 months and would have an impact within 3 to 10 years.

Under the chairmanship of Mr. John W. Olcott, Editor and Associate Publisher of *Business and Commercial Aviation Magazine*, a panel (known informally as the General Aviation Safety Panel) was constituted to include knowledgeable representatives from each major constituency within the general aviation community, as listed below:

Mr. James N. Baker, President, Baker Flying Service
Mr. Max E. Bleck, President and CEO, Piper Aircraft Corporation

Mr. John V. Brennan, President & COO, U.S. Aviation Underwriters, Inc.
Mr. Richard L. Collins, Editor, *Flying Magazine*
Mr. John H. Enders, President, Flight Safety Foundation, Inc.
Mr. Gabriel Hartl, Executive Director, Air Traffic Control Association
Dr. Richard McFarland, Avionics Engineering Center, Ohio University
Mr. John J. Sheehan, Planning Officer, Technical Policy and Plans, Aircraft Owners and Pilots Association
Mr. Preston Pariah, Vice Chairman, The Upjohn Company, (Chairman, NBAA Safety & Awards Comm.)
Mr. Paul Poberezny, President, Experimental Aircraft Association, Inc.
Mr. Archie Trammell, Executive Vice President, AOPA Air Safety Foundation
Mr. A. L. Ueltschi, President & Chairman, Flight Safety International, Inc.
Mr. John W. Olcott, Editor and Associate Publisher, *Business and Commercial Aviation*

General Aviation Safety Panel Recommendation Pertaining to the Proposal

The comprehensive plan contains a recommendation to the FAA which is the subject of this NPRM.

Weather

The panel, therefore, unanimously recommend that for fixed wing aircraft, the weather minimums for all airspace, controlled or uncontrolled, at night be standardized at the requirements for ceiling, visibility, and distance from clouds that presently exist for controlled airspace. The rules for special VFR would remain unchanged.

The Current Rule

Flight visibility and distance from cloud criteria outside controlled airspace in most cases are less than for flight within controlled airspace. No provision exists to prescribe different weather minimums for a nighttime operation. For example, when 1,200 feet or less above the surface (regardless of mean sea level (MSL) altitude) within controlled airspace, flight visibility must be 3 statute miles. Required distance from clouds is 500 feet below, 1,000 feet above, and 2,000 feet horizontal. VFR flight outside controlled airspace requires 1 statute mile flight visibility and requires that distance of flight from clouds simply be clear of clouds.

When more than 1,200 feet above the surface but less than 10,000 feet MSL, within controlled airspace, flight visibility must be 3 statute miles. Required distance from clouds is 500 feet below, 1,000 feet above, and 2,000 feet horizontal. Outside controlled airspace, the requirement is 1 statute mile flight visibility and a distance from

clouds of 500 feet below, 1,000 feet above, and 2,000 feet horizontal.

When more than 1,200 feet above the surface and at or above 10,000 feet MSL, flight visibility must be 5 statute miles. Required distance from clouds is 1,000 feet below, 1,000 feet above, and 1 mile horizontal.

The Proposal

Data compiled by the National Transportation Safety Board (NTSB) indicates that weather is a cause or factor in about 40 percent of fatal accidents within general aviation. Of equal significance is the fact that the classification "pilot-inadequate preflight preparation or planning" is the leading cause or factor in nonfatal accidents (12 percent) and a cause or factor in about 13 percent of fatal accidents. Often, the specific area where preparation and planning were lacking was related to weather.

Where accidents involve weather-related causes or factors, the mishap is more likely to result in a fatality. Of the 10 leading causal factors attributed to nonfatal accidents in 1979, for example, only one—unfavorable wind conditions—explicitly referred to weather. In accidents involving fatalities, however, 4 of the 10 leading causal factors related directly to weather.

Low ceiling typically is a leading causal factor in fatal accidents. In 1979, for example, it was a cause or factor in 25 percent of all fatal accidents; no other causal factor was more prevalent in mishaps involving fatalities. The second most frequent citation was "pilot-continued VFR flight into adverse weather conditions" (19 percent of 1979's fatal accidents). "Weather-fog" was the fourth most often cited causal factor (18 percent) after "pilot-failed to obtain/maintain flying speed" (19 percent). "Weather-rain" was the ninth of 10 leading causal factors for 1979 (7 percent).¹

Since two other top 10 causal factors in fatal accidents—"pilot-inadequate preflight preparation or planning" and "pilot-improper inflight decisions or planning"—often involve the gathering or use of weather information, in fact six of the 10 leading causal factors for the year 1979 involved weather in some form.

Although specific data for 1979 are used here for emphasis (since 1979 was the year in which the lowest number of fatal accidents occurred for the period 1967 to 1980, the last year for which the

panel had detailed breakdowns of data), the results presented do not vary appreciably from other years and are applicable for the present time.

To address the problems presented by low ceilings not related to IFR pilots descending below landing minimums, the panel analyzed 5 years of NTSB records of fatal accidents (1976 through 1980) where the NTSB cited the pilot for continuing visual flight rules (VFR) flight into adverse weather. The panel was particularly interested in the number of accidents that occurred where the reported ceiling was 1,000 feet or less.

During the period 1976 through 1980, 60 percent of fatal, continued VFR accidents occurred with a ceiling of 1,000 feet or less and 16 percent occurred with a ceiling of over 2,000 feet. The ceiling was unknown in 24 percent of the records. Among the accidents where the reported ceiling is 2,000 feet or less (hence the type of accident most likely to be directly related to low ceilings as opposed to some other factor such as extreme turbulence or thunderstorms), over 80 percent of the mishaps occurred with a ceiling of 1,000 or less.

Further analysis of 1980 data for fatal accidents where the pilot continued VFR flight into adverse weather conditions shows that the failure or inability to follow instrument flight rules (IFR) procedures in the presence of adverse weather was present in 95 percent of the accidents and that over 50 percent of the accidents occurred at night, even though only about 5 to 10 percent of VFR flying by general aviation pilots occur at night.

The 1980 data agree quite well with the results of an NTSB study entitled, "Special Study of Fatal, Weather-Involved General Aviation Accidents, 1964-1972."

The panel concluded that pilots should be encouraged to avoid marginal VFR conditions, where marginal is defined as any weather conditions with ceiling 1,000 feet or below and visibility 3 miles or less. Furthermore, pilots should be encouraged to obtain an instrument rating and use it whenever marginal VFR or lower conditions exist.

The suggestion was made that weather minimums for VFR flight should be standardized at 1,000 foot ceiling and 3 miles visibility for all airspace, controlled and uncontrolled. Such standardization, it was argued, would place emphasis on the risks inherent in flying with reduced ceilings and visibility.

Several members of the panel emphasized, however, that under certain conditions, the right to fly in 1 mile visibility and clear of the clouds could be exercised safely provided a pilot

were able to detect cloud heights and visibility before the weather deteriorated to instrument meteorological conditions (IMC). Furthermore, they stated that detecting the onset of IMC before penetrating low ceilings and fog was very difficult, if not impossible, at night in conditions of reduced ceilings and visibility.

Economic Impact

This proposal would change the conditions of visibility and cloud cover under which it would be permissible to operate VFR during hours of darkness. The proposed conditions are more restrictive than the present regulation.

The benefits and costs of this proposal are difficult to quantify. In general, the benefits are expected to exceed costs, and this conclusion is supported by the fact that the proposal to change the regulation originated from the conclusions of a public panel, rather than from an FAA regulatory initiative.

The panel report contains statistical backup for the regulatory proposal. In addition to relying on the general data reviewed by the panel, FAA conducted a detailed review of a sample year of general aviation accidents. For purposes of the analysis, FAA reviewed briefs of fatal accidents involving weather as a cause or factor in 1977. The year 1977 was selected primarily because the total number of general aviation accidents was on the high side of the average "650 to 700" per year cited by the panel as a kind of "constant" for the decade of the 1970's.

In the sample year, there were 258 fatal accidents involving weather as a cause or factor. After eliminating accidents for the obvious reasons of hour of day, type of operation, and visibility or ceiling factors, there were 19 accidents involving 36 fatalities. This is a relevant data base for establishing benefits of the proposal. Effectiveness of the regulation is difficult to estimate, since the record is clear that present standards are frequently breached. If there is 100 percent effectiveness, and the 1977 history is taken as reasonable approximation of an average year, then the benefit of the rule would be approximately \$23.4 million annually, if only the value of the 36 lives saved is counted. This estimate uses a 1983 value of life of \$650,000, based on updated factors from an FAA study.

The cost of this proposal can only be estimated in a speculative fashion. In 1983 there were approximately 3.5 million night hours flown under visual meteorological conditions. The only hours which would be limited by the proposal would be those VFR operations

¹ Causal factors total more than 100 percent due to the assignment of more than one cause or factor to an accident.

which occurred within controlled airspace and within the visibility and cloud cover criteria affected. This is likely to be a small percentage of the total hours in any given year.

While it is speculative, FAA estimates that the maximum cost of this proposal is in the area of \$19 million per year. This is based on an estimated delay to 175,000 trips, delaying 2.5 persons per trip for two hours, and assumes a delay cost of \$21.50 per hour. Thus, FAA believes that maximum benefits exceed maximum costs. While this conclusion is somewhat speculative, it is supported by the fact that the regulatory proposal originated from a public panel rather than from an FAA regulatory initiative, and if costs were perceived to exceed benefits, it is unlikely that a public panel would recommend the change to VFR criteria.

As required under the Regulatory Flexibility Act, the FAA evaluated the impact of the proposed rule on small entities, or small commercial and public enterprises. The proposed rule applies only to flights conducted VFR in uncontrolled airspace at night. Because commercial and business-owned general aviation aircraft are virtually universally equipped for IFR operation, only an extremely small number of flights would be cancelled or delayed as a result of the proposed minimums. Commercial and business operators who conduct VFR flights in uncontrolled airspace by necessity constitute only a small fraction of the number of operators affected by the proposal. Therefore, it is certified that under the criteria of the Regulatory Flexibility Act, this regulation, at promulgation, will not have a significant economic impact on a substantial number of small entities. For the reasons given earlier in the

preamble, the FAA has determined that this is not a major regulation as defined in Executive Order 12291. The FAA has determined that this action is nonsignificant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 91

Air carriers, Aviation safety, Safety, Aircraft, Aircraft pilots Air traffic control, Liquor, Narcotics, Pilots, Airspace, Air transportation, Cargo, Smoking, Airports, Airworthiness directives and standards.

The Proposed Revision

PART 91—GENERAL OPERATING AND FLIGHT RULES

Accordingly, the Federal Aviation Administration proposes to amend Part 91 Federal Aviation Regulations (14 CFR Part 91) as follows:

1. The authority for Part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 21, 1983).

2. Section 91.105 is amended by revising paragraphs (a) and (b)

§91.105 Basic VFR weather minimums.

(a) Except as provided in §§ 91.105(b) and 91.107, no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less than that prescribed for the corresponding altitude in the following table:

Altitude	Flight visibility (statute miles)	Distance from clouds
1,200 feet or less above the surface (regardless of MSL altitude):	Within controlled airspace.	3 500 feet below, 1,000 feet above, 2,000 feet horizontal.
	Outside controlled airspace (day).	1 Clear of clouds.
	Outside controlled airspace (night).	3 500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface but less than 10,000 feet MSL:	Within controlled airspace.	3 500 feet below, 1,000 feet above, 2,000 feet horizontal.
	Outside controlled airspace (day).	1 500 feet below, 1,000 feet above, 2,000 feet horizontal.
	Outside controlled airspace (night).	3 500 feet below, 1,000 feet above, 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5	1,000 feet below, 1,000 feet above, 1 mile horizontal.

(b) When the visibility is less than 1 mile during day hours or less than 3 miles during night hours, a helicopter may be operated outside controlled airspace at 1,200 feet or less above the surface if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other obstruction in time to avoid a collision.

Issued in Washington, D.C., on April 22, 1985.

Daniel F. Cresdon,
Acting Director, Air Traffic Operations Service.

[FR Doc. 85-17389 Filed 7-22-85; 8:45 am]

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Vol. 50, No. 141

Tuesday, July 23, 1985

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Indexes	523-5282
Law numbers and dates	523-5282
	523-5268

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FEDERAL REGISTER PAGES AND DATES, JULY

26961-27212	1
27213-27408	2
27409-27570	3
27571-27812	5
27813-27926	8
27927-28092	9
28093-28190	10
28191-28362	11
28363-28554	12
28555-28756	15
28757-28894	16
28895-29202	17
29203-29366	18
29367-29628	19
29629-29934	22
29935-30126	23

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR	1435	27413
	1941	27414
	1944	27415
	1945	27414, 27416
	3015	28759
3 CFR		
Administrative Orders:		
Memorandums:		
July 17, 1985	29631	
Presidential Determinations:		
No. 85-16 of July 12, 1985	29629	
Executive Orders:		
11888 (Amended by EO 12524)	27409	
12470 (Revoked by EO 12525)	28757	
12523	26963	
12524	27409	
12525	28757	
12526	29203	
Proclamations:		
5356	26961	
5357	29935	
5 CFR		
630	29937	
771	26965	
1201	28895	
Proposed Rules:		
532	28583, 28584	
7 CFR		
Ch. IV	27927	
2	29367	
52	26965, 29635	
54	27571	
226	26972	
301	28366	
400	26976	
402	28367	
908	27411, 27928, 28898	
910	27813, 28372, 28555, 29628	
911	28373	
915	28373, 28556	
916	27813, 28373	
917	27813, 28373	
918	28373	
921	27411, 28373	
922	28373	
923	28373	
924	28373	
930	27213, 28373	
944	28556	
967	28373	
979	26976	
985	28373	
991	26977, 27814	
1040	27412	
1136	29637	
1421	29639	
1427	26978	
	1435	27413
	1941	27414
	1944	27415
	1945	27414, 27416
	3015	28759
Proposed Rules:		
Ch. IV	27971	
Ch. X	27003	
29	27288	
51	27004	
417	27601	
800	28104, 29985	
801	29689	
802	29689	
907	29405	
908	29405	
910	28105	
920	27288	
967	28210	
999	28585	
1124	27972	
1240	28404	
1427	29693	
1930	28782	
1944	28782	
1965	28782	
8 CFR		
238	29641	
316a	27816	
Proposed Rules:		
103	27289	
341	28586	
343a	28587	
9 CFR		
78	28899	
91	27929, 29205	
92	27928, 28557	
94	28560, 28900	
318	27573, 28374	
Proposed Rules:		
94	27973	
10 CFR		
9	27214	
50	29937	
60	29641	
Proposed Rules:		
50	27006, 28815	
440	29620	
11 CFR		
Proposed Rules:		
110	28232	
12 CFR		
403	27215	
611	27930	
617	27931	
723	27417	

Proposed Rules:		28404, 29409	201.....	27016, 29702	701.....	28186
561.....	27290, 28588, 29985	250.....	211.....	27016, 29702	785.....	28186
563.....	27290, 28588, 29985	259.....	225.....	29233	827.....	28186
571.....	27290, 28588	270.....	226.....	29233	901.....	29379
			357.....	27552, 28595	902.....	28592
13 CFR		18 CFR	433.....	29702	943.....	28186
121.....	27418	37.....	500.....	29233	948.....	28316, 28324
302.....	27419	157.....	509.....	29233	Proposed Rules:	
Proposed Rules:		389.....	514.....	27016, 29702	56.....	27566
107.....	29532	Proposed Rules:	559.....	27016, 29702	57.....	27566, 29437
108.....	27754	2.....	561.....	27452	700.....	28180
		35.....	610.....	28595	701.....	28180
14 CFR		154.....	660.....	28595	785.....	28180
21.....	29945	157.....	1002.....	27024, 29704	817.....	27910
39.....	26979, 27575, 27576, 27931-27933, 28093, 28094, 28561-28563, 28766, 29648-29651	161.....			827.....	28180
71.....	26980, 27934, 28564, 28565, 28900-28902	271.....			913.....	27025
97.....	27934, 29653	284.....			917.....	28222, 29235
108.....	27924, 28884	290.....			926.....	29235
121.....	29306	19 CFR			935.....	29437, 29438
135.....	29306	4.....			936.....	27461
Proposed Rules:		10.....			944.....	28107
39.....	27009, 27012, 27601, 27602, 28815, 29694, 29988	12.....			948.....	28343
71.....	27013, 27014, 27528, 28588-28591, 28816, 28950, 29407	19.....			950.....	28595, 29438, 29704
75.....	27014	24.....			22 CFR	
91.....	28950, 30124	103.....			501.....	27422
15 CFR		113.....			1502.....	28932
19.....	27577	134.....			1504.....	28934
90.....	28767	141.....			23 CFR	
368-399 (See EO		142.....			825.....	29209
12525).....	28757, 29205	143.....			1325.....	28191
370.....	29205	145.....			24 CFR	
376.....	27420, 29205	148.....			200.....	28197
378.....	29205	152.....			203.....	28197
385.....	29205	162.....			885.....	28197
386.....	29205	171.....			3282.....	28396
399.....	27420	173.....			25 CFR	
Proposed Rules:		178.....			Proposed Rules:	
303.....	29232	191.....			61.....	27456
911.....	28816	Proposed Rules			26 CFR	
16 CFR		162.....			1.....	27222, 27231, 27427, 29369-29376, 29959
3.....	28085	177.....			31.....	29964
4.....	28095	20 CFR			48.....	29959
13.....	26981, 27578, 28374, 28902	200.....			138.....	29959
453.....	28062, 28081	401.....			602.....	27222, 27231, 29369, 29376, 29959, 29964
703.....	27936	422.....			Proposed Rules:	
Proposed Rules:		626.....			1.....	27297, 27456, 27457, 28409, 29435, 29436
13.....	28592, 28951, 29696, 29699	627.....			31.....	29990
17 CFR		628.....			51.....	27621
3.....	28907	629.....			602.....	29436
200.....	28385, 29368	630.....			27 CFR	
239.....	27937	Proposed Rules:			4.....	27819
240.....	27937, 27940, 28385	404.....			9.....	29967
249.....	27937, 29948	416.....			170.....	28572
270.....	27937, 28930	674.....			Proposed Rules:	
274.....	27937, 29368	21 CFR			9.....	28409
275.....	29206	101.....			28 CFR	
288.....	26981, 27947	173.....			0.....	28769
Proposed Rules:		176.....			2.....	28101
210.....	27973, 28953, 29409	179.....			18.....	28199
229.....	29409	436.....			32.....	27428
230.....	28404	510.....			Proposed Rules:	
239.....	29409	520.....			30.....	28955
240.....	27829, 27976, 27981, 28106, 28210, 28219,	558.....			29 CFR	
		812.....			70.....	28306
		1308.....			1952.....	27233, 28770, 29210, 29659
		Proposed Rules:			Proposed Rules:	
		Ch. 1, Subchapter C.....			33.....	27298, 28956
		81.....			89.....	29606
		109.....			1910.....	27307
		110.....			30 CFR	
		146.....			700.....	28186
		170.....				

1200.....27196
1202.....27196
1228.....27951
1250.....27196

37 CFR**Proposed Rules:**

1.....27030, 28596

38 CFR

1.....29226
3.....27584
21.....27825, 29674
Proposed Rules:
3.....28224
17.....29990
36.....27833

39 CFR

3.....29380
10.....27827
601.....28941
3001.....28144
Proposed Rules:
111.....27992
3001.....27308

40 CFR

51.....27892
52.....26991, 27244-27247,
28544, 29229, 29381, 29383
60.....27248
61.....27248
81.....28574
86.....27250, 29384
123.....28202
147.....28941, 28942
158.....28943
162.....28943
180.....28944-28946
260.....28702
261.....28702
262.....28702
264.....28702
265.....28702
266.....28702
270.....28702
271.....28702
280.....28702
419.....28516
600.....27172
761.....29170
783.....28530

Proposed Rules:

52.....27030, 27462, 28224,
28415, 28596, 28598,
28818, 29237, 29439
86.....28818
180.....27463, 28108, 28956,
28957
202.....27321
205.....27321
260.....29992
262.....29992
264.....29992
265.....29992
270.....29992
403.....29705
414.....29068
416.....29068
600.....27188

41 CFR

Chs. 1-49.....26987
101-4.....28402
101-17.....28577

101-40.....27951
101-41.....29972
101-47.....28402
105-54.....28203
105-63.....26992
201-1.....27142
201-2.....27142, 28208
201-8.....27142
201-11.....27142
201-16.....27142
201-20.....27142
201-21.....27142
201-22.....28208
201-23.....27142
201-24.....27142
201-26.....27142
201-30.....27142, 28208
201-31.....27142, 28208
201-32.....27142, 28208
201-38.....27142
201-39.....27142, 28208
201-40.....27142, 28208
201-45.....28208

Proposed Rules:

101-41.....27625, 27626

42 CFR

400.....28577
405.....27722
412.....27208, 27722
416.....28577
435.....28577
Proposed Rules:
23.....27465
405.....27469
412.....27469

43 CFR

2.....29230
5470.....28947
Public Land Orders:
5150 (Revoked in part
by PLO 6607).....27827
5179 (Revoked in part
by PLO 6607).....27827
5180 (Revoked in part
by PLO 6607).....27827
5186 (Revoked in part
by PLO 6607).....27827
6389 (Corrected
by PLO 6608).....28208
6607.....27827
6608.....28208

Proposed Rules:

2800.....27322
5400.....29324
5440.....29324

44 CFR

64.....26993, 26994, 28947
Proposed Rules:
67.....27322, 29992
302.....27627, 28959

45 CFR

1180.....27584, 27586
Proposed Rules:
405.....27406
412.....27406
1620.....27326

46 CFR

153.....26996
Proposed Rules:
160.....27628

355.....29440

47 CFR

0.....27952
22.....27953
68.....27250, 29384
73.....27287, 27438, 27954,
29392, 29393
74.....29394
76.....27438, 29394
81.....27968
83.....27968, 29231

Proposed Rules:

Ch. I.....28418, 29440
73.....27629, 29446-29453
97.....29454

48 CFR

7.....27560
12.....27969
15.....27560, 28103
19.....27560
33.....27969
34.....27560
52.....27560, 27969
209.....28209
217.....29675
504.....26996
515.....28578
522.....28578
533.....26998
552.....27589, 28948, 29402
553.....27589
570.....27589
2801.....29798
2804.....29798
2806.....29798
2807.....29798
2808.....29798
2809.....29798
2810.....29798
2814.....29798
2815.....29798
2827.....29798
2830.....29798
2831.....29798
2834.....29798
2835.....29798
2852.....29798
6101.....27969, 29231

Proposed Rules:

208.....28227
252.....28227

49 CFR

571.....27451, 29676
Proposed Rules:
Ch. X.....27031
71.....28959
171.....28820
175.....28820
531.....29912
571.....27032, 27632, 27633,
28426, 28599, 29993
1132.....27834
1241.....29706

50 CFR

17.....26999, 29338-29345
33.....29972
215.....27914
285.....29403
611.....29681
658.....28103
672.....28580, 28581, 29681
674.....28103

Proposed Rules:

17.....27637, 27992, 28821,
28870-28878, 28959, 29238,
29900, 29901
20.....27638, 29706
611.....28960, 29240
630.....27470
642.....29709
650.....29240
651.....29241
655.....28109
662.....27470
663.....28960
675.....29240

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List July 22, 1985



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