

Federal Register

Monday
October 7, 1985

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Environmental Protection Agency

Animal Diseases

Animal and Plant Health Inspection Service

Aviation Safety

Federal Aviation Administration

Bridges

Coast Guard

Chemicals

Environmental Protection Agency

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Government Contracts

Immigration and Naturalization Service

Government Procurement

Defense Department

Marine Safety

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Maritime Carriers

Maritime Administration

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Food and Drug Administration

Radio

Federal Communications Commission

Radio Broadcasting

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Telecommunications

Rural Electrification Administration

Television Broadcasting

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Proclamation 5373 of October 1, 1985

The President

General Pulaski Memorial Day, 1985

By the President of the United States of America

A Proclamation

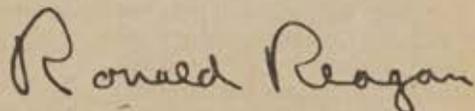
General Casimir Pulaski's life was committed to the cause of freedom. Before coming to America in 1777, he fought bravely and tirelessly for the independence of his beloved Poland. Here, he devoted all his energy and skill to the American War of Independence. His personal contribution to the Revolutionary Army on the field of battle, his tactical innovations, and his creation of a highly effective corps of dragoons, known informally as the Polish Legion, won him the title: "Father of American Cavalry."

On October 11, 1779, General Pulaski gave his life in our struggle for freedom. He died from wounds suffered bravely in the battle of Savannah. Although he died before the goal of a free and independent America had been achieved, his heroic example has inspired Polish and American patriots for over two centuries. George Washington's words written to the Continental Congress in 1778 memorialize General Pulaski: "The Count's valor and active zeal on all occasions have done him great honor."

As we gratefully reflect on the life of this great champion of freedom, we are moved to salute all Americans of Polish descent, who from the settlement in Jamestown through the Revolutionary War and on to the present have contributed so greatly and so generously to the realization of the American dream. Generations of Polish Americans have left a lasting imprint on American life in every field of human endeavor: from science and the arts to politics, sports, and religion. Their achievements have enriched the lives of all Americans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Friday, October 11, 1985, as General Pulaski Memorial Day, 1985, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day. In addition, I encourage the people of the United States to commemorate this occasion as appropriate throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, 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.



Rules and Regulations

Federal Register

Vol. 50, No. 194

Monday, October 7, 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.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Pacific Interstate Airlines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crew at locations outside the United States by adding the name of Pacific Interstate Airlines.

EFFECTIVE DATE: September 5, 1985.

FOR FURTHER INFORMATION CONTACT:

Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION:

The Commissioner of Immigration and Naturalization entered into agreement with Pacific Interstate Airlines to provide for the preinspection of their passengers and crew as provided by sections 238 (b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crew upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds transportation lines' names to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a

rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Aliens, Common carriers, Government contracts, Inspections, Transportation lines.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continues to read as follows:

Authority: Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States*, the listing of transportation lines is amended by adding the name Pacific Interstate Airlines under "At Vancouver".

Dated: October 1, 1985.

Marvin J. Gibson,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 85-23878 Filed 10-4-85; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 84-070]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis. Prior to the effective date of this document, the following 12 Counties in Florida were included in the portion of Florida designated as Class C: Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union. This document amends the regulations to include the 12 listed

Counties in the portion of Florida designated as Class B. This action is necessary because it has been determined that these Counties meet the standards for Class B status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from certain Counties in Florida.

DATES: Effective Date: October 7, 1985. Written comments must be received on or before December 6, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 84-070. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. G. H. Frye, Cattle Diseases Staff, VS, APHIS, USDA, Room 814, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. The State of Florida is divided into a Class B Area and a Class C Area. Prior to the effective date of this document, the following 12 Counties in Florida were included in the portion of Florida designated as Class C: Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union. This document amends the regulations to include the 12 listed Counties in the portion of Florida designated as Class B.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C

classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between.

Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or Areas.

The basic standards for the different classifications of States or Areas concern maintenance of: (1) State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Identification (MCI) reactor prevalence rate not to exceed a stated rate (this concerns the testing of cattle at auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

As noted above, the State of Florida is divided into a Class B Area and a Class C Area. Prior to the effective date of this document, the Area of Florida designated as Class C included all of the counties east and south of the Suwannee River. All other counties in Florida were included in the Area designated as Class B. The following counties, among others, were previously included in the Class C Area of Florida: Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union. The State of Florida has requested that the boundary line separating the Class B and Class C Counties be changed to include Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union Counties within the Class B Area. These counties were included in the portion of Florida designated as Class C rather than a higher classification because of the herd infection rate and the adjusted MCI reactor prevalence rate. To attain and maintain Class B status, a State or Area must, among other things, maintain a 12 consecutive month adjusted MCI reactor prevalence rate not to exceed three reactors per

1,000 cattle tested (0.30 percent), and must maintain an accumulated 12-month herd infection rate for brucellosis in cattle not to exceed 15 herds per 1,000 (1.5 percent). A review of brucellosis program records establishes that the portion of Florida encompassing Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union Counties meets the criteria for classification as Class B. Therefore, it is necessary to include these counties in the portion of Florida designated as Class B.

Emergency Action

Dr. John K. Atwell, Deputy Administrator, VS, APHIS, USDA, has determined that an emergency situation exists that warrants publication without prior opportunity for a public comment period. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from an area in Florida.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication in the *Federal Register*. Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the *Federal Register*.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action will not have a significant annual effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Changing the status of a portion of the State of Florida reduces testing

requirements on the interstate movement of certain cattle. Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Testing requirements for cattle movement interstate for immediate slaughter, or to quarantined feedlots are not affected by the changes in status. Also, cattle from Certified Brucellosis-Free Herds moving interstate are not affected by these changes in status. It has been determined that the changes in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985).

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as follows:

1. The authority citation for Part 78 continues to read as set forth below:

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraphs (c) and (d) of § 78.20 are revised to read as follows:

§ 78.20 State/area classifications.

(c) *Class B.* Alabama, Florida (Counties of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Nassau, Okaloosa, Putnam, Saint Johns, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington), Kentucky, Missouri, Nevada, Oklahoma, Texas (Counties of Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Brewster,

Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Medina, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Yoakum, Young and Zavala).

(d) *Class C*. Arkansas, Florida (Counties of Brevard, Broward, Charlotte, Citrus, Collier, Dade, De Soto, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Saint Lucie, Sarasota, Seminole, Sumter, and Volusia), Louisiana, Mississippi, and Texas (Counties of Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Crimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt,

Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Wood and Zapata).

Done at Washington, D.C., this 2nd day of October 1985.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 85-23918 Filed 10-4-85; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

[Docket No. 85-046]

Contagious Equine Metritis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations concerning the return to the United States of certain horses which have been temporarily exported from the United States to any country affected with contagious equine metritis (CEM). The regulations are amended by clarifying the requirements concerning signing or endorsing certain certificates required to accompany such horses upon their return to the United States.

DATES: Effective Date: October 7, 1985. Written comments must be received on or before December 6, 1985.

ADDRESSES: Written comments concerning this interim rule should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 85-046. Written comments received may be inspected at Room 728 of the Federal Building between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Dan Sheesley, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 844AAA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including contagious equine metritis (CEM). CEM is a venereal disease of horses that affects fertility and breeding.

Section 92.2(i)(2)(vi) of the regulations allows the return to the United States of

certain horses which have been temporarily exported from the United States for 60 days or less to any country in which CEM exists, if specific requirements to prevent their introducing CEM into the United States are met.

The regulations provide, at § 92.2(i)(2)(vi), that such horses may return to the United States without meeting certain specified requirements concerning treatment of CEM if, among other things, they are accompanied at the time of entry and inspection at the port of entry by several documents, including a certificate specifying that certain conditions were met in each CEM-affected country which the horses have entered since their departure from the United States.

Prior to the effective date of this document, the regulations in § 92.2(i)(2)(vi)(A)(3) stated that this certificate must be "signed or endorsed by a salaried veterinarian of each CEM-affected country which the animals have entered since their departure from the United States."

This document clarifies the quoted provisions concerning signing or endorsing this certificate. The revised provisions specifically require:

A certificate that, in each CEM-affected country which the horses have entered since their departure from the United States, has been either signed by a salaried veterinarian of the national veterinary services of such country or signed by a veterinarian authorized by the national veterinary services of such country and endorsed by a salaried veterinarian of the national veterinary services of such country (the endorsement representing that the veterinarian signing the certificate was authorized to do so).

This clarification is necessary to more clearly reflect the original intent and the longstanding interpretation concerning the requirements for such certificates.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this rule will not have a significant annual effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

This amendment clarifies certain regulations in Part 92. It has been determined that this clarification will have no impact on affected persons.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V, 48 FR 29112, June 24, 1983; 45 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985).

Administrative Procedure Provisions

Dr. J. K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that a situation exists which warrants publication of this interim rule without prior notice and opportunity for public comment. As noted above, this interim rule merely clarifies provisions of the regulations. Immediate action is warranted in order to help the public understand the intended meaning of the affected provisions.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this interim rule effective upon publication. However, comments are being solicited on this interim rule for 60 days after publication of this document in the *Federal Register*, and a final document regarding this matter will be published in the *Federal Register* as soon as practicable after the expiration of the 60 day document period.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have the OMB control number 0579-0069

List of Subjects in 9 CFR Part 92

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

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

Accordingly, 9 CFR Part 92 is amended as follows:

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 92.2, paragraph (i)(2)(vi)(A)(3) is revised to read as follows:

§ 92.2 General prohibitions; exceptions.

- * * * * *
- (i) * * *
- (2) * * *
- (vi) * * *
- (A) * * *
- (3) A certificate that, in each CEM-affected country which the horses have entered since their departure from the United States, has been either signed by a salaried veterinarian of the national veterinary services of such country or signed by a veterinarian authorized by the national veterinary services of such country and endorsed by a salaried veterinarian of the national veterinary services of such country (the endorsement representing that the veterinarian signing the certificate was authorized to do so), and stating that during the time they were in each such country:

* * * * *

Done at Washington, D.C., this 2nd day of October 1985.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 85-23917 Filed 10-4-85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-78-AD; Amdt. 39-5149]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the *Federal Register* and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Boeing Model 757 airplanes by individual telegrams. The AD requires revision of the FAA-approved Airplane Flight Manual (AFM) to include additional emergency procedures designed to allow the flight crew to bypass a jammed landing gear selector valve and extend the landing gear. A jammed selector valve may prevent extension of the landing gear and thereby jeopardize safety in landing the airplane. In addition, this amendment requires modification of the selector valve, which, when accomplished, allows removal of the emergency procedure from the AFM.

EFFECTIVE DATE: November 12, 1985.

ADDRESSES: The applicable service bulletin may be obtained from the Boeing Commercial Airplane Company, P.O. 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANM-1305; telephone (206) 431-2946. Mailing address: FAA, Seattle Aircraft Certification Office, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On June 29, 1984, telegraphic AD T84-14-51 was issued and made effective immediately to all known owners and operators of Boeing Model 757 series airplanes. The AD requires revision of the FAA-approved Airplane Flight Manual (AFM) to include additional emergency procedures. This action was prompted by a report of the landing gear jamming in the up position following gear retraction after takeoff. With the handle jammed in the up position, hydraulic fluid is trapped in the landing gear actuators, rendering the alternate extend system useless. This would result in either a gear-up landing, or a landing with the gear only partially extended, if the crew had attempted to use the alternate extend system. The jam is caused by an internal failure in the landing gear selector valve. The telegraphic AD requires implementation of a special emergency procedure, within 24 hours of service after receipt

of the telegram, which would allow the crew to bypass the jammed selector valve and extend the landing gear.

Since the issuance of the telegraphic AD, the manufacturer has developed a modification to the landing gear selector valve which will preclude the jamming, and has provided a service bulletin describing the procedure. Completion of the modification would terminate the requirement for the emergency procedure and would allow its removal from the AFM.

A proposal to amend Part 39 of the Federal Aviation Regulations by amending telegraphic AD T84-14-51, issued June 29, 1984, was published in the Federal Register on March 25, 1985 (50 FR 11705). The proposed amendment would require modification of the landing gear selector valve in accordance with Boeing Service Bulletin 757-32-0033, dated September 7, 1984, or later FAA-approved revision, prior to December 1, 1985.

The comment period for the proposal, which ended April 10, 1985, afforded interested persons an opportunity to participate in the making of this amendment. One comment was received from the only U.S. operator affected by this action, requesting that 18 months be allowed for completion of the modification to the selector valve. Since the telegraphic AD, which provides a positive means to lower the landing gear in the event of a jammed selector valve, is in the possession of all known owners and operators of the Model 757 airplane, and is published below, the FAA concurs that the additional compliance time will pose no additional hazard, and this has been reflected in the final rule.

It is estimated that 15 U.S. registered airplanes will be affected by this AD, that it will take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$3,600.

After a careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously discussed.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic

impact on a substantial number of small entities because few, if any, Model 757 series airplanes are operated by small entities. A final evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

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 11.69.

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 757 airplanes listed in Boeing Service Bulletin 757-32-0033 dated September 7, 1984, certificated in any category, on which incorporation of Boeing Service Bulletin 757-32-0033, dated September 7, 1984, or later FAA-approved revision, has not been accomplished. Compliance is required as indicated below, after the effective date of this airworthiness directive (AD). To assure landing gear extension following a jam of the landing gear handle in the up position, accomplish the following, unless already accomplished:

A. Within 24 hours:

1. Incorporate the following information into the FAA-approved airplane flight manual and the flight operations manual as an emergency procedure and provide to flight crews:

GEAR LEVER WILL NOT MOVE FROM UP POSITION
AIRSPEED—MAINTAIN 200-220 KTS UNTIL GEAR EXTENDED
FLAP LEVER—1

PTU CONT CIRCUIT BREAKER (D31)—PULL LEFT AUTOPILOT (IF ENGAGED)—DISCONNECT

LEFT ELECTRIC AND ENGINE HYDRAULIC PUMP SWITCHES—OFF
ALTERNATE GEAR EXTENSION SWITCH—PUSH

If, after 60 seconds, any gear down (green) lights not illuminated:

FLAP LEVER—5/1

Select Flaps 5 then 1.

Repeat until all gear down (green) lights illuminate.

—Use flaps 20 and VREF 20 for landing.
—L trust reverser and nose wheel steering inoperative

GROUND PROXIMITY FLAPS OVERRIDE SWITCH—OVRD

ALTERNATE FLAPS SELECTOR—SET

Position to agree with flap lever.

ALTERNATE FLAPS SWITCHES

(Leading and Trailing Edge)—ALTN ALTERNATE FLAPS SELECTOR—SET

Extend or Retract Flaps as required.

CAUTION: DO NOT REPRESSURIZE LEFT HYDRAULIC SYSTEM OR RESET PTU CONT CIRCUIT BREAKER INFLIGHT OR ON THE GROUND, AS GEAR WILL RETRACT.

Note.—Compliance with this directive may be effected by including a copy of telegraphic AD T84-14-51, issued June 29, 1984, in the airplane flight manual and operating manual.

2. Further revenue flight following landing gear jam is prohibited until repairs are made.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

B. Prior to September 1, 1986:

1. Modify the landing gear selector valve assembly Boeing P/N 60B00216-7, in accordance with Boeing Service Bulletin 757-32-0033, dated September 7, 1984, or later FAA-approved revision.

2. Following modification of the selector valve, the special emergency procedure implemented by paragraph A. above, may be removed.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 12, 1985.

Issued in Seattle, Washington, on September 27, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-23849 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-NM-102-AD; Amdt. 39-5150]

Airworthiness Directives; Fairchild Models F27 and FH227 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Fairchild Models F27 and FH227 series airplanes, which requires a repetitive inspection and replacement, if

necessary, of the rod ends on the rudder control push-pull tubes. This action is prompted by reports of cracks in these rod ends which, if allowed to grow undetected, could cause failure of the rudder control system and potential loss of control of the airplane. This action is necessary to detect cracks and replace cracked rod ends before failure occurs.

DATES: Effective November 14, 1985.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Fairchild Industries, Inc., Fairchild Republic Division, Hagerstown, Maryland 21740. This information may also be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the New York Aircraft Certification Office, 181 S. Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Alfred A. Maila, Aerospace Engineer, New York Aircraft Certification Office, ANE-172, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-6220.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) to require the inspection and replacement of the rudder control push-pull tubes of Fairchild Models F27 and FH227 series airplanes, was published as a Notice of Proposed Rulemaking in the Federal Register on January 4, 1985 (50 FR 2062). The comment period for this proposal closed on March 5, 1985.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the proposed rule.

Approximately 125 airplanes of U.S. registry will be affected by this AD. It will take approximately 8 man-hours per airplane to accomplish the required inspections, at an average labor cost of \$40 per man-hour. Repair parts (4 torque tube rod assemblies per airplane) are estimated to be \$1,200 per airplane. Based on these figures, the total cost impact of the AD to U.S. operators is estimated to be \$190,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures [44 FR 11034; February 26, 1979]; and it is further certified under the

criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model F27 or FH227 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects; 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read:

Authority: 49 U.S.C. 1354(a), 1421, and 1432; 40 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

Fairchild: Applies to Models F27 and FH227 series airplanes, certificated in any category. Compliance required as indicated. To detect cracks due to stress corrosion in the riveted rod end assembly, part number (P/N) 27-727404-11, on rudder control push-pull tubes, P/N's 27-727402-11 (or -41) and -31 (or -51), accomplish the following:

A. Within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last 150 hours time in service, and thereafter at intervals not to exceed 200 hours in service from the last inspection, inspect the riveted rod end, P/N 27-727404-3, of the rudder control push-pull tubes, P/N's 27-727402-11 (or -41) and -31 (or -51), for cracks, in accordance with Fairchild Service Bulletin FH227-27-31 for Model FH227 airplanes (serial number 501 through 578) and Service Bulletin F27-27-76 for Model F27 airplanes (serial numbers 1 through 128).

B. If cracks are found, the rod assembly must be replaced before further flight with a rod of the same part number, or FAA-approved equivalent part, that has been inspected and found serviceable in accordance with paragraph A., above; or replaced before further flight with a new rod end assembly, P/N 27-727404-31; or FAA-approved equivalent part.

C. Installation of the new assembly, P/N 27-727404-31, may be considered terminating action for the repetitive inspections specified in paragraph A., above.

D. Aircraft maintenance record entries must be made and a report in writing of the initial inspection findings, positive or negative, must be submitted to the FAA, New York Aircraft Certification Office, Room 202, Attention: ANE-170, 181 S. Franklin Avenue, Valley Stream, New York 11581. The report

must state the location and length of any crack found during the initial inspection, and include the total time in service of the component at the time the crack was discovered. (Reporting requirement approved by the Office of Management and Budget under OMB No. 2120-0056.)

E. Upon the request of an operator, an FAA Maintenance Inspector, subject to prior approval by the Manager, New York Aircraft Certification Office, FAA, New England Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspection requirements of this AD.

G. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Fairchild Industries, Inc., Fairchild Republic Division, Hagerstown, Maryland 21740. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 181 S. Franklin Avenue, Room 202, Valley Stream, New York 11581.

This amendment becomes effective November 14, 1985.

Issued in Seattle, Washington, on September 30, 1985.

Wayne J. Barlow,
Acting Director, Northwest Mountain Region.
[FR Doc. 85-23848 Filed 10-4-85; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 169a

[DoD Directive 4100.33]

Commercial Activities Program Procedures

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule.

SUMMARY: The Department of Defense revised its rules regarding the Commercial Activities Program to incorporate substantive procedural changes to Part 169a required by Office of Management and Budget (OMB) Circular A-76, "Performance of Commercial Activities," August 3, 1983, and implements the DoD policies established in Part 169 of this title. It

outlines the procedures to be used in implementing the Government's general policy of reliance on the private sector for commercial activities while recognizing that Government personnel must perform intrinsic governmental functions and must consider cost effectiveness.

EFFECTIVE DATE: September 5, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas B. Hansen, Office of the Assistant Secretary of Defense (Acquisition and Logistics), Installation Assistance, Pentagon, Washington, DC 20301-8000, Telephone: 202-325-0537.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-11230, appearing in the Federal Register (50 FR 19703) on May 10, 1985, the Office of the Secretary of Defense published Part 169a as a proposed rule to provide more definitive guidelines to ensure consistency and equity to all parties in its implementation. The Office of the Secretary of Defense previously published Part 169a in FR Docs. 79-35151 (44 FR 65603) November 14, 1979; and 80-10220 (45 FR 22924) April 4, 1980. Some comments and editorial changes received from the private sector and internal DoD Components were incorporated into the final rule.

List of Subjects in 32 CFR Part 169a

Armed forces, Government procurement.

Title 32 CFR Part 169a is revised to read as follows:

PART 169a—COMMERCIAL ACTIVITIES PROGRAM PROCEDURES

Subpart A—General

- Sec.
169a.1 Purpose.
169a.2 Applicability and Scope.
169a.3 Definitions.
169a.4 Policy.

Subpart B—Procedures

- 169a.8 Inventory and review schedule (Reports Control Symbol DD-MIL(A)1540).
169a.9 Reviews: Existing in-house commercial activities.
169a.10 Reviews: Contracts.
169a.11 Expansions.
169a.12 New requirements.
169a.13 Commercial activities involving ten or fewer DoD civilian employees.
169a.14 Military personnel commercial activity.
169a.15 Special considerations.
169a.16 Independent review.
169a.17 Solicitation considerations.
169a.18 Administrative appeal procedures.

Subpart C—Reporting Requirements

- 169a.21 Reporting requirements.
169a.22 Responsibilities.

Appendix A—Codes and Definitions of Functional Areas.

Appendix B—Commercial Activities Inventory Report and Five-year Review Schedule.

Appendix C—Simplified Cost Comparisons for Direct Conversion of Commercial Activities.

Appendix D—Commercial Activities Management Information System (CAMIS).

Appendix E—Public Law 96-342, as Amended by Public Law 97-252 (Hereafter referred to as Section 502.)

Authority: 5 U.S.C. 301 and 552 and Pub. L. 93-400.

Subpart A—General

§ 169a.1 Purpose.

This part:

(a) Reissues DoD Instruction 4100.33¹ to update policy, procedures, and responsibilities required by DoD Directive 4100.15² and OMB Circular A-76³ for use by the Department of Defense (DoD) to determine whether needed commercial activities (CAs) should be accomplished by DoD personnel or by contract with a commercial source.

(b) Cancels DoD 4100.33-H,⁴ "DoD In-House vs. Contract Commercial and Industrial Activities Cost Comparison Handbook."

§ 169a.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense (OSM), the Military Departments, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) Its provisions contain DoD procedures for commercial activities in the United States, its territories and possessions, the District of Columbia and the Commonwealth of Puerto Rico.

(c) Its provisions are not mandatory for commercial activities staffed solely with civilian personnel paid by nonappropriated funds, such as military exchanges. However, its provisions are mandatory for commercial activities when they are staffed partially with civilian personnel paid by or reimbursed from appropriated funds, such as libraries, open messes, and other morale, welfare, and recreation (MWR) activities. When related installation support is being cost compared under a single solicitation, a DoD Component may decide that it is practical to include activities staffed solely with civilian

personnel paid by nonappropriated funds.

(d) This part does not:

(1) Apply to governmental functions as defined in § 169a.3.

(2) Apply when contrary to law, executive orders, or any treaty or international agreement.

(3) Apply in times of a declared war or military mobilization.

(4) Provide authority to enter into contracts.

(5) Apply to the conduct of research and development, except for severable in-house commercial activities in support of research and development, such as those listed in Part IV of the supplement to OMB circular A-76.

(6) Justify conversion to contract solely to avoid personnel ceilings or salary limitations.

(7) Authorize contracts that establish an employer-employee relationship between the Department of Defense and contractor employees as described in the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1).

§ 169a.3 Definitions.

Commercial Activity Review. The process of evaluating CAs for the purpose of determining whether or not a cost comparison will be conducted.

Commercial Source. A business or other non-Federal activity located in the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico that provides a commercial product or service.

Conversion to Contract. The changeover of a CA from performance by DoD personnel to performance under contract by a commercial source.

Conversion to In-House. The changeover of a CA from performance under contract by a commercial source to performance by DoD personnel.

Cost Comparison. The process of developing an estimate of the cost of performance of a CA by DoD employees and comparing it, in accordance with the requirements in this part, to the cost to the Government for contract performance of the CA.

Directly Affected Parties. DoD employees and their representative organizations and bidders or offerors on the solicitation.

Displaced DoD Employee. Any DoD employee affected by conversion to contract operation (including such actions as job elimination, grade reduction, or reduction in rank). It includes both employees in the function converted to contract and to employees outside the function who are affected adversely by conversion through

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 301.

² See footnote 1 to § 169a.1(a).

³ Copies may be obtained if needed, from the Office of Management and Budget, Executive Office Building, Washington, DC 20503.

⁴ See footnote 1 to § 169a.1(a).

reassignment or the exercise of bumping or retreat rights.

DoD Commercial Activity (CA). An activity that provides a product or service obtainable (or obtained) from a commercial source. A DoD CA is not a Governmental function. A DoD CA may be an organization or part of another organization. It must be a type of work that is separable from other functions or activities so that it is suitable for performance by contract. A representative list of the functions performed by such activities is provided in Enclosure 1. A DoD CA falls into one of two categories:

(a) **In-House CA.** A DoD CA operated by a DoD Component with DoD personnel.

(b) **Contract CA.** A DoD CA managed by a DoD Component operated with contractor personnel.

DoD Employee. Refers to only civilian personnel of the Department of Defense.

DoD Governmental Function. A function that is related so intimately to the public interest as to mandate performance by DoD personnel. These functions require either the exercise of discretion in applying Government authority or the use of value judgement in making the decision for the Department of Defense.

Services or products in support of Governmental functions such as those listed in enclosure 3 of DoD Instruction 4100.33 are normally subject to this part and its implementing instructions. Governmental functions normally fall into two categories:

(a) The act of governing; that is, the discretionary exercise of Governmental authority. Examples include criminal investigations, prosecutions, and other judicial functions; management of Governmental programs requiring value judgments, as in direction of the national defense; management and direction of the Armed Services; activities performed exclusively by military personnel who are subject to deployment in a combat, combat support, or combat service support role; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers, and other natural resources; direction of intelligence and counterintelligence operations; and regulation of industry and commerce, including food and drugs.

(b) Monetary transactions and entitlements, such as tax collection and revenue disbursements; control of the money supply treasury accounts; and the administration of public trusts.

DoD Personnel. Refers to both military and civilian personnel of the Department of Defense.

Expansion. The modernization, replacement, upgrading, or enlargement of a DoD CA involving a cost increase exceeding either 30 percent of the total capital investment or 30 percent of the annual personnel and material costs. A consolidation of two or more CAs is not an expansion unless the proposed total capital investment or annual personnel and material costs of the consolidation exceeds the total of the individual CAs by 30 percent or more.

New Requirement. A recently established need for a commercial product or service. A new requirement does not include interim in-house operation of essential services pending reacquisition of the services prompted by such action as the termination of an existing contract operation.

Preferential Procurement Programs. Preferential procurement programs are mandatory source programs such as Federal Prison Industries (FPI) and the workshops administered by the Committee for Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act. Also included are small, minority and disadvantaged businesses, and labor surplus area set-asides and awards made under section 8(a) of the Small Business Act.

§ 169.4 Policy.

It is DoD Policy to:

(a) **Ensure DoD Mission Accomplishment.** The implementation of this part shall consider the overall mission of the Department of Defense and the defense objective of maintaining readiness and sustainability to ensure a capability to mobilize the defense force and support structure.

(b) **Retain Governmental Functions In-House.** Certain functions inherently are Governmental in nature, being so intimately related to the public interest as to mandate performance only by DoD personnel. These functions are not in competition with commercial sources; therefore, these functions shall be performed by DoD personnel.

(c) **Rely on the Commercial Sector.** DoD Components shall rely on commercially available sources to provide commercial products and services. Except when required for national defense, when no satisfactory commercial source is available, or when in the best interest of direct patient care, DoD Components will not start, expand, or carry on any commercial activities to provide commercial products or services if the products or services can be

procured more economically from commercial sources.

(d) **Achieve Economy and Enhance Productivity.** Competition enhances quality, economy, and productivity. Whenever performance by a commercial source of a DoD in-house commercial activity is permissible, in accordance with this part and its implementing instructions, a comparison of the cost of contracting and the cost of in-house performance normally shall be performed to determine who will do the work. The restriction of a solicitation to a preferential procurement program does not negate this requirement.

(e) **Permit Interim-In-House Operation.** A DoD in-house commercial activity may be established on a temporary basis if a contractor defaults. Action shall be taken to resolicit bids or proposals in accordance with this part.

Subpart B—Procedures

§ 169a.8 Inventory and review schedule (Report Control Symbol DD-MIL(A)1540).

(a) Information in each DoD Component's inventory shall be used to assess DoD implementation of OMB Circular A-76 and for other purposes. Each Component's inventory shall be updated at least annually to reflect changes to their review schedule and the results of reviews, cost comparisons, and direct conversions. Updated inventories for all DoD Components except National Security Agency/Central Security Service (NSA/CSS) and the Defense Intelligence Agency (DIA) shall be submitted to the Assistant Secretary of Defense (Acquisition and Logistics) (ASD(A&L)) within 90 days after the end of each fiscal year. Inventory data pertaining to NSA/CSS and DIA shall be held at the specific Agency concerned for subsequent review by properly cleared personnel. Enclosure 1 provides the codes and explanations for functional areas and Enclosure 2 provides procedures for submitting the inventory.

(b) DoD component's review schedules should be coordinated with the DoD Component's Efficiency Review Program and the Defense Regional Interservice Support (DRIS) Program to preclude duplication of efforts and to make use of information already available.

(c) Reviews of commercial activities that provide interservice support shall be scheduled by the supplying DoD Component. Subsequent cost comparisons, when appropriate, shall be executed by the same DoD Component. All affected DoD Components shall be

notified of the intent to perform a review.

§ 169.9 Reviews: Existing in-house commercial activities.

(a) DoD Components shall conduct reviews of in-house commercial activities in accordance with their established review schedules. Existing in-house commercial activities, once reviewed shall be retained in-house without a cost comparison only when certain conditions are satisfied. (Detailed documentation will be maintained to support the decision to continue in-house performance. ASD(A&L) shall be notified within 30 days of any such decision.) These conditions are as follows:

(1) *National Defense.* In most cases, application of this criteria shall be made considering the wartime and peacetime duties of the specific positions involved rather than in terms of broad functions.

(i) A commercial activity staffed with military personnel who are assigned to the activity, may be retained in-house for national defense reasons when the following apply:

(A) The commercial activity is essential for training or experience in required military skills;

(B) The commercial activity is needed to provide appropriate work assignments for a rotation base for overseas or sea-to-shore assignments; or

(C) The commercial activity is necessary to provide career progression to needed military skill levels.

(ii) *Core Logistics Activities.* The core logistics capability reported to Congress, March 29, 1984, under the provisions of Pub. L. 98-525, section 307 is comprised of the facilities, equipment, and management personnel at the activities listed in the report. The work at those activities may be performed by either government or contractor personnel, whichever is more cost effective. Core logistics activities reported to Congress under the provisions of Pub. L. 98-525, Section 307, shall be retained in-house unless the Secretary of Defense grants a waiver as provided for in Section 307. Requests for waivers shall be submitted to the ASD (A&L). DoD Components may propose to the ASD (A&L) additional core logistics capability for inclusion in the list of core logistics activities. Core logistics activities reported to Congress as additions to the original list shall be retained in-house unless subsequently waived by the Secretary of Defense.

(iii) If the DoD Component has a larger number of similar CAs with a small number of essential military personnel in each CA, action shall be taken, when appropriate, to consolidate

the military positions consistent with military requirements so that economical performance by either DoD civilian employees or by contract can be explored for accomplishing a portion of the work.

(iv) The DoD Components may propose to the ASD (A&L) other criteria for exempting CAs for national defense reasons.

(2) *No Satisfactory Commercial Source Available.* A DoD commercial activity may be performed by DoD personnel when it can be demonstrated that:

(i) There is no satisfactory commercial source capable of providing the product or service that is needed. Before concluding that there is no satisfactory commercial source available, the DoD Component shall make all reasonable efforts to identify available sources.

(A) DoD Components' efforts to find satisfactory commercial sources shall be carried out in accordance with the FAR and DoD FAR Supplement (DFAR) including review of bidders lists and inventories of contractors, consideration of preferential procurement programs, and requests for help from Government agencies such as the Small Business Administration.

(B) Where the availability of commercial sources is uncertain, the DoD Component will place at least three notices of the requirement in the *Commerce Business Daily* (CBD) over a 90-day period. (Notices will be in the format specified in FAR, 48 CFR Part 5) When a bona fide urgent requirement occurs, the publication period in the CBA may be reduced to two notices over a 30-day period. Specifications and requirements in the notice will not be unduly restrictive and will not exceed those required of Government personnel or operations.

(ii) Use of a commercial source would cause an unacceptable delay or disruption of an essential program. In-house operation of a commercial activity on the basis that use of a commercial source would cause an unacceptable delay or disrupt an essential DoD program requires a specific documented explanation.

(A) The delay or disruption must be specific as to cost, time, and performance measures.

(B) The disruption must be shown to be a lasting or unacceptable nature. Temporary disruption caused by conversion to contract is not sufficient support for the use of this criteria.

(C) The fact that a DoD commercial activity involves a classified program, or is part of a DoD Component's basic mission, or that there is the possibility of a strike by contract employees is not

adequate reason for Government performance of that activity. Further, urgency alone is not an adequate reason to continue Government operation of a commercial activity. It must be shown that commercial sources are not able, and the Government is able, to provide the product or service when needed.

(D) Use of an exemption due to an unacceptable delay or disruption of an essential program shall be approved by the DoD Component's central point of contact office. This authority may not be redelegated.

(3) *Patient Care.* Commercial activities at DoD hospitals may be performed by DoD personnel when it is determined by the head of the DoD Component or his designee, in consultation with the DoD Component's chief medical director, that performance by DoD personnel would be in the best interest of direct patient care.

§ 169a.10 Reviews: Contracts

(a) When contract costs become unreasonable or performance becomes unsatisfactory, a cost comparison of a contracted CA shall be performed in accordance with OMB Circular No. A-76 (Office of the Federal Procurement Pamphlet No. 4) ⁵, Part III of the Supplement to OMB Circular No. A-76 (Commercial Activities (CA) Management Study Guide) ⁶ and Part IV of the Supplement to OMB Circular No. A-76 (Cost Comparison Handbook) ⁷, if the following apply:

(1) Re-competition with other satisfactory commercial sources does not result in reasonable prices.

(2) In-house performance is feasible.

(b) Contracted commercial activities that are justified for conversion to in-house performance based on cost comparisons, national defense, or in the best interest of direct patient care will be allowed to expire (options will not be exercised) once in-house capability is established. If the required authorizations cannot be accommodated within the the DoD Component's available resources, a request for adjustment shall be submitted to OSD.

§ 169a.11 Expansions.

In cases where expansion of an in-house commercial activity is anticipated, a review of the entire commercial activity, including the proposed expansion, shall be conducted to determine if performance by DoD personnel is authorized for national defense reasons, because no commercial

⁵ See footnote 3 to § 169a.1(a)

⁶ See footnote 3 to § 169a.1(a)

⁷ See footnote 3 to § 169a.1(a)

source is available, or because it is in the best interest of direct patient care. If performance by DoD personnel is not justified under these criteria, a cost comparison of the entire activity shall be performed. Government facilities and equipment normally will not be expanded to accommodate expansions if adequate and cost effective contractor facilities are available.

§ 169a.12 New requirements.

(a) In cases where a new requirement for a commercial product or service is anticipated, a review shall be conducted to determine if performance by DoD personnel is authorized for national defense reasons, because no commercial source is available, or because it is in the best interest of direct patient care. If performance by DoD personnel is not justified under these criteria, then the new requirement normally shall be performed by contract.

(b) If there is reason to believe that commercial prices may be unreasonable, a preliminary cost analysis shall be conducted to determine whether it is likely that the work can be performed in-house at a cost that is less than anticipated for contract performance. If in-house performance appears to be more economical, a cost comparison shall be scheduled. The appropriate conversion differentials will be added to the preliminary in-house cost before it is determined that in-house performance is likely to be more economical.

(c) Government facilities and equipment normally will not be expanded to accommodate new requirements if adequate and cost-effective contractor facilities are available. The requirement for Government ownership of facilities does not obviate the possibility of contract operation. If justification for in-house operation is dependent on relative cost, the cost comparison may be delayed to accommodate the lead time necessary for acquiring the facilities.

(d) Approval or disapproval of in-house performance of new requirements involving a capital investment of \$500,000 or more will not be redelegated below the level of DAS or equivalent.

(e) Approval to budget for a major capital investment associated with a new requirement will not constitute OSD approval to perform the new requirement with DoD personnel. Government performance shall be determined in accordance with this part.

§ 169a.13 Commercial activities involving ten or fewer DoD civilian employees.

(a) When adequately justified under the criteria required in Appendix C, commercial activities involving ten or

fewer DoD civilian employees may be converted directly to contract based on simplified cost comparison procedures. Such conversions shall be approved by the Office of the Assistant Secretary of Defense (Acquisition and Logistics) Installation Assistance (OASD(A&L)IA). Part IV of the Supplement to OMB Circular No. A-76* shall be utilized to define the specific elements of cost to be estimated in the simplified cost comparison.

(b) In no case shall any commercial activity involving more than ten DoD civilian employees be modified, reorganized, divided, or in any way changed for the purpose of circumventing the requirement to perform a full cost comparison.

(c) The decision to directly convert a commercial activity involving military personnel reflects a management decision that the work need not be performed by military personnel. Therefore, all direct personnel costs will be estimated in the simplified cost comparison on the basis of civilian performance.

§ 169a.14 Military personnel commercial activity.

Commercial activities performed exclusively by military personnel not subject to deployment in a combat, combat support, or combat service support role may be converted to contract without a cost comparison, when adequate competition is available and reasonable prices can be obtained from qualified commercial sources.

§ 169a.15 Special considerations.

(a) *Communications Security and Signals Intelligence.* Before making a determination that an activity involving Signals Intelligence (SIGINT), as prescribed in Executive Order 12333 or the full maintenance of communications security (COMSEC) equipment should be subjected to a cost comparison, a determination must be made of the risk to national security of using commercial sources. The DoD Component shall provide its assessment of the risk to national security of using commercial sources to the Director, NSA, who shall make the determination if the risk to national security is unacceptable. NSA shall notify the ASD(A&L) within 30 days of action taken by the Director, NSA, to grant or deny a request for a waiver to the provisions of DoD Directive 4100.15 and its implementing instructions.

(b) *National Intelligence.* Before making a determination that an activity involving the collection/processing/

production/dissemination of national intelligence as prescribed in Executive Order 12333 should be subjected to a cost comparison, the DoD Component must specifically identify the risk to national intelligence of using commercial sources. Except as noted in subparagraph (a) above, the DoD Component shall provide its assessment of the risk to national intelligence of using chemical sources to the Director, DIA, who shall make the determination if the risk to national intelligence is unacceptable. DIA shall notify ASD(A&L) within 30 days of action taken by the Director, DIA, to grant or deny a request for a waiver to the provisions of DoD Directive 4100.15 and its implementing instructions.

(c) *Accountable Officer.* (1) The functions and responsibilities of the Accountable Officer are defined by DoD 7200.10-M.* Those functions of the Accountable Officer that involve the exercise of substantive discretionary authority in determining the Government's requirements and controlling Government assets cannot be performed by a contractor and must be retained in-house. The responsibilities of the Accountable Officer as an individual and the position of the Accountable Officer are not contractable.

(2) Contractors can perform functions in support of the Accountable Officer and functions where they are performing in accordance with criteria defined by the Government. For instance, contractors can process requisitions, maintain stock control records, perform storage and warehousing, and make local procurements of items specified as deliverables in the contract.

(3) The responsibility for administrative fund control must be retained in-house. The contractor can process all required paperwork up to funds obligation which must be done by the Government employee designated as responsible for funds control. The contractor can also process such documents as reports of survey and adjustments to stockage levels, but approval must rest with the Accountable Officer. In all cases the administrative control of funds must be retained by the Government since a contractor or his employees cannot be held responsible for violations of former section 3679 of the revised statutes (now codified at sections 1341, 1342, and 1517 of title 31, United States Code).

(d) *Cost Comparison Process.* If performance of a commercial activity by DoD personnel cannot be justified under

* See footnote 3 to § 169a.1(a).

* See footnote 1 to § 169a.1(a).

national defense, non-availability of commercial source, or patient care criteria, than a full cost comparison shall be conducted in accordance with Part II of the Supplement to OMB Circular No. A-76, Part III of the Supplement to OMB Circular No. A-76, and Part IV of the Supplement to OMB Circular A-76, to determine if performance by DoD employees is justified on the basis of lower cost (unless the criteria of § 169a. and § 169a. are met). The conclusion that a commercial activity will be cost compared reflects a management decision that the work need not be accomplished by military personnel. Therefore, all direct personnel costs shall be estimated on the basis of civilian performance. Funds shall be budgeted to cover either the cost of the appropriate in-house operation required to accomplish the work or the estimated cost of the contract. Neither funds nor manpower authorizations shall be removed from the activity's budget in anticipation of the outcome of a study.

(1) *Notification*—(i) *Congressional Notification*. DoD Components shall notify Congress of the intention to do a cost comparison for each CA. DoD Components shall annotate the notification when a cost comparison is planned at an activity listed in the report to Congress on core logistics (see § 169a.8(a)(ii) of this part). The DoD Component shall notify the ASD(A&L) of any such intent at least 5 working days before the Congressional notification. The cost comparison process begins on the date of Congressional notification.

(ii) *Commerce Business Daily/Federal Register Notification*. DoD Components shall publish their schedules for conducting cost comparisons as soon as practicable after Congressional notification, but at least annually, in the CBD and the Federal Register (FR). Schedules for cost comparisons not requiring Congressional notification and decisions to convert commercial activities directly to contract also shall be published in the CBD/FR as soon as practicable after the decision. The cost comparison schedule shall include for each activity, the name, location, and date the cost comparison began or the estimated date the direct conversion will occur.

(iii) *Local Notification*. It is suggested that upon Congressional notification the installation make an announcement of the cost comparison, including a brief explanation of the cost-comparison process to the employees of the activity and the community. The installation's labor relations specialist also should be

apprised to ensure appropriate notification to employees and their representatives in accordance with applicable collective bargaining agreements. Local Interservice Support Coordinators (ISCs) and the Chairman of the appropriate Joint Interservice Resources Study Group (JIRSG) also should be notified of a pending cost comparison.

(2) *Performance Work Statement (PWS)*. (i) The PWS and its Quality Assurance Plan shall be prepared in accordance with part II of the Supplement to OMB Circular No. A-76 5 for full cost comparison, simplified cost comparisons, and direct conversions of military personnel commercial activities. The PWS shall include reasonable performance standards that can be used to ensure a comparable level of performance for both Government and contractor and a common basis for evaluation. Employees and/or their bargaining unit representatives should be encouraged to participate in preparing or reviewing the PWS.

(ii) Each DoD Component shall:
(A) Prepare PWSs where needed.
(B) Monitor the development and use of prototype PWSs.
(C) Review and initiate action to correct disagreements on PWS discrepancies.

(D) Approve prototype PWSs for Component-wide use.
(E) Coordinate these efforts with the other DoD Components to avoid duplication and to provide mutual assistance.

(iii) Government-owned facilities, equipment, and real property shall be made available to contractors, unless a cost-benefit analysis indicates that retention of use elsewhere is more cost advantageous to the Government. If a cost-benefit analysis is not performed, then the solicitation and cost comparison itself must reflect both options. Decisions to not provide facilities, equipment, or real property to contractors shall be made at a level no lower than the DoD Component's central point of contact office unless both options are an integral part of the solicitation and cost comparison.

(iv) If a commercial activity provides critical or sensitive services, the PWS shall include sufficient data for the in-house organization and commercial sources to prepare a plan for expansion in emergency situations.

(v) DoD Components that provide interservice support to other DoD Components or Federal agencies through interservice support agreements or other arrangements shall ensure that the PWS includes this work load and is

coordinated with all affected components and agencies.

(vi) If there is a requirement for the commercial source to have access to classified information in order to provide the product or service, the commercial source shall be processed for a facility security clearance under the Defense Industrial Security Program in accordance with DoD Directive 5220.22¹⁰ and DoD Regulation 5220.22-R.¹¹ However, if no *bona fide* requirement for access to classified information exists, no action shall be taken to obtain security clearance for the commercial source.

(vii) Employees of commercial sources who do not require access to classified information for work performance, but require entry into restricted areas of the installation, may be authorized unescorted entry only when the provisions of DoD Regulation 5200.2-R¹² apply.

(3) *Management Study*. A management study shall be performed to analyze completely the method of operation necessary to establish the most efficient and cost-effective in-house organization (MEO) needed to accomplish the requirements in the PWS. The MEO must reflect only approved resources for which the commercial activity has been authorized. As a part of the management study, installations should determine if specific requirements can be met through an Inter/Intraservice Support Agreement (ISA) with other activities or Government Agencies which have excess capacity or capability.

(i) The commercial activity management study is mandatory. Part III of the Supplement to OMB Circular No. A-76 provides guidance on how to conduct the management study. The study shall identify essential functions to be performed, determine performance factors, organization structure, staffing, and operating procedures for the most efficient and cost effective in-house performance of the commercial activity. The MEO becomes the basis of the Government estimate for the cost comparison with potential contractors. In this context, "efficient" (or cost-effective) means that the required level of workload (output, as described in the performance work statement) is accomplished with as little resource consumption (input) as possible without degradation in the required quality level of products or services.

¹⁰ See footnote 1 to § 169a.1(a).

¹¹ See footnote 1 to § 169a.1(a).

¹² See footnote 1 to § 169a.1(a).

(ii) DoD Components have formal programs and training for the performance of management studies, and those programs are appropriate for teaching how to conduct commercial activity management studies. Part III of the Supplement to OMB Circular No. A-76 does not purport to replace the DoD Component's own management techniques, but merely to establish the basic criteria and the interrelationship between the management study and the PWS.

(iii) If a commercial activity provides critical or sensitive services, the management study shall include a plan for expansion in emergency situations.

(iv) Early in the management study, management will solicit the views of the employees in the commercial activity under review, and/or their representatives for their recommendations as to the MEO or ways to improve the method of operation.

(v) The management study will be the basis on which the DoD Component certifies that the Government cost estimate is based on the most efficient and cost effective organization practicable.

(vi) Implementation of the MEO shall be initiated no later than 1 month after cancellation of the solicitation and completed within 6 months. DoD Components shall take action, within 1 month, to schedule and conduct a subsequent cost comparison when the MEO is not initiated and completed as prescribed above. Subsequent cost comparisons may be delayed by the DoD Component's central point of contact office, when situations outside the control of the DoD Component prevent timely or full implementation of the MEO. This authority may not be delegated.

(vii) DoD Components shall establish procedures to ensure that the in-house operation, as specified in the MEO, is capable of performing in accordance with the requirements of the PWS. The procedures also shall ensure that the resources (facilities, equipment, and personnel) specified in the MEO are available to the in-house operation and that in-house performance remains within the requirements and resources specified in the PWS and MEO for the period of the cost comparison, unless documentation to support changes in workload/scope is available.

(viii) A management study is not required for simplified cost comparisons.

(4) *Cost Comparisons.* Cost comparisons shall include all significant costs of both Government and contract performance. Common costs; that is,

costs that would be the same for either in-house or contract operation, need not be computed, but the basis of those common costs must be identified and included in the cost comparison documentation. Part IV of the Supplement to OMB Circular A-76 (Cost Comparison Handbook) provides the basic guidance for conducting full cost comparisons. Appendix D provides guidance for conducting simplified cost comparisons. The supplemental guidance contained below is intended to establish uniformity and to ensure all factors are considered when making cost comparisons. Deviation from the guidance contained in Part IV of the Supplement to OMB Circular A-76, will not be allowed, except as provided in the following subparagraphs.

(i) *In-house Cost Estimate.* (A) The in-house cost estimate shall be based on the most efficient and cost-effective in-house organization needed to accomplish the requirements in the PWS.

(B) Heads of DoD Components or their designees shall certify that the in-house cost estimate is based on the most efficient and cost-effective operation practicable. Such certification shall be made before the bid opening or the date for receipt of initial proposals.

(C) The ASD(A&L) shall provide inflation factors for adjusting costs for the first and subsequent performance periods. These factors shall be the only acceptable factors for use in cost comparisons. Inflation factors for outyear (second and subsequent) performance periods will not be applied to portions of the in-house estimate that are comparable with those portions of the contract estimate subject to economic price adjustment clauses.

(D) Military positions in the organization under cost comparison shall be converted to civilian positions for costing purposes. Civilian grades and series shall be based on the work described in the PWS and the MEO, determined by the management study rather than on the current organization structure.

(E) All DoD Components shall use the Wholesale Stock Fund Rate of 24.5 percent and the Direct Delivery rate of 13.4 percent for supplies and materials acquired from the DoD Component supply systems.

(F) DoD Components shall assume for the purpose of depreciation computations that residual value is equal to the disposal values listed in Appendix C of part IV of the Supplemental to OMB Circular No. 76 (Cost Comparison Handbook) if more precise figures are not available from the property disposal officer or other

knowledgeable authority. Therefore, the basis for depreciation shall be the original cost plus the cost of capital improvements (if any) less the residual value. The original cost plus the cost of capital improvements less the residual value shall be divided by the useful life (as projected for the commercial activity cost comparison) to determine the annual depreciation.

(G) Purchased services which augment the current in-house work effort and that are included in the PWS should be included in line 3 (other specifically attributable costs). When these purchased services are long-term and contain labor costs subject to economic price adjustment clauses, then the applicable labor portion will not be escalated by outyear inflation factors. In addition, purchased services shall be offset for potential Federal income tax revenue by applying the appropriate rate in Appendix D of part IV of the Supplement to OMB Circular A-76 (Cost Comparison Handbook) to total cost of purchased services.

(H) Overhead costs shall be computed only when such costs will not continue in the event of contract performance. This includes the cost of any position (full time, part time, or intermittent) that is dedicated to providing support to the activity(ies) under cost comparison regardless of the support organization's location. Military positions providing overhead support shall be costed using current military composite standard rates and applicable add-on factors for operating appropriation support. These rates are issued on a fiscal year basis by each Military Service.

(ii) *Cost of Contract Performance.* (A) The contract cost estimate shall be based on firm bids or negotiated proposals competitively obtained and solicited in accordance with the FAR and the DoD FAR Supplement (DFAR) for full cost comparisons. Existing contract prices (such as those from GSA Supply Schedules) will not be used in a cost comparison. For simplified cost comparisons, the guidance in Appendix C applies.

(B) Standby costs are costs incurred for the upkeep of property in standby status. Such costs neither add to the value of the property nor prolong its life, but keep it in efficient operating condition or available for use. When an in-house activity is terminated in favor of contract performance and an agency elects to hold Government equipment and facilities on standby solely to maintain performance capability, this is a management decision, and such standby costs will not be charged to the cost of contracting.

(C) A specific waiver is required to use contract administration factors that exceed the limits established in Table 3-1 of Part IV of the Supplement to OMB Circular No. A-76 (Cost Comparison Handbook). The reason for the deviation from the limits, the supporting alternative computation, and documentation supporting the alternative method, shall be provided to the DoD Component's central point of contact office for advance approval on a case-by-case basis. The authority may not be redelegated. ASD(A&L) shall be notified within 30 days of any such decisions.

(D) The following guidance pertains to one-time conversion costs:

(1) **Material Related Costs.** The cost factors below shall be used, if more precise costs are not known, to estimate the cost associated with disposal/transfer of excess government material which result from a conversion to contract performance:

	Percentage of current replacement cost
Packing, crating, and handling (PCH)	3.5
Transportation	3.75

(2) **Labor-Related Costs.** If unique circumstances prevail when a strict application of the 2 percent factor for computation of severance pay results in a substantial overstatement or understatement of this cost, an alternative methodology may be employed. The reason for the deviation from this standard, the alternative computation, and documentation supporting the alternative method shall be provided to the appropriate DoD Component's central point of contact office for advance approval on a case-by-case basis. This authority may not be redelegated. ASD(A&L) shall be notified within 30 days of any such decision.

(3) **Other Transition Costs.** Normally, government personnel assistance after the contract start date (to assist in transition from in-house performance to contract performance) should not be necessary. When transition assistance will not be made available, this condition should be stated clearly in the solicitation so that contractors will be informed that they will be expected to meet full performance requirements from the first date of the contract. Also, when circumstances require full performance on the contract start date, the solicitation shall state that time will be made available for contractor indoctrination prior to the start date of the contract. The inclusion of personnel

transition costs in a cost comparison requires advance approval of the DoD Component's central point of contact office. This authority may not be redelegated. ASD(A&L) shall be notified within 30 days of any such decision.

(E) **Gain or Loss on Disposal/Transfer of Assets.** If more precise costs are not available from the Property Disposal Office or appropriate authority, then:

(1) The same factors for PCH and transportation costs as prescribed in § 169a.12E(ii)(D)(1) for the costs associated with disposal/transfer of materials may be used.

(2) The estimated disposal value may be calculated from the net book value as derived from the table in Appendix C of part IV of the Supplement to OMB Circular No. A-76 (Cost Comparison Handbook), minus the disposal/transfer costs. This figure shall be entered as a gain or loss on line 11 or line 13 of the cost comparison form as appropriate.

Note.—If a cost-benefit analysis, as prescribed in § 169a.12(B)(iii), indicates that the retention of Government-owned facilities, equipment, or real property for use elsewhere in the Government is cost advantageous to the Government, then the cost comparison form shall reflect a gain to the Government and therefore a decrease to the cost of contracting on line 11 or line 13 of the cost comparison form as appropriate.

§ 169a.16 Independent review.

(a) The estimates of in-house and contract costs that can be computed before the cost comparison shall be reviewed by a qualified activity, independent of the Task Group preparing the cost comparison. This review shall be completed far enough in advance of the bid or initial proposal opening date to allow the DoD Component to correct any discrepancies found before sealing the in-house cost estimate.

(b) The independent review shall substantiate the currency, reasonableness, accuracy, and completeness of the cost comparison. The review shall ensure that the in-house cost estimate is based on the same required services, performance standards, and workload contained in the solicitation. The reviewer shall scrutinize and attest to the adequacy and authenticity of the supporting documentation. Supporting documentation shall be sufficient to require no additional interpretation.

(c) The purpose of the independent review is to ensure costs have been estimated and supported in accordance with provisions of this Instruction. If no (or only minor) discrepancies are noted during this review, the reviewer indicates the minor discrepancies, signs,

and returns the CCF to the preparer. If significant discrepancies are noted during the review, the discrepancies shall be reported to the preparer for recommended correction and resubmission.

(d) The independent review is not required for simplified cost comparisons.

§ 169a.17 Solicitation considerations.

(a) The solicitation will not be canceled even if there are significant changes, omissions, or defects in the Government's in-house cost estimate. Such corrections shall be made before the expiration of bids or proposals and may require the extensions of bids or proposals.

(b) Bidders or offerors shall be informed that an in-house cost estimate is being developed and that a contract may or may not result.

(c) Bids or proposals shall be on at least a 3-year multi-year basis (when appropriate) or shall include prepriced renewal options to cover 2 fiscal years after the initial period.

(d) All contracts awarded as a result of a conversion (whether or not a cost comparison was performed) shall:

(1) Comply with all requirements of the FAR (48 CFR Chapter 1) and DFAR (48 CFR Chapter 2).

(2) When determined to be necessary in accordance with FAR 22.101-1(e), include the clause at FAR 52.222.1, Notice to the Government of Labor Disputes, requiring the contractor to provide notice of actual and impending labor disputes.

(3) Include in contracts for critical or sensitive services a requirement for the contractor to develop a contingency plan explaining how the contractor will expand operations in emergency situations and ensure there will be no significant interruption of routine contract services due to labor disputes.

(4) Include all applicable clauses and provisions related to the right of first refusal for employment by displaced DoD employees, equal employment opportunities, veterans preference, and minimum wages and fringe benefits.

(e) Solicitations shall be restricted for preferential procurement when the requirements applicable to such programs (such as, small business set-asides or other required sources of supplies and services) are met, in accordance with the FAR.

(f) Solicitations will not be restricted for preferential procurement unless the contracting officer determines that there is a reasonable expectation that the commercial prices will be fair and reasonable, in accordance with the FAR.

(g) Contract defaults may result in temporary performance by Government personnel or other suitable means; such as, an interim contract source. Personnel detailed to such a temporary assignment should be clearly informed that they will return to their permanent assignment when a new contract is awarded. If the default occurs within the first year of contract performance, the following procedures apply:

(1) If, after consultation with the Department of Labor, it is determined that the contract wage rates are still valid, the contracting officer will review the availability among the next lowest responsible and responsive bidders/offers for a successor contract without resolicitation in accordance with established contracting practice. If the next low bidder/offeree is willing to accept the balance of the contract work at the price bid/offered, adjusted on an appropriate prorata basis for the remainder of the contract term, the contracting officer may award to that bidder/offeree. If the Government is the next lowest bidder/offeree, the function may be returned to in-house performance, as bid, if still feasible. If performance by DoD employees is no longer feasible, the contracting officer may elect either to award to the next lowest responsible and responsible commercial bidder/offeree if that firm is willing to perform at its bid/offered price, adjusted appropriately for the remainder of the term, or to resolicit as specified in the next subparagraph. A return to in-house performance under the above criteria shall be approved by the DoD Component's central point of contact office. This authority may not be redelegated. ASD(A&L) shall be notified within 30 days of any such decision.

(2) If the contract wage rates are no longer valid or if the contracting officer, after a review of the availability of the next lowest responsible and responsive bidders/offers, determines that resolicitation is appropriate, the Government may submit a bid for comparison with other bids/offers from the private sector. Submission of a Government bid requires a determination by the DoD Component that performance by DoD employees is still feasible and that a likelihood exists that such performance may be more economical than performance by contract. In such cost comparisons, the conversion differentials will not be applied to the costs of either in-house or contract performance.

(h) If contract default occurs during the second or subsequent year of contract performance, the procedures of § 169a.6(b)(2)(i) of this part apply.

(i) *Grouping of Commercial Activities.*

(1) The installation commander shall determine carefully which CAs should be grouped in a single solicitation. The installation commander should keep in mind that the grouping of commercial activities can influence the amount of competition (number of commercial firms that will bid or submit proposals) and the eventual cost to the Government.

(2) The installation commander shall consider the adverse impacts that the grouping of commercial activities into a single solicitation may have on small and small disadvantaged business concerns. Commercial activities being performed wholly by small or small disadvantaged businesses will not be incorporated into a cost comparison unless consolidation is necessary to meet mission requirements. Actions must be taken to ensure that such contractors are not displaced merely to accomplish consolidation. Similarly, care must be taken so that nonincumbent small and small disadvantaged business contractors are not handicapped or prejudiced unduly from competing effectively at the prime contractor level.

(3) In developing solicitations for commercial activities, the procurement plan should reflect an analysis of the advantages and disadvantages to the Government that might result from making more than one award. The decision to group commercial activities should reflect an analysis of all relevant factors including the following:

(A) The effect on competition.

(B) The duplicative management functions and costs to be eliminated through grouping.

(C) The economies of administering multifunction vs. single function contracts, including cost risks associated with the pricing structure of each.

(D) The feasibility of separating unrelated functional tasks or groupings.

(E) The effect grouping will have on the performance of the functions.

(4) When the solicitation package includes totally independent functions which are clearly divisible, severable, limited in number, and not price interrelated, they shall be solicited on the basis of an "any or all" bid or offer. Commercial bidders or offerors shall be permitted to submit bids or offers on one or any combination of the functions being solicited. These bids or offers shall be evaluated to determine the lowest aggregate contract cost to the Government. This lowest aggregate contract cost then will be compared to the in-house cost estimate based on the

MEO for performance of the functions in the single solicitation. The procedures in Part IV of the Supplement to OMB Circular No. A-76 (Cost Comparison Handbook) apply.

(5) There are instances when this approach to contracting for CAs may not apply; such as, situations when physical limitations of site (where the activities are to be performed) preclude allowing more than one contractor to perform, when the function cannot be divided for purposes of performance accountability, or for other national security considerations. However, if an "all or none" solicitation is issued, the decision to do so must include a cost analysis to reflect that the "all or none" solicitation is less costly to the Government or an analysis indicating it is otherwise in the best interest of the Government, all factors considered.

(6) It is recognized that in some cases, decisions will result in the elimination of prime contracting opportunities for small business. In such cases special measures shall be taken. At a minimum, small and small disadvantaged business concerns shall be given preferential consideration by all competing prime contractors in the award of subcontracts. For negotiated procurements the degree to which this is accomplished will be a weighted factor in the evaluation and source selection process leading to contract award.

(7) The contract files shall be documented fully to demonstrate compliance with these procedures.

(h) If no bids or proposals, or no responsive or responsible bids or proposals are received in response to a solicitation, the in-house cost estimate shall remain unopened. The contracting officer shall examine the solicitation to ascertain why no responses were received. Depending on the results of this review, the contracting officer shall consider restructuring the requirement, if feasible and reissue it under restricted or unrestricted solicitation procedures, as appropriate.

(i) Continuation of an in-house CA for lack of a satisfactory commercial source will not be based upon lack of response to a restricted solicitation.

(j) The guidance of subparagraph E.3.f. applies to simplified cost comparisons and direct conversions of military personnel CAs.

§ 169a.18 **Administrative appeal procedures.**

(a) *Appeals of Cost Comparison Decisions.* (1) Each DoD Component shall establish an administrative appeals procedure to resolve questions from directly affected parties relating to

determinations resulting from cost comparisons performed in compliance with this part. The appeal procedure will not apply to questions concerning the following:

- (i) Award to one contractor in preference to another;
- (ii) DoD management decisions.

(2) The appeals procedure is to provide an administrative safeguard to ensure that DoD Component decisions are fair, equitable, and in accordance with procedures in this part. The procedure does not authorize an appeal outside the DoD Component or a judicial review.

(3) The appeals procedure shall be independent and objective and provide for a decision on the appeal within 30 calendar days of receipt of the appeal. The decision shall be made by an impartial official at a level organizationally higher than the official who approved the cost comparison decision. The appeal decision shall be final, unless the DoD Component procedures provide for further discretionary review within the DoD Component.

(4) All detailed documentation supporting the initial cost comparison decision shall be made available to directly affected parties upon request when the initial decision is announced. The detailed documentation shall include, at a minimum, the following: the in-house cost estimate with detailed supporting documentation (see § 169a.5(c)(ii) of this part), the completed CCF, name of the tentative winning contractor (if the decision is to contract), or the price of the bidder whose bid or proposal would have been most advantageous to the Government (if the decision is to perform in-house). If the documentation is not available when the initial decision is announced, the time allotted for submission of appeals shall be extended the number of days equal to the delay.

(5) To be considered eligible for review under the DoD Component appeals procedures, appeals shall:

- (i) Be received by the DoD Component in writing within 15 working days after the date the supporting documentation is made available to directly affected parties.
- (ii) Address specific line items on the CCF and the rationale for questioning those items.
- (iii) Demonstrate that the result of the appeal may change the decision.

(b) *Appeals of Direct Conversions.* (1) Directly affected parties may appeal decisions to convert to contract based on a simplified cost comparison. The appeal must address reasons why fair

and reasonable prices will not be obtainable.

(2) Directly affected parties shall file appeals within 30 calendar days of the date of CBD and FR notification of a decision to convert a CA directly to contract. § 169a.5(c)(1)(ii) of this part applies.

(3) Appeals shall be filed with the ASD(A&L). The ASD(A&L) shall forward the appeal and the decision package relating to the original approval of a DoD Component's direct conversion request to the Office of the Assistant Inspector General for Auditing, Office of the Inspector General, Department of Defense, within 10 working days. The result of the Inspector General's administrative review of the decision package shall be provided to the ASD(A&L) within 30 calendar days of receipt of a request for review from the ASD(A&L). Appeal decisions by the ASD(A&L) shall be final.

(c) Since the appeal procedure is intended to protect the rights of all directly affected parties, the DoD Component's procedures, as well as the decision upon appeal, will not be subject to negotiation, arbitration, or agreement.

(d) DoD Components shall include administrative appeal procedures as part of their implementing documents.

Subpart C—Reporting Requirements

§ 169a.21 Reporting requirements.

(a) *Inventory and Review Schedule (Report Control Symbol DD-MIL(A) 1540).* See § 169a.8(a) of this part.

(b) *Commercial Activities Management Information System (CAMIS) (Report Control Symbol DD-MIL(Q) 1542).* (1) The purpose of CAMIS is to maintain an accurate DoD data base of commercial activities that undergo an OMB Circular A-76 cost comparison and CAs that are converted directly to contract without a cost comparison. The CAMIS is used to provide information to the Congress, Office of Management Budget (OMB), General Accounting Office (GAO), OSD, and others. The CAMIS is divided into two parts. Part I contains data on CAs that undergo cost comparison. Part II contains data on commercial activities converted to contract without a cost comparison.

(2) The CAMIS report shall be submitted in accordance with the procedures in Appendix C.

(c) *Annual Reports to Congress.* To ensure consistent application of the requirements stated in Pub. L. 96-342 as amended by Pub. L. 97-252, hereafter referred to as section 502 (Appendix E), the following guidance is provided:

(1) The geographic scope of section 502 applies to the United States, its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico.

(2) Section 502 applies to proposed conversions of DoD CAs that on October 1, 1980, were being performed by more than ten DoD civilian employees.

(3) DoD Components shall notify Congress of the intention to do a cost comparison for each CA, as required by section 502(a)(2)(A). DoD Components shall notify the ASD(A&L) of any such intent at least 5 working days before to the congressional notification.

(4) DoD Components shall annotate announcements to Congress when a cost comparison is planned at an activity listed in the report to Congress on Core Logistics (see § 169a.8(b)(1)(i)(2) of this part).

(5) The DoD Components shall notify ASD(A&L) at least 5 working days before sending the detailed summary report required by section 502(a)(2)(B) to Congress. The detailed summary of the cost shall include: the amount of the offer accepted for the performance of the activity by the private contractor; the costs and expenditures that the Government will incur because of the contract; the estimated cost of performance of the activity by the most efficient Government organization; a statement indicating the life of the contract; and certifications that the entire cost comparison is available, and that the Government calculation for the cost of performance of such function by DoD employees is based on an estimate of the most efficient and cost-effective organization for performance of such function by DoD employees.

(6) The potential economic effect on the employees affected, the local community, and the Federal Government of contracting for performance of the function shall be included in the report to accompany the above certifications, if more than 50 total employees (including military and civilian, both permanent and temporary) are potentially affected. It is suggested that the Army Corps of Engineers' model (or equivalent) be used to generate this information. The potential impact on affected employees shall be included in the report, regardless of the number of employees involved. Also include in the report a statement that the decision was made to convert to contractor performance, the projected date of contract award, the projected contract start date, and the effect of contracting the function on the military mission of that function.

(7) By December 15th of each year, each DoD Component shall submit to the ASD(A&L) the data required by section 502(c). In describing the extent to which CA functions were performed by DoD contractors during the preceding fiscal year, include the estimated number of work years for the in-house operation as well as for contract operation (including percentages) by major OSD functional areas in Enclosure 1; such as, Social Services, Health Services, Installation Services, etc. For the estimate of the percentage of CA functions that will be performed in-house and those that will be performed by contract during the fiscal year during which the report is submitted, include the estimated work years for in-house CAs as well as for contracted CAs and the rationale for significant changes when compared to the previous year's data.

§ 169a.22 Responsibilities.

(a) The responsibilities for implementing the policies and procedures for the DoD CA Program are prescribed in DoD Directive 4100.15 and appropriate subparagraphs of this part.

(b) The Assistant Inspector General for Auditing, Office of the Inspector General, Department of Defense shall:

(1) Independently review the decision package relating to the OASD(A&L)IA approval of a DoD Component's request for conversion of an in-house DoD CA directly to contract without a cost comparison when an appeal of that decision is received by the ASD(A&L).

(2) Provide results of the administrative review to the ASD(A&L) within 30 calendar days of receipt of a request for review.

Appendix A—Codes and Definitions of Functional Areas

This list of functional codes and their definitions does not restrict the applicability or scope of the commercial activity Program within DoD. Section B. of DoD Directive 4100.15 defines the applicability and scope of the program. The commercial activity program still applies to CAs not defined in this listing. These codes and definitions are a guide to assist reporting. As new functions are identified, codes will be added or existing definitions will be expanded.

Social Services

G001 Care of Remains of Deceased Personnel and/or Funeral Services. Includes CAs that provide mortuary services, including transportation from aerial port of embarkation (APOE) to mortuary of human remains received from overseas mortuaries, inspection, restoration, provision of uniform and insignia, dressing, flag, placement in casket, and preparation for onward shipment.

G008 Commissary Store Operation. Includes CAs that provide all ordering, receipt, storage, stockage, and retailing for commissaries. Excludes procurement of goods for issue or resale.

G008A: Shelf Stocking.
G008B: Check Out.
G008C: Meat Processing.
G008D: Produce Processing.
G008E: Storage and Issue.
G008F: Other.
G008G: Troop Subsistence Issue Point.

G009 Clothing Sales Store Operation. Includes commercial activities that provide ordering, receipt, storage, stockage, and retailing of clothing. Stores operated by the Army and Air Force Exchange Services, Navy Exchange Services, and Marine Corps Exchange Services are excluded.

G010 Recreational Library Services. Includes operation of libraries maintained primarily for off-duty use by military personnel and their dependents.

G011 Other Morale, Welfare, and Recreation Services. Operation of commercial activities maintained primarily for the off-duty use of military personnel and their dependents, including both appropriated and partially nonappropriated fund activities. The operation of clubs and messes, and morale support activities are included in code G011. Examples of activities performing G011 functions are arts and crafts, entertainment, sports and athletics, swimming, bowling, marina and boating, stables, youth activities, centers, and golf. DoD Directive 1015.1¹⁹ contains amplification of the categories reflected below. (NOTE: commercial activities procedures are not mandatory for functions staffed solely by civilian personnel paid by nonappropriated funds.)

G011A: All Category II Nonappropriated Fund Instrumentalities (NAFIs), except Package Beverage Branch.

G011B: Package Beverage Branch.
G011C: All Category IIIa NAFIs.
G011D: All Category IIIb1, except Libraries.
G011E: Category IIIb2 Arts and Crafts.
G011F: Category IIIb2 Music & Theatre.
G011G: Category IIIb2 Outdoor Recreation.
G011H: Category IIIb2 Youth Activities.
G011I: Category IIIb2 Child Development Service.

G011J: Category IIIb2 Sports—Competitive.

G011K: All Category IIIb3 except Armed Forces Recreation Center (AFRC) Golf Bowling, and membership associations converted from Category VI.

G011L: Category IIIb3 AFRC.
G011M: Category IIIb3 Golf.
G011N: Category IIIb3 Bowling.
G011O: Category IIIb3 membership associations converted from Category VI.
G011P: Category III Information Tour and Travel (ITT).

G011Q: All Category IV.
G011R: All Category V.
G011S: All Category VI, except those converted to Category IIIb3.
G011T: All Category VII.
G011U: All Category VIII, except billeting and hotels.

G011V: Category VIII Billeting.
G011W: Category VIII Hotels.

G012 Community Services. DoD Directive 1015.1 contains further amplification of the categories.

G012A: Information and Referral.
G012B: Relocation Assistance.
G012C: Exceptional Family Member.
G012D: Family Advocacy (Domestic Violence).
G012E: Foster Care.
G012F: Family Member Employment.
G012G: Installation Volunteer Coordination.
G012H: Outreach.
G012I: Volunteer Management.
G012J: Office Management.
G012K: Consumer Affairs/Financial Assistance.

G012L: General and Emergency Family Assistance.

G900 Chaplain Activities and Support Services. Includes commercial activities that provide non-military unique support services that supplement the command religious program such as non-pastoral counseling, organists, choir directors, and directions of religious education. The command religious program, which includes chaplains and enlisted support personnel, is a Governmental function and is excluded from this category.

G901 Berthing BOQ/BEQ. Includes commercial activities that provide temporary or permanent accommodations for officer or enlisted personnel. Management of the facility, room service, and daily cleaning are included.

G904 Family Services. Includes commercial activities that perform various social services for families, such as family counseling, financial counseling and planning, the operation of an abuse center, child care center, or family aid center.

G999 Other Social Services. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Health Services

H101 Hospital Care. Includes commercial activities that provide outpatient and inpatient care and consultative evaluation in the medical specialties, including pediatrics and psychiatry; the coordination of health care delivery relative to the examination, diagnosis, treatment, and disposition of medical inpatients.

H102 Surgical Care. Includes commercial activities that provide outpatient and inpatient care and consultative evaluation in the surgical specialties, including obstetrics, gynecology, ophthalmology and otorhinolaryngology; the coordination of health care delivery relative to the examination, treatment, diagnosis, and disposition of surgical patients.

H105 Nutritional Care. Includes commercial activities that provide hospital food services for inpatients and outpatients, dietetic treatment, counseling of patients, and nutritional education.

H106 Pathology Services. Includes commercial activities involved in the operation of laboratories providing comprehensive clinical and anatomical

¹⁹ See footnote 1 to § 169.1(a).

pathology services; DoD military blood program and blood bank activities; and area reference laboratories.

H107 Radiology Services. Includes commercial activities that provide diagnostic and therapeutic radiologic service to inpatients and outpatients, including the processing, examining, interpreting, and storage and retrieval of radiographs, fluorographs, and radiotherapy.

H108 Pharmacy Services. Includes commercial activities that produce, preserve, store, compound, manufacture, package, control, assay, dispense, and distribute medications (including intravenous solutions) for inpatients and outpatients.

H109 Physical Therapy. Includes commercial activities that provide care and treatment to patients whose ability to function is impaired or threatened by disease or injury; primarily serve patients whose actual impairment is related to neuromusculoskeletal, pulmonary, and cardiovascular systems; evaluate the function and impairment of these systems, and select and apply therapeutic procedures to maintain, improve, or restore these functions.

H110 Materiel Services. Includes commercial activities that provide or arrange for the supplies, equipment, and certain services necessary to support the mission of the medical facility; responsibilities include procurement, inventory control, receipt, storage, quality assurance, issue, turn-in, disposition, property accounting, and reporting actions for designated medical and nonmedical supplies and equipment.

H111 Orthopedic Services. Includes commercial activities that construct orthopedic appliances such as braces, casts, splints, supports, and shoes from impressions, forms, molds, and other specifications.

H112 Ambulance Service. Includes commercial activities that provide transportation for personnel who are injured, sick, or otherwise require medical treatment, including standby duty in support of military activities and ambulance bus services.

H113 Dental Care. Includes commercial activities that provide oral examinations, patient education, diagnosis, treatment, and care including all phases of restorative dentistry, oral surgery, prosthodontics, oral pathology, periodontics, orthodontics, endodontics, oral hygiene, preventive dentistry, and radiodontics.

H114 Dental Laboratories. Includes commercial activities that operate dental prosthetic laboratories required to support the provision of comprehensive dental care; services may include preparing casts and models, repairing dentures, fabricating transitional, temporary, or orthodontic appliances, and finishing dentures.

H115 Clinics and Dispensaries. Includes commercial activities that operate freestanding clinics and dispensaries that provide health care services. Operations are relatively independent of a medical treatment facility and are separable for in-house or contract performance. Health clinics, occupational health clinics, and occupational health nursing offices.

H116 Veterinary Services. Includes commercial activities that provide a complete

wholesomeness and quality assurance food inspection program, including sanitation, inspection of food received, surveillance inspections, and laboratory examination and analysis; a complete zoonosis control program; complete medical care for Government-owned animals; veterinary medical support for biomedical research and development; support to other Federal agencies when requested and authorized; assistance in a comprehensive preventive medicine program; and determination of fitness of all foods that may have been contaminated by chemical, bacteriological, or radioactive materials.

H117 Medical Records Transcription. Includes commercial activities that transcribe, file, and maintain medical records.

H118 Nursing Services. Includes commercial activities that provide care and treatment for inpatients and outpatients not required to be performed by a doctor.

H119 Preventive Medicine. Includes commercial activities that operate wellness or holistic clinics (preventive medicine), information centers, and research laboratories.

H120 Occupational Health. Includes commercial activities that develop, monitor, and inspect installation safety conditions.

H121 Drug Rehabilitation. Includes commercial activities that operate alcohol treatment facilities, urine testing for drug content, and drug/alcohol counseling centers.

H999 Other Health Services. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Intermediate, Direct, or General Repair and Maintenance of Equipment

Definition. Maintenance authorized and performed by designated maintenance commercial activities in support of using activities. Normally, it is limited to replacement and overhaul of unserviceable parts, subassemblies, or assemblies. It includes (1) intermediate/direct/general maintenance performed by fixed activities that are not designed for deployment to combat areas and that provide direct support of organizations performing or designed to perform combat missions from bases in the United States; and (2) any testing conducted to check the repair procedure. Commercial activities engaged in intermediate/direct/general maintenance and/or repair of equipment are to be grouped according to the equipment predominantly handled, as follows:

J501 Aircraft. Aircraft and associated equipment. Includes armament, electronic and communications equipment, engines, and any other equipment that is an integral part of an aircraft.

J502 Aircraft Engines. Aircraft engines that are not repaired while an integral part of the aircraft.

J503 Missiles. Missile systems and associated equipment. Includes mechanical, electronics, and communication equipment that is an integral part of missile systems.

J504 Vessels. All vessels, including armament, electronics, communications and

any other equipment that is an integral part of the vessel.

J505 Combat Vehicles. Tanks, armored personnel carriers, self-propelled artillery, and other combat vehicles. Includes armament, fire control, electronic, and communications equipment that is an integral part of a combat vehicle.

J506 Noncombat Vehicles. Automotive equipment, such as tactical, support, and administrative vehicles. Includes electronic and communications equipment that is an integral part of the noncombat vehicle.

J507 Electronic and Communications Equipment. Stationary, mobile, portable, and other electronic and communications equipment. Excludes electronic and communications equipment that is an integral part of another weapon/support system. Maintenance of Automatic Data Processing Equipment (ADPE) not an integral part of a communications system shall be reported under functional code W825; maintenance of tactical ADPE shall be reported under function code J999.

J510 Railway Equipment. Locomotives of any type or gauge, including steam, compressed air, straight electric, storage battery, diesel electric, gasoline, electric, diesel mechanical locomotives, railway cars, and cabooses. Includes electrical equipment for locomotives and cars, motors, generators, wiring supplies for railway tracks for both propulsion and signal circuits, and on-board communications and control equipment.

J511 Special Equipment. Construction equipment, weight lifting, power, and materiel handling equipment (MHE).

J512 Armament. Small arms, artillery and guns, nuclear munitions, chemical, biological, and radiological (CBR) items, conventional ammunition, and all other ordnance items. Excludes armament that is an integral part of another weapon or support system.

J513 Dining Facility Equipment. Dining facility kitchen appliances and equipment.

J514 Medical and Dental Equipment. Medical and dental equipment.

J515 Containers, Textiles, Tents, and Tarpaulins. Containers, tents, tarpaulins, other textiles, and organizational clothing.

J516 Metal Containers. Container Express (CONEX) containers, gasoline containers, and other metal containers.

J517 Training Devices and Audiovisual Equipment. Training devices and audiovisual equipment. Excludes maintenance of locally fabricated devices and functions reported under codes T887 and T900.

J519 Industrial Plant Equipment. That part of plant equipment with an acquisition cost of \$3,000 or more, used to cut, abrade, grind, shape, form, join, test, measure, heat, or otherwise alter the physical, electrical, or chemical properties of materials, components, or end items entailed in manufacturing, maintenance, supply processing, assembly, or research and development operations.

J520 Test, Measurement, and Diagnostic Equipment. Test, measurement, and diagnostic equipment (TMDE) that has resident in it a programmable computer. Included is equipment referred to as automated test equipment (ATE).

521 Other Test, Measurement, and Diagnostic Equipment. Test, measurement, and diagnostic equipment not classified as ATE or that does not contain a resident programmable computer. Includes such items as electronic meters, armament circuit testers, and other specialized testers.

522 Aeronautical Support Equipment. Aeronautical support equipment excluding TMDE (and ATE). Includes such items as ground electrical power carts, aircraft tow tractors, ground air conditioners, engine stands, and trailers. Excludes aeronautical equipment reported under 501.

999 Other Intermediate, Direct, or General Repair and Maintenance of Equipment. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Depot Repair, Maintenance, Modification, Conversion, or Overhaul of Equipment

Definition. The maintenance performed on materiel that requires major overhaul or a complete rebuild of parts, assemblies, subassemblies, and end items, including the manufacture of parts, modifications, testing, and reclamation, as required. Depot maintenance serves to support lower categories of maintenance. Depot maintenance provides stocks of serviceable equipment by using more extensive facilities for repair than are available in lower level maintenance activities. (See DoD Instruction 4151.15¹⁴ for further amplification of the category definitions reflected below.) Depot or indirect maintenance functions are identified by the type of equipment maintained or repaired.

K531 Aircraft. Aircraft and associated equipment. Includes armament, electronics and communications equipment, engines, and any other equipment that is an integral part of an aircraft. Aeronautical support equipment not reported separately under code K548.

K532 Aircraft Engines. Aircraft engines that are not repaired while an integral part of the aircraft.

K533 Missiles. Missile systems and associated equipment. Includes mechanical, electronic, and communications equipment that is an integral part of missile systems.

K534 Vessels. All vessels, including armament, electronics, and communications equipment, and any other equipment that is an integral part of a vessel.

K535 Combat Vehicles. Tanks, armored personnel carriers, self-propelled artillery, and other combat vehicles. Includes armament, fire control, electronics, and communications equipment that is an integral part of a combat vehicle.

K536 Noncombat Vehicles. Automotive equipment, such as tactical support and administrative vehicles. Includes electronic and communications equipment that is an integral part of the vehicle.

K537 Electronic and Communications Equipment. Stationary, mobile, portable, and other electronics and communications equipment. Excludes electronic and

communications equipment that is an integral part of another weapon/support system. Maintenance of ADPE, not an integral part of a communications system, is reported under functional code W825.

K538 Railway Equipment. Locomotives of any type or gauge, including steam, compressed air, straight electric, storage battery, diesel electric, gasoline, electric, diesel mechanical locomotives, railway cars, and cabooses. Includes electrical equipments for locomotives and cars, motors, generators, wiring supplies for railway tracks for both propulsion and signal circuits, and on-board communication and control equipment.

K539 Special Equipment. Construction equipment, weight lifting, power, and materiel-handling equipment.

K540 Armament. Small arms; artillery and guns; nuclear munitions, CBR items; conventional ammunition; and all other ordnance items. Excludes armament that is an integral part of another weapon or support system.

K541 Industrial Plant Equipment. That part of plant equipment with an acquisition cost of \$3,000 or more, used to cut, abrade, grind, shape, form, join, test, measure, heat, or otherwise alter the physical, electrical, or chemical properties of materials, components, or end items entailed in manufacturing, maintenance, supply, processing, assembly, or research and development operations.

K542 Dining Facility Equipment. Dining facility kitchen appliances and equipment. This includes field feeding equipment.

K543 Medical and Dental Equipment. Medical and dental equipment.

K544 Containers, Textiles, Tents and Tarpaulins. Containers, tents, tarpaulins, and other textiles.

K545 Metal Containers. CONEX containers, gasoline containers, and other metal containers.

K546 Test Measurement and Diagnostic Equipment. Test measurement and diagnostic equipment (TMDE) that has resident in it a programmable computer. Included is equipment referred to as automated test equipment (ATE).

K547 Other Test Measurement and Diagnostic Equipment. Test measurement and diagnostic equipment not classified as ATE or that does not contain a resident programmable computer. Includes such items as electronic meters, armament circuit testers, and other specialized testers.

K548 Aeronautical Support Equipment. Aeronautical support equipment excluding TMDE (and ATE). Includes such items as ground electrical power carts, aircraft tow tractors, ground air conditioners, engine stands, and trailers. Excludes aeronautical support equipment reported under code K531.

K999 Other Depot Repair, Maintenance, Modification, Conversion, or Overhaul of Equipment. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Base Maintenance/Multifunction Contracts

P100 Base Maintenance/Multifunction Contracts. Includes all umbrella-type

contracts where the contractor performs more than one function at one or more installations. (Identify specific functions as nonadd entries.)

Research, Development, Test, and Evaluation (RDT&E) Support

R660 RDT&E Support. Includes all effort not reported elsewhere directed toward support of installation or operations required for research, development, test, and evaluation use. Included are maintenance support of laboratories, operation and maintenance of test ranges, and maintenance of test aircraft and ships.

Installation Services

S700 Natural Resource Services. Includes those commercial activities that provide products or services that implement natural resource management plans in the areas of fish, game, wildlife, forestry, watershed areas or ground water table, erosion control, and mineral deposit management. Natural resources planning and management is a governmental function and will not be reported.

S701 Advertising and Public Relations Services. Includes commercial activities responsible for advertising and public relations in support of public affairs offices, installation newspapers and publications, and information offices.

S702 Financial and Payroll Services. Includes commercial activities that prepare payroll, print checks, escrow, or change payroll accounts for personnel. Includes other services normally associated with banking operations.

S703 Debt Collection. Includes commercial activities that monitor, record, and collect debts incurred by overdrafts, bad checks, or delinquent accounts.

S706 Installation Bus Services. Includes commercial activities that operate local, intrapost, and interpost scheduled bus services. Includes scheduled movement of personnel over regular routes by administrative motor vehicles to include taxi and dependent school bus services.

S706A Scheduled Bus Services.

S706B Unscheduled Bus Services

S706C Dependent School Bus Services.

S706D Other Bus Services.

S708 Laundry and Dry Cleaning Services. Including commercial activities that operate and maintain laundry and dry cleaning facilities.

S709 Custodial Services. Includes commercial activities that provide janitorial and housekeeping services to maintain safe and sanitary conditions and preserve property.

S710 Pest Management. Includes commercial activities that provide control measures directed against fungi, insects, rodents, and other pests.

S712 Refuse Collection and Disposal Services. Includes commercial activities that operate incinerators, sanitary fills, and regulated dumps, and perform all other approved refuse collection and disposal services.

S713 Food Services. Includes commercial activities engaged in the operation and administration of food preparation and

¹⁴ See footnote 1 to § 169a.1(a).

servicing facilities. Excludes operation of central bakeries, pastry kitchens, and central meat processing facilities that produce a product and are reported under functional area X934. Excludes hospital food service operations (under code H105).

S713A: Food Preparation and Administration.

S713B: Mess Attendants and Housekeeping Services.

S714 Furniture. Includes commercial activities that repair and refurbish furniture.

S715 Office Equipment. Includes commercial activities that maintain and repair typewriters, calculators, and adding machines.

S716 Motor Vehicle Operation. Includes commercial activities that operate local administrative motor transportation services. Excludes installation bus services reported in functional area S706.

S716A: Taxi Service.

S716B: Bus Service (unless in S706).

S716C: Motor Pool Operations.

S716D: Crane Operation (includes rigging, excludes those listed in T800G).

S716E: Heavy Truck Operation.

S716F: Construction Equipment

Operation.

S716I: Driver/Operator Licensing & Test.

S716J: Other Vehicle Operations (Light Truck/Auto).

S716K: Fuel Truck Operations.

S716M: Tow Truck Operations.

S717 Motor Vehicle Maintenance.

Includes commercial activities that perform maintenance on automotive equipment, such as support and administrative vehicles. Includes electronic and communications equipment that are an integral part of the vehicle.

S717A: Upholstery Maintenance and Repair.

S717B: Glass Replacement and Window Repair.

S717C: Body Repair and Painting.

S717D: Accessory Overhaul.

S717E: General Repairs/Minor

Maintenance.

S717F: Battery Maintenance and Repair.

S717G: Tire Maintenance and Repair.

S717H: Major Component Overhaul.

S717I: Material Handling Equipment

Maintenance.

S717J: Crane Maintenance.

S717K: Construction Equipment

Maintenance.

S717L: Frame and Wheel Alignment.

S717M: Other Motor Vehicle

Maintenance.

S718 Fire Prevention and Protection.

Includes commercial activities that operate and maintain fire protection and preventive services. Includes routine maintenance and repair of fire equipment and the installation of fire prevention equipment.

S718A: Fire Protection Engineering.

S718B: Fire Station Administration.

S718C: Fire Prevention.

S718D: Fire Station Operations.

S718E: Crash and Rescue.

S718F: Structural Fire Suppression.

S718G: Fire & Crash/Rescue Equipment

Major Maintenance.

S718H: Other Fire Prevention and

Protection.

S719: Military Clothing. Includes commercial activities that order, receive, store, issue, and alter military clothing and repair military shoes. Excludes repair of organizational clothing reported under code J515.

S724: Guard Service. Includes commercial activities engaged in physical security operations that provide for installation security and intransit protection of military property from loss or damage.

S724A: Ingress and egress control. Regulation of persons, material, and vehicles entering or exiting a designated area to provide protection of the installation and Government property.

S724B: Physical security patrols and posts. Mobile and static physical security guard activities that provide protection of installation or Government property.

S724C: Conventional arms, ammunition, and explosives (CAAE) security. Dedicated security guards for CAAE.

S724D: Animal control. Patrolling for, capture of, and response to complaints about uncontrolled, dangerous, and disabled animals on military installations.

S724E: Visitor information services. Providing information to installation resident and visitors about street, agency, unit, and activity locations.

S724F: Vehicle impoundment. Removal, accountability, security, and processing of vehicles impounded on military installations.

S724G: Registration functions. Administration, filing, processing, and retrieval information about privately owned items that must be registered on military installations.

S724S: Other guard service.

S725 Electrical Plants and Systems. Includes commercial activities that operate, maintain, and repair Government-owned electrical plants and systems.

S726 Heating Plants and Systems. Includes commercial activities that operate, maintain, and repair Government-owned heating plants and systems over 750,000 British Thermal Unit (BTU) capacity. Codes Z991 or Z992 will be used for systems under 750,000 BTU capacity, as applicable.

S727 Water Plants and Systems. Includes commercial activities that operate, maintain, and repair Government-owned water plants and systems.

S728 Sewage and Waste Plants and Systems. Includes commercial activities that operate, maintain, and repair Government-owned sewage and waste plants and systems.

S729 Air-Conditioning and Refrigeration Plants. Includes commercial activities that operate, maintain, and repair Government-owned air conditioning and refrigeration plants over 5-ton capacity. Codes Z991 or Z992 shall be used for plants under 5-ton capacity as applicable.

S730 Other Services or Utilities. Includes commercial activities that operate, maintain, and repair other Government-owned services or utilities.

S731 Base Supply Operations. Includes commercial activities that operate centralized installation supply functions providing supplies and equipment to all assigned or attached units. Performs all basic supply

functions to determine requirements for all requisition, receipt, storage, issuance, and accountability for materiel.

S732 Warehousing and Distribution of Publications. Includes commercial activities that receive, store, and distribute publications and blank forms.

S740 Installation Transportation Office. Includes technical, clerical, and administrative commercial activities that support traffic management services related to the procurement of freight and passenger service from commercial "for hire" transportation companies. Excludes restricted functions that must be performed by Government employees such as the review, approval, and signing of documents related to the obligation of funds; selection of mode or carrier; evaluation of carrier performance; and carrier suspension. Excludes installation transportation functions described under codes S706, S716, S717, T810, T811, T812, and T814.

S740A: Installation Transportation Management and Administration.

S740B: Materiel Movements.

S740C: Personnel Movements.

S740D: Personal Property Activities.

S740E: Quality Control and Inspection.

S740F: Unit Movements.

S750 Museum Operations.

S760 Contractor-Operated Parts Stores and Contractor-Operated Civil Engineering Supply Stores.

S999 Other Installation Services. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Other Nonmanufacturing Operations

T800 Ocean Terminal Operations. Includes commercial activities that operate terminals transferring cargo between overland and seafast transportation. Includes handling of Government cargo through commercial water terminals.

T800A: Pier Operations. Includes commercial activities that provide stevedore and shipwright carpentry operations supporting the loading, stowage, and discharge of cargo and containers on and off ships, and supervision of operations at commercial piers and military ocean terminals.

T800B: Cargo Handling Equipment. Includes commercial activities that operate and maintain barge derricks, gantries, cranes, forklifts, and other materiel handling equipment used to handle cargo within the terminal area.

T800C: Port Cargo Operations. Includes commercial activities that load and unload railcars and trucks, pack, repack, crate, warehouse, and store cargo moving through the terminal, and stuff and unstuff containers.

T800D: Vehicle Preparation. Includes commercial activities that prepare Government and privately owned vehicles (POVs) for ocean shipment, inspection, stowage in containers, transportation to pier, processing, and issue of import vehicles to owners.

T800E: Lumber Operations. Includes commercial activities that segregate reclaimable lumber from dunnage removed from ships, railcars, and trucks; remove nails; even lengths; inspect; and return the lumber to inventory for reuse. Includes receipt, storage, and issue of new lumber.

T800F: Materiel Handling Equipment (MHE) Operations. Includes commercial activities that deliver MHE to user agencies, perform onsite fueling, and operate special purpose and heavy capacity equipment.

T800G: Crane Operations. Includes commercial activities that operate and perform first-echelon maintenance of barge derricks, gantries, and truck-mounted cranes in support of vessels and terminal cargo activities.

T800H: Breakbulk Cargo Operations. Includes commercial activities that provide stevedoring, shipwright carpentry, stevedore transportation, and the loading and unloading of noncontainerized cargo.

T800I: Other Ocean Terminal Operations.

T801 Storage and Warehousing. Includes commercial activities that receive materiel into depots and other storage and warehousing facilities, provide care for supplies, and issue and ship materiel. Excludes installation supply in support of unit and tenet activities described in S731.

T801A: Receipt. Includes commercial activities that receive supplies and related documents and information. This includes materiel handling and related actions, such as materials segregation and checking, and tallying incident to receipt.

T801B: Packing and Crating of Household Goods. Includes commercial activities performing packing and crating operations described in T801H, incident to the movement or storage of household goods.

T801C: Shipping. Includes commercial activities that deliver stocks withdrawn from storage to shipping. Includes onloading and offloading of stocks from transportation carriers, blocking, bracing, dunnage, checking, tallying, and materiel handling in central shipping area and related documentation and information operations.

T801D: Care, Reworking, and Support of Materiel. Includes commercial activities that provide for actions that must be taken to protect stocks in storage, including physical handling, temperature control, assembly placement and preventive maintenance of storage aids, and realigning stock configuration; provide for movement of stocks from one storage location to another and related checking, tallying, and handling; and provide for any work being performed within general storage support that cannot be identified clearly as one of the subfunctions described above.

T801E: Preservation and Packaging. Includes commercial activities that preserve, represerve, and pack materiel to be placed in storage or to be shipped. Excludes application of final (exterior) shipping containers.

T801F: Unit and Set Assembly and Disassembly. Includes commercial activities that gather or bring together items of various nomenclature (parts, components, and basic issue items) and group, assemble, or restore them to or with an item of another

nomenclature (such as parent end item or assemblage) to permit shipment under a single document. This also includes blocking, bracing, and packing preparations within the inner shipping container; physical handling and loading; and reverse operation of assembling such units.

T801G: Special Processing of Non Stock Fund-Owned Materiel. Includes commercial activities performing special processing actions described below that must be performed on Inventory Control Point (ICP)-controlled, nonstock fund-owned materiel by technically qualified depot maintenance personnel, using regular or special maintenance tools or equipment. Includes disassembly or reassembly or reserviceable ICP-controlled materiel being readied for movement, in-house storage, or out-of-house location such as a port to a commercial or DoD-operated maintenance or storage facility, property disposal or demilitarization activity, including blocking, bracing, cushioning, and packing.

T801H: Packing and Crating. Includes commercial activities that place supplies in their final, exterior containers ready for shipment. Includes the nailing, strapping, sealing, stapling, masking, marking, and weighing of the exterior container. Also, includes all physical handling, unloading, and loading of materiel, within the packing and shipping area; checking and tallying materiel in and out; all operations incident to packing, repacking, or recrating for shipment, including on-line fabrication of tailored boxes, crates, bit inserts, blocking, bracing and cushioning shrouding, overpacking, containerization, and the packing of materiel in transportation containers. Excludes packing of household goods and personnel effects reported under code T801B.

T801I: Other Storage and Warehousing.

T802 Cataloging. Includes commercial activity that prepare supply catalogs and furnish cataloging data on all items of supply for distribution to all echelons worldwide. Includes catalog files, preparation, and revision of all item identifications for all logistics functions; compilation of Federal catalog sections and allied publication; development of Federal item identification guides, and procurement identification descriptions. Includes printing and publication of Federal supply catalogs and related allied publications.

T803 Acceptance Testing. Includes commercial activities that inspect and test supplies and materiel to ensure that products meet minimum requirements of applicable specifications, standards, and similar technical criteria; laboratories and other facilities with inspection and test capabilities; and activities engaged in production acceptance testing of ammunition, aircraft armament, mobility materiel, and other military equipment.

T803A: Inspection and Testing of Oil and Fuel.

T803B: Other Acceptance Testing.

T804 Architect-Engineering Services. Includes commercial activities that provide Architect/Engineer (A/E) services. Excludes Engineering Technical Services (ETS) reported in functional area T813, and those required under the Brooks Act.

T805 Operation of Bulk Liquid Storage. Includes commercial activities that operate bulk petroleum storage facilities. Includes operation of off-vessel discharging and loading facilities, fixed and portable bulk storage facilities, pipelines, pumps, and other related equipment within or between storage facilities or extended to using agencies (excludes aircraft fueling services); handling of drums within bulk fuel activities. Excludes aircraft fueling services reported under code T814.

T806 Printing and Reproduction. Includes commercial activities that print, duplicate, and copy. Excludes user-operated office copying equipment.

T807 Audiovisual and Visual Information Services. Includes commercial activities that provide base audiovisual (AV) and visual information (VI) support, production, depositories, technical documentation, and broadcasting.

T807A: Base VI Support. Includes commercial activities that provide production activities that provide general support to all installation, base, facility or site, organizations or activities. Typically, they supply motion picture, still photography, television, and audio recording for nonproduction documentary purposes, their laboratory support, graphic arts, VI libraries, and presentation services.

T807B: AV Production. Includes commercial activities that provide a self-contained, complete presentation, developed according to a plan or script, combining sound with motion media (film, tape or disc) for the purpose of conveying information to, or communicating with, an audience. (An AV production is distinguished from a VI production by the absence of combined sound and motion media in the latter.)

T807C: VI Depositories. Includes commercial activities that are especially designed and constructed for the low-cost and efficient storage and furnishing of reference service on semicurrent records pending their ultimate disposition. Includes records centers.

T807D: VI Technical Documentation. Includes commercial activities that provide a technical documentation (TECDOC) which is a continuous visual recording (with or without sound as an integral documentation component) of an actual event made for purposes of evaluation. Typically, TECDOC contributes to the study of human or mechanical factors, procedures and processes in the context of medicine, science logistics, research, development, test and evaluation, intelligence, investigations and armament delivery.

T807E: Electronic Media Transmission. Includes commercial activities that transmit and receive audio and video signals for closed circuit local and long distance multi-station networking and broadcast operations.

T807F: VI Documentation. Includes commercial activities that provide motion media (film or tape) still photography and audio recording of technical and nontechnical events, as they occur, usually not controlled by the recording crew. VI documentation (VIDOC) encompasses Operational Documentation (OPDOC) and TECDOC.

OPDOC is VI (photographic or electronic) recording of activities, or multiple perspectives of the same activity, to convey information about people, places and things.

T807G: AV Central Library (Inventory Control Point). Includes commercial activities that receive, store, issue, and maintain AV products at the central library level. May or may not include records center operations for AV products.

T807K: AV or VI Design Service. Includes commercial activities that provide professional consultation services involving the selection, design, and development of AV or VI equipment or facilities.

T808 Mapping and Charting. Includes commercial activities that design, compile, print, and disseminate cartographic and geodetic products.

T809 Administrative Telephone Service. Includes commercial activities that operate and maintain the common-user, administrative telephone systems at DoD installations and activities. Includes telephone operator services; range communications; emergency action consoles; and the cable distribution portion of a fire alarm, intrusion detection, emergency monitoring and control data, and similar systems that require use of a telephone system.

T810 Air Transportation Services. Includes commercial activities that operate and maintain nontactical aircraft that are assigned to commands and installations and used for administrative movement of personnel and supplies.

T811 Water Transportation Services. Includes commercial activities that operate and maintain nontactical watercraft that are assigned to commands and installations and are used for administrative movement of personnel and supplies.

T811A: Water Transportation Services (except tug operations).

T811B: Tug Operations.

T812 Rail Transportation Services. Includes commercial activities that operate and maintain nontactical rail equipment assigned to commands and installation and used for administrative movement of personnel and supplies.

T813 Engineering and Technical Services. Includes commercial activities that advise, instruct, and train DoD personnel in the installation, operation, and maintenance of DoD weapons, equipment, and systems.

These services include transmitting the technical skill capability to DoD personnel in order for them to install, maintain, and operate such equipment and keep it in a high state of military readiness.

T813A: Contractor Plant Services. Includes commercial manufacturers of military equipment contracted to provide technical and engineering services to DoD personnel. Qualified employees of the manufacturer furnish these services in the manufacturer plants and facilities. Through this program, the special skills, knowledge, experience, and technical data of the manufacturer are provided for use in training, training aid programs, and other essential services directly related to the development of the technical capability required to install, operate, maintain, supply, and store such equipment.

T813B: Contract Field Services (CFS). Includes commercial activities that provide services of qualified contractor personnel who provide onsite technical and engineering services to DoD personnel.

T813C: In-house Engineering and Technical Services. Includes commercial activities that provide technical and engineering services described in codes T813A and T813B above that are provided by Government employees.

T813D: Other Engineering and Technical Services.

T814 Fueling Service (Aircraft). Includes commercial activities that distribute aviation petroleum/oil/lubricant products. Includes operation of trucks and hydrants.

T815 Scrap Metal Operation. Includes commercial activities that bale or shear metal scrap and melt or sweat aluminum scrap.

T816 Telecommunication Centers. Includes commercial activities that operate and maintain telecommunication centers, nontactical radios, automatic message distribution systems, technical control facilities, and other systems integral to the communication center. Includes operations and maintenance of air traffic control equipment and facilities.

T817 Other Communications and Electronics Systems. Includes commercial activities that operate and maintain communications and electronics systems not included in T809 and T816.

T818 Systems Engineering and Installation of Communications Systems. Includes commercial activities that provide engineering and installation services, including design and drafting services associated with functions specified in T809, T816, and T817.

T819 Preparation and Disposal of Excess and Surplus Property. Includes commercial activities that accept, classify, and dispose of surplus Government property, including scrap metal.

T820 Administrative Support Services. Includes commercial activities that provide centralized administrative support services not included specifically in another functional category. These activities render services to multiple activities throughout an organization or to multiple organizations; such as, a steno or typing pool rather than a secretary assigned to an individual. Typical activities included are word processing centers, reference and technical libraries, microfilming, messenger service, translation services, publication distribution centers, etc.

T820A: Word Processing Centers.

T820B: Reference and Technical Libraries.

T820C: Microfilming.

T820D: Internal Mail and Messenger Services.

T820E: Translation Services.

T820F: Publication Distribution Centers.

T820G: Field Printing and Publication.

Includes those activities that print or reproduce official publications, regulations, and orders. Includes management and operation of the printing facility.

T820H: Compliance Auditing.

T820I: Court Reporting.

T821 Special Studies and Analyses.

Includes commercial activities that perform research, collect data, conduct time-motion studies, or pursue some other planned

methodology in order to analyze a specific issue, system, device, boat, plane, or vehicle for management.

Such activities may be temporary or permanent in nature.

T821A: Cost Benefit Analyses.

T821B: Statistical Analyses.

T821C: Scientific Data Studies.

T821D: Regulatory Studies.

T821E: Defense, Education, Energy Studies.

T821F: Legal/Litigation Studies.

T821G: Management Studies.

T900 Training Devices and Simulators.

Includes commercial activities that provide training aids, devices, simulator design, fabrication, issue, operation, maintenance, support, and services.

T900A: Training Aids, Devices, and Simulator Support. Includes commercial activities that design, fabricate, stock, store, issue, receive, and account for and maintain training aids, devices, and simulators (does not include audiovisual production and associated services or audiovisual support).

T900B: Training Device and Simulator Operation. Includes commercial activities that operate and maintain training device and simulator systems.

T999 Other Nonmanufacturing Operations.

Education and Training

Includes commercial activities that conduct courses of instruction attended by civilian or military personnel of the Department of Defense. Terminology of categories and subcategories primarily for military personnel (marked by an asterisk) follows the definitions of the statutory *Military Manpower Training Report* submitted annually to the Congress. This series includes only the conduct of courses of instruction; it does not include education and training support functions (that is, Base Operations Functions in the S series and Nonmanufacturing Operations in the T series). A course is any separately identified instructional entity or unit appearing in a formal school or course catalog.

U100 Recruit Training.* The instruction of recruits.

U200 Officer Acquisition Training.* Programs concerned with officer acquisition training.

U300 Specialized Skill Training.* Includes Army One-Station Unit Training, Naval Apprenticeship Training, and health care training.

U400 Flight Training.* Includes flight familiarization training.

U500 Professional Development Education*

U510 Professional Military Education.* Generally, the conduct of instruction at basic, intermediate, and senior Military Service schools and colleges and enlisted leadership training does not satisfy the requirements of the definition of a DoD CA and is excluded from the provision of this Instruction.

U520 Graduate Education, Fully Funded, Full-Time*

U530 Other Full-Time Education Programs*

U540 Off-Duty (Voluntary) and On-Duty Education Programs.* Includes the conduct of

Basic Skills Education Program (BSEP), English as a Second Language (ESL), skill development courses, graduate, undergraduate, vocational/technical, and high school completion programs for personnel without a diploma.

U600 Civilian Education and Training. Includes the conduct of courses intended primarily for civilian personnel.

U700 Dependent Education. Includes the conduct of elementary and secondary school courses of instruction for the dependents of DoD overseas personnel.

U800 Training Development and Support (not reported elsewhere)

U999 Other Training. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Automatic Data Processing

W824 Data Processing Services. Includes commercial activities that provide ADP processing services by using Government-owned or -leased ADP equipment; or participating in Government-wide ADP sharing program; or procuring of time-sharing processing services (machine time) from commercial sources. Includes all types of data processing services performed by general purpose ADP and peripheral equipment.

W824A: Operation of ADP Equipment.

W824B: Production Control and Customer Services.

W824C: ADP Magnetic Media Library.

W824D: Data Transcription/Data Entry Services.

W824E: Transmission and Teleprocessing Equipment Services.

W824F: Acceptance Testing and Recovery Systems.

W824G: Punch Card Processing Services.

W824H: Other ADP Operations and Support.

W825 Maintenance of ADP Equipment. Includes commercial activities that maintain and repair all Government-owned ADP equipment and peripheral equipment.

W826 Systems Design, Development, and Programming Services. Includes commercial activities that provide software services associated with nontactical ADP operation.

W826A: Development and Maintenance of Applications Software.

W826B: Development and Maintenance of Systems Software.

W827 Software Services for Tactical Computers and Automated Test Equipment. Includes commercial activities that provide software services associated with tactical computers and TMDE and ATE hardware.

W999 Other Automatic Data Processing. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Products Manufactured and Fabricated In-House

Commercial activities that manufacture and/or fabricate products in-house are grouped according to the products predominantly handled as follows:

X931 Ordnance Equipment. Ammunition and related products.

X932 Products Made from Fabric or Similar Materials. Including the assembly and manufacture of clothing, accessories, and canvas products.

X933 Container Products and Related Items. Including the design, engineering, and manufacture of wooden boxes, crates, and other containers; includes the fabrication of fiberboard boxes, and assembly of paperboard boxes with metal straps. Excludes on-line fabrication of boxes and crates reported in functional area T801.

X934 Food and Bakery Products. Including the operation of central meat processing plants, pastry kitchens, and bakery facilities. Excludes food services reported in functional areas S713 and H105.

X935 Liquid, Gaseous, and Chemical Products. Including the providing of liquid oxygen and liquid nitrogen.

X936 Rope, Cordage, and Twine Products; Chains and Metal Cable Products

X937 Logging and Lumber Products. Logging and sawmill operations.

X938 Communications and Electronic Products.

X939 Construction Products. The operation of quarries and pits, including crushing, mixing, and concrete and asphalt batching plants.

X940 Rubber and Plastic Products.

X941 Optical and Related Products.

X942 Sheet Metal Products.

X943 Foundry Products.

X944 Machined Parts.

X999 Other Products Manufactured and Fabricated In-House. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Maintenance, Repair, Alteration, and Minor Construction of Real Property.

Z991 Buildings and Structures—Family Housing. Includes commercial activities that are engaged in exterior and interior painting and glazing; roofing; interior plumbing; interior electric; interior heating equipment, including heat sources under 750,000 BTU capacity; installed food service and related equipment, air conditioning and refrigeration under a 5-ton capacity; elevators; and other equipment affixed as part of the building and not included in other activities. Includes fencing, flagpoles, and other miscellaneous structures associated with family housing.

Z991A: Rehabilitation—Tenant Change.

Z991B: Roofing.

Z991C: Glazing.

Z991D: Tiling.

Z991E: Exterior Painting.

Z991F: Interior Painting

Z991G: Flooring.

Z991H: Screens, Blinds, etc.

Z991I: Appliance Repair.

Z991J: Electrical Repair. Includes elevators, escalators, and moving walks.

Z991K: Plumbing.

Z991L: Heating Maintenance.

Z991M: Air Conditioning Maintenance.

Z991N: Emergency/Service Work.

Z991T: Other Work.

Z992 Buildings and Structures (Other Than Family Housing). Includes commercial

activities that are engaged in exterior and interior painting and glazing; roofing; interior plumbing; interior electric; interior heating equipment, including heat sources under 750,000 BTU capacity; installed floor service and related equipment; air conditioning and refrigeration under a 5-ton capacity; elevators; and other equipment affixed as part of the building and not reported under other functional codes. Includes fencing, flagpoles, guard and watchtowers, grease racks, unattached loading ramps, training facilities other than buildings, monuments, grandstands and bleachers, elevated garbage racks, and other miscellaneous structures.

Z992A: Rehabilitation—Tenant Change.

Z992B: Roofing.

Z992C: Glazing.

Z992D: Tiling.

Z992E: Exterior Painting.

Z992F: Interior Painting.

Z992G: Flooring.

Z992H: Screens, Blinds, etc.

Z992I: Appliance Repair.

Z992J: Electrical Repair. Includes elevators, escalators, and moving walkways.

Z992K: Plumbing.

Z992L: Heating Maintenance.

Z992M: Air Conditioning Maintenance.

Z992N: Emergency/Service Work.

Z992T: Other Work.

Z993 Grounds and Surfaced Areas.

Commercial activities that maintain, repair, and alter grounds and surfaced areas defined in codes Z993A, B, and C, below.

Z993A: Grounds (Improved). Includes improved grounds, including lawns, drill fields, parade grounds, athletic and recreational facilities, cemeteries, other ground areas, landscape and windbreak plants, and accessory drainage systems.

Z993B: Grounds (Other than Improved). Small arms ranges, antenna fields, drop zones, and firebreaks. Also grounds such as wildlife conservation areas, maneuver areas, artillery ranges, safety and security zones, desert, swamps, and similar areas.

Z993C: Surfaced Areas. Includes airfield pavement, roads, walks, parking and open storage areas, traffic signs and markings, storm sewers, culverts, ditches, and bridges. Includes sweeping and snow removal from streets and airfields.

Z997 Railroad Facilities. Includes commercial activities that maintain, repair, and alter narrow and standard gauge two-rail tracks, including spurs, sidings, yard, turnouts, frogs, switches, ties, ballast, and roadbeds, with accessories and appurtenances, drainage facilities, and trestles.

Z998 Waterways and Waterfront Facilities. Includes commercial activities that maintain, repair, and alter approaches, turning basin, berth areas and maintenance dredging, wharves, piers, docks, ferry racks, transfer bridges, quays, bulkheads, marine railway dolphins, mooring, buoys, seawalls, breakwaters, causeways, jetties, revetments, etc. Excludes waterways maintained by the Army Corps of Engineers (COE) rivers and harbors programs. Also excludes buildings, grounds, railroads, and surfaced areas located on waterfront facilities.

Z999 Other Maintenance, Repair, Alteration, and Minor Construction of Real Property. This code will only be used for unusual circumstances and will not be used to report organizations or work that can be accommodated under a specifically defined code.

Appendix B—Commercial Activities Inventory Report and Five-Year Review Schedule

A. General Instructions

1. Submit reports to the Assistant Secretary of Defense (Acquisition and Logistics) before 1 January. Reports are assigned Reports Control Symbol DD-MIL(A) 1540 and may be transmitted using punched cards, magnetic tape, or terminals as a medium.

2. If cards are used, wrap securely with the outer wrapper containing identification of the submitting department, the title of the report, "Commercial Activities Inventory Report and Five-Year Review Schedule," and the fiscal year covered. Cards shall be interpreted.

3. If tape is medium chosen, then use nine-track tape Extended Binary Coded Decimal Interchange Code (EBCDIC), 1600 or 6250 density, even parity. The data record must contain 68 characters, blocked 10 logical records to a block. Omit headers and trailers. Use a tape mark (end of file) to follow the data. An external label shall be used on the reel to identify the organization to which the reel is to be returned, the title of the report, the fiscal year covered, and the tape characteristics.

4. If a remote work station terminal is to be used as the transmittal medium, then concurrence and interface requirements shall be established between the Defense Manpower Data Center (DMDC) and sender before transmission of data.

5. Data Format: In-House DOD Commercial Activities

Data element	Tape positions	Field	Type ¹ data
Designator	1	A	A
Installation		A1	
State, territory, or possession	2-3	Ala	N
Place	4-9	Alb	A/N
*Function	10-14	A2	A/N
In-house civilian workload	15-20	A3	N
Military workload	21-26	A4	N
*Reason for in-house operation	49	A8	A
*Most recent year in-house operation approved	50-51	A9	N
*Year DOD CA scheduled for next review	52-53	A10	N

¹ A—Alpha, N—Numeric.

Note—A and A/N data shall be left justified space filled, N data shall be right justified and zero filled.

General Note For Personnel Processing These Reports:

Coding shall be as indicated in the instructions. When specific coding instructions are not provided, reference must be made to DoD 5000.12-M, ¹⁵ Failure to

comply with the coding instructions contained herein or those published in DoD 5000.12-M will make the noncomplier responsible for required concessions in data base communication. Items marked with an asterisk (*) have been registered in the DoD Data Element Dictionary.

6. Instruction for Preparing Data Entries

Field and Instruction

A—Enter an A to designate that the data to follow on this record pertains to a particular DoD commercial activity.

A1a—Enter the two-position numeric code for State or U.S. territory or possession as shown in attachment 1.

A1b—Enter the unique alpha-numeric code established by the DoD Component for military installation, named populated place, or related entity where the commercial activity workload was performed during the fiscal year covered by this submission. A separate look-up listing or file should be provided showing each unique place code and its corresponding place name.

A2—Enter the function code from enclosure 3 that best describes the type of commercial activity workload principally performed by the commercial activity covered by this submission. Left justify.

A3—Enter total (full- and part-time) in-house civilian workyear equivalents applied to the performance of the function during the fiscal year. Round off to nearest whole workyear equivalent. (If amount is equal to or greater than .5, round up. If amount is less than .5, round down. Amounts between zero and 0.9 should be entered as one.) Right justify. Zero fill.

A4—Enter total military workyear equivalents applied to the performance of the function in the fiscal year. Round off to the nearest whole workyear equivalent. (Amounts between zero and one should be entered as one.) Right justify. Zero fill.

A8—Enter the reason for in-house operation of the commercial activity as shown in attachment 2.

A9—Enter the last two digits of the most recent fiscal year corresponding to the reason for in-house operation of the commercial activity as stated in field A8. If field A8 is coded "N," this field should be left blank; otherwise an entry is required.

A10—Enter the last two digits of the fiscal year in which next review is scheduled to begin for the DoD commercial activity. (Data element reference YE-NA.) Enter WR if a waiver of review has been approved by the ASD(A&L).

Attachment 1.—Codes for Denoting States, Territories, and Possessions of the United States

a. Numeric State Codes

01	Alabama
02	Alaska
04	Arizona
05	Arkansas
06	California
08	Colorado
09	Connecticut
10	Delaware
11	District of Columbia

12	Florida
13	Georgia
15	Hawaii
16	Idaho
17	Illinois
18	Indiana
19	Iowa
20	Kansas
21	Kentucky
22	Louisiana
23	Maine
24	Maryland
25	Massachusetts
26	Michigan
27	Minnesota
28	Mississippi
29	Missouri
30	Montana
31	Nebraska
32	Nevada
33	New Hampshire
34	New Jersey
35	New Mexico
36	New York
37	North Carolina
38	North Dakota
39	Ohio
40	Oklahoma
41	Oregon
42	Pennsylvania
44	Rhode Island
45	South Carolina
46	South Dakota
47	Tennessee
48	Texas
49	Utah
50	Vermont
51	Virginia
53	Washington
54	West Virginia
55	Wisconsin
56	Wyoming

b. Numeric Codes for Territories and Possessions

60	American Samoa
66	Guam
67	JA Johnston Atoll
69	Northern Mariana Islands
71	Midway Islands
72	Puerto Rico
75	Trust Territory of the Pacific Islands
76	Navassa Island
77	U.S. Misc. Pacific Islands
78	Virgin Islands
79	Wake Island

Attachment 2.—Codes for Denoting Compelling Reasons for In-House Operations of Planned Changes in Method of Performance

1. In-House Performance (for Entry in Field A8)

Code and Explanation

- A.—Indicates that the DoD commercial activity has been retained in-house for national defense reasons in accordance with § 169a.9(a)(1) of this part other than commercial activities reported under code "C" below.
- C.—Indicates that the DoD commercial activity is retained in-house because the commercial activity is essential for training or experience in required military skills, or the commercial activity is needed to

¹⁵ See footnote 1 to § 169.1(a).

provide appropriate work assignments for a rotation based for overseas or sea-to-shore assignments, or the commercial activity is necessary to provide career progression to a needed military skill level in accordance with § 169a.9(a)(1)(i) of this part.

- D.—Indicates procurement of a product or service from a commercial source would cause an unacceptable delay or disruption of an essential DoD program.
- E.—Indicates that there is no satisfactory commercial source capable of providing the product or service needed.
- F.—Indicates that a cost comparison has been conducted and that the Government is providing the product or service at a lower total cost as a result of a cost comparison.
- G.—Indicates that the commercial activity is being performed by DoD personnel now, but decision to continue in-house or convert to contract is pending the results of a scheduled cost comparison.
- H.—Indicates that the commercial activity is being performed by DoD employees now, but will be converted to contract because of cost comparison results.
- J.—Indicates that the commercial activity is performed at a DoD hospital and, in the best interests of direct patient care, is being retained in-house.
- K.—Indicates that the commercial activity is being performed by DoD employees now, but a decision has been made to convert to contract for reasons other than cost.

2. Use of Other Codes

Enter an "N" in tape and card field A8 if the method of performance has never been reviewed and approved. Do not make an entry in tape or card field A9.

Enter a "Z" in tape and card field A8 if the cost comparison study has been held in abeyance because of direction from higher authority (such as, congressional moratorium).

Appendix C—Simplified Cost Comparisons for Direct Conversion of Commercial Activities

This appendix provides guidance regarding procedures to be followed in order to obtain OASD(A&L)IA approval to convert a commercial activity employing 10 or fewer DoD civilian employees directly to contract performance without a full cost comparison. Simplified cost comparisons are to be conducted to these smaller activities to ensure that cost data are fully considered in decisions on commercial activities.

The proposed direct conversion must meet the following criteria:

1. The activity is currently performed by 10 or fewer civilian employees.
2. The direct conversion makes sense from a management or performance standpoint.
3. The direct conversion is cost effective.
4. The affected civilian employees can be placed elsewhere within the government or with the private contractor through a right of first refusal clause.

Attachment 1 is a format for submitting direct conversion requests for approval. Each potential candidate for direct conversion shall be reviewed on a case-by-case basis to ensure that both the in-house and contractor

cost estimates are as accurate as possible without a performing full cost comparisons.

The following provides general guidance for completion of a simplified cost comparison:

1. Estimated contractor costs should be based on either the past history of similar contracts at other installations or on the contracting officer's best estimate of what would constitute a fair and reasonable price.

2. For activities small in total size (10 or fewer civilian and military personnel):

a. Estimated in-house costs generally should not include overhead costs, as it is unlikely that they would be a factor for a small activity.

b. Similarly, estimated contractor costs generally should not include contract administration, one-time conversion costs, or other contract price add-ons associated with full cost comparisons.

3. For activities large in total size (10 or fewer civilian employees but a significant number of military personnel) all cost elements should be considered for both in-house and contractor estimated cost.

4. In either case, large or small, the 10 percent conversion differential contained in part IV of the Supplement to OMB Circular No. A-76 (Cost Comparison Handbook) should be applied.

5. Part IV of the Supplement to OMB Circular No. A-76 (Cost Comparison Handbook) shall be utilized to define the specific elements of cost to be estimated in the simplified cost comparison.

6. A brief description of how both the in-house and contract cost estimates were prepared should be forwarded along with the request for a direct conversion submitted to OASD(A&L)IA.

Fact Sheet

TITLE: Direct Conversion Request for _____ at _____
 (Activity/Function (Installation)
 Description of activity: _____
 Number of affected personnel: _____
 CIV _____
 (Authorizations) _____
 MIL _____
 (Authorizations) _____
 Status of affected civilian employees: _____
 (Special considerations such as a number of employees classified as Section 3310 preference eligible veterans, minorities, handicapped. Also, include number of civilian authorizations currently vacant or filled by temporaries.)
 Placement plans for affected civilian employees: _____
 Justification for direct conversion: _____
 (Narrative justification other than cost.)
 Simplified Cost Comparison (details attached):

Estimated in-house cost
 —Personnel cost (including fringe benefits)..... _____
 —Material and supply cost..... _____
 —Other in-house cost (if appropriate)..... _____
 —Total estimated in-house cost..... _____

Estimated contractor cost

—Estimated contract price..... _____
 —Contract administration (if appropriate)..... _____
 —Other estimated contractor cost (if appropriate)..... _____
 —Total estimated contract or cost.. _____
 —Conversion differential (10% of in-house personnel cost)..... _____
 —Adjusted contractor cost..... _____

Point of Contact: _____

Appendix D—Commercial Activities Management Information System (CAMIS)

Upon approval of a full cost comparison, a simplified cost comparison, or a direct conversion of an exclusively military personnel commercial activity, the DoD Component shall create the initial entry using the format at attachment 1 for cost comparisons and attachment 2 for direct conversions. Quarterly printouts of cost comparison records (CCRs) and direct conversion records (DCRs) shall be provided to the DoD Component by the DMDC. The DoD Component shall annotate the printout and return it to DMDC within 30 days of the end of each quarter. DMDC then shall use these annotated printouts to update the CAMIS and shall return the updated printout along with the annotated printout within 2 weeks. Instead of this manual update procedure, the DoD Component may submit automated data (tape or cards) to the DMDC.

At the completion of all required data entries, DMDC shall flag the record as being complete and it will no longer be included in the printout provided quarterly to the DoD Component for update. All records, flagged or ongoing, shall be included in the printout provided to each DoD Component at the end of the fiscal year and upon request.

Part I—Cost Comparison

The record for each cost comparison is divided into six sections. Each of these sections contains information provided by the DoD Components. The first five sections are arranged in a sequence of milestone events occurring during a cost comparison. Each section is completed immediately following the completion of the milestone event. These events are as follows:

1. Cost comparison is approved by DoD Component.
2. Solicitation is issued.
3. In-house and contractor costs are compared.
4. Contract is awarded/solicitation is canceled.
5. Contract starts.

The events are used as milestones because upon their completion some elements of significant information concerning the cost comparison become known.

A sixth section is utilized for CCRs that result in award of a contract. This section contains data elements on contract cost and information on subsequent contract actions during the second and third year of contract operation.

The data elements that comprise these six sections are defined in this enclosure.

Part II—Direct Conversions

The record for each direct conversion is divided into five sections. Each of the first four sections is completed immediately following the completion of the following events.

1. Direct conversion is approved.
2. Solicitation is issued.
3. Contract is awarded.
4. Contract starts.

The fifth section is utilized to record contract cost and subsequent contract actions during the second and third year of contract operation.

The data elements that comprise these five sections are defined in this appendix.

CAMIS ENTRY AND UPDATE INSTRUCTIONS

Part I—Cost Comparisons

The bracketed number preceding each definition in sections one through five is the DoD data element number. All date fields should be in the format MMDDYY (such as, June 30, 1983 = 063083).

Section One

Event: DoD Component Approves Conducting a Cost Comparison

All entries in this section of the CCR shall be submitted by DoD Components upon approving the start of a cost comparison.

These entries shall be used to establish the CCR and to identify the geographical, organizational, political, and functional attributes of the activity (or activities) undergoing cost comparison as well as to provide an initial estimate of the manpower associated with the activity (or activities). The initial estimate of the manpower in this section of the CCR will be in all cases those manpower figures identified in the correspondence approving the start of the cost comparison.

DoD Components shall enter the following data elements to establish a CCR:

[1] **Cost Comparison Number.** The number assigned by the DoD Component to uniquely identify a specific cost comparison. The first character of the cost comparison number must be a letter designating DoD Component as noted in data element [3], below. The cost comparison number may vary in length from five to ten characters, of which the second and subsequent may be alpha or numeric and assigned under any system desired by the DoD Component.

[2] **Announcement/Approval Date.** The date of the congressional notification required by Section 502(a)(2)(A) or the date the DoD Component headquarters approves a cost comparison that does not require congressional notification.

[3] **DOD Component Code.** Use the following codes to identify the Military Service or Defense Agency conducting the cost comparison:

- A—Department of the Army
- B—Defense Mapping Agency
- C—Strategic Defense Initiatives Organization
- D—Office of the Secretary of Defense—OCHAMPUS

- E—Defense Advanced Research Projects Agency
- F—Department of the Air Force
- G—National Security Agency/Central Security Service
- H—Defense Nuclear Agency
- J—Joint Chiefs of Staff (including the Joint Staff, Unified and Specified Commands, and Joint Service Schools)
- K—Defense Communications Agency
- L—Defense Intelligence Agency
- M—United States Marine Corps
- N—United States Navy
- R—Defense Contract Audit Agency
- S—Defense Logistics Agency
- T—Defense Security Assistance Agency
- V—Defense Investigative Service
- W—Uniform Services University of the Health Sciences
- X—Inspector General, Department of Defense
- Y—Defense Audio Visual Agency

[4] **Command Code.** The code established by the DoD Component headquarters to identify the command responsible for operating the commercial activity undergoing cost comparison. A separate look-up listing or file shall be provided to DMDC showing each unique command code and its corresponding command name. If the DoD Component chooses to submit this on cards or tape, the format should be as follows:

Column and Entry

1-6 (left justify)—command code
7—blank

8-80 (left justify)—command name

[5] **Installation Code.** The code established by the DoD Component headquarters to identify the installation where the commercial activity(s) under cost comparison is/are located physically. Two or more codes (for cost comparison packages encompassing more than one installation) should be separated by commas. A separate look-up listing or file shall be provided to DMDC

showing each unique installation code and its corresponding installation name. If the DoD Component chooses to submit this on cards or tape, the format should be as follows:

Column and Entry

1-10 (left justify)—installation code
11—blank
12-80 (left justify)—installation name

DMDC shall generate the installation name corresponding to the installation code submitted by the DoD Component and display it with the code on the quarterly printout that is provided to the DoD Component for update.

[6] **State Code.** A two-position numeric code for the State or U.S. Territory as shown in Appendix B, attachment 1, where element [5] is located. Two or more codes shall be separated by commas.

[7] **Congressional District (CD).** Number of the congressional district(s) where [5] is located. If representatives are elected "at large," enter "01" in this data element; for a delegate or resident commissioner (such as, District of Columbia or Puerto Rico) enter "98." If the installation is located in two or more CDs, all CDs should be entered and separated by commas.

[8] **JIRSG AREA CODE.** The JIRSG Area that [5] is assigned to for coordination of the DRIS Program. This is a four-character alpha/numeric data element. For instance, "N015" is the National Capitol Region (as published in the DRIS Point of Contact Directory).

NOTE: A DoD Component may, at its option, report corresponding multiple values for the following geographical data elements: state code, congressional district, and JIRSG area code. These values shall be grouped and punctuated as shown in the example below so that the proper relationship can be established between each installation code value and its corresponding set of geographical attribute values.

[5] Installation Code	[6] State Code	[7] Congressional District	[8] JIRSG Area Code
AAAAA89988.CCCCC	GA, CA, NJ	05,06; 42,15	SO03,WE10*

When multiple values within a data element are reported for a single installation code semicolons shall be used to separate each series of values and to indicate correspondence of each series to its respective installation value; commas shall be used to separate the values within a series. When only a single value (within a data element) is reported for each installation, the value shall be separated by commas. To denote an unknown or missing number of a series of values, the asterisk (*) symbol should be used.

The cost comparison package above involves three installations: AAAAA, BBBBB, and CCCCC. The first is located in Georgia, the second in California, and the third in New Jersey. AAAAA is in the Georgia's 5th and 6th congressional districts, BBBBB is in California's 42nd district, and CCCCC is in New Jersey's 15th. The first two installations are in JIRSG areas SO03, and WE10, respectively; CCCCC is not in a JIRSG area.

[9] **Title of Cost Comparison.** The title that describes the commercial activity(s) under cost comparison (for instance, "Facilities Engineering Package," "Installation Bus Service," or "Motor Pool"). Use a clear title, not acronyms of function codes in this data element.

[10] **DOD Functional Area Code(s).** The four of five alpha/numeric character designators listed in Appendix A that describe the type of activity undergoing cost comparison. This would be one code for a single activity or possible several codes for a large cost comparison package. A series of codes shall be separated by commas.

[11] **Prior Operation Code.** A single alpha character that identifies the mode of operation for the activity at the time the cost comparison is started. Despite the outcome of the cost comparison, this code does not change. The coding as follows:

I—In-house

C—Contract
N—New requirement
E—Expansion

[12] Cost Comparison Status Code. A single alpha character that identifies the current status of the cost comparison. Enter one of the following codes:

P—In progress
C—Complete

X—Canceled. The CCR shall be excluded from future update listings.

Z—Consolidated. The cost comparison has been consolidated with one or more other cost comparisons into a single cost comparison package. The CCR for the cost comparison that has been consolidated shall be excluded from future update listings. (See data element [16].)

B—Broken out. The cost comparison package has been broken into two or more separate cost comparisons. The previous CCR shall be excluded from future update listings. (See data element [16].)

[13] CBD/FR Dates. § 189a.15 of this part requires DoD Components to publish their schedules for conducting cost comparisons in the CBD and the FR. These dates will reflect when the activity undergoing cost comparison was identified in these publications as a cost comparison. The CBD date shall be listed first, followed by a comma and the FR date.

[14] Approval Announcement—Manpower Estimate Civilian and [15] Approval Announcement—Manpower Estimate Military. The number of civilian and military authorizations allocated to the commercial activity(s) undergoing cost comparison at the time the start of the cost comparison is approved by the DoD Component headquarters or announced to Congress. This number in all cases shall be those manpower figures identified in the correspondence approving the start of a cost comparison. This number is used to give a preliminary estimate of the size of the activity.

[16] Revised/Original Cost Comparison Number. The number of the cost comparison (revised cost comparison number). This cost comparison has been consolidated into or the number of the cost comparison (original cost comparison number) from which cost comparison has been broken out.

When a consolidation occurs a new CCR containing the attributes of the consolidated cost comparison. In the CCR of each cost comparison being consolidated, enter the cost comparison number of the new CCR in data element [18] and code "Z" in data element [12]. In the new CCR, data element [16] should be blank and data element [12] should

denote the current status of the cost comparison. Once the consolidation has occurred, only the new CCR requires future updates.

When a single cost comparison is being broken into multiple cost comparisons, create a new CCR for each cost comparison broken out from the original cost comparison. Each new CCR shall contain its own unique set of attributes; in data element [16] enter the cost comparison number of the original cost comparison from which each was derived, and in data element [12], enter the current status of each cost comparison. For the original cost comparison, data element [16]

should be blank and data element [12] should have a code "B" entry. Only the derivative record entries require future updates.

When a consolidation or a breakout, an explanatory remark shall be entered in data element [57] (such as, "part of SW region cost comparison," or, "separated into three cost comparisons").

Section Two

Event: The Solicitation is Issued

The entries in this section of the CCR provide information on the manpower authorized to perform the workload in the PWS, the number of workyears used to accomplish the workload in the PWS, and the type and kind of solicitation.

The DoD Component shall enter the following data elements at the first quarterly update subsequent to the issuance of the solicitation:

[17] Date Solicitation Issued. The date the solicitation is issued by the contracting officer.

[18] Solicitation-Type Code. A one-character alpha designator that identifies the type of solicitation used to obtain contract bids or offers. Use either the CBD as the source document or information received from the contracting officer for this entry. Solicitations under Section 8(a) of the Small Business Act are negotiated. Enter one of the following codes:

S—Sealed Bid
N—Negotiated

[19] Solicitation Kind Code. A one-character (or two-character, if "W" suffix is used) alpha designator indicating whether the competition for the contract has been limited to a specific class of bidders or offerors. Use either the CBD as the source document or information received from the contracting officer to enter one of the following codes:

A—Restrict to small business
B—Small Business Administration 8(a)
C—National Industries for the Severely Handicapped (NISH)
D—Other mandatory sources
U—Unrestricted
W—(optional suffix) Unrestricted after initial restriction

[20] Current Authorized Civilians and [21] Current Authorized Military. The number of civilian and military authorizations allocated on the DoD Component's manpower documents to perform the work described in the PWS. This number refines the initial authorization estimate (section one, data elements [14] and [15]).

[22] Baseline Workyears Civilian and [23] Baseline Workyears Military. The number of annual workyears it has taken to perform the work described by the PWS before the DoD Component conducts the MEO study of the in-house organizations; do not include contract monitor requirements. Military workyears include assigned, borrowed, diverted, and detailed personnel.

An annual workyear is the use of 2,087 hours (including authorized leave and paid time off for training). For example, when full-time employees whose work is completely within the PWS are concerned, "one workyear" normally is comparable to "one employee" or two part-time employees, each

working 1,043 hours in a fiscal year. Also include in this total the workyears for full-time employees who do not work on a full-time basis on the work described by the PWS. For example, some portion of the workload is performed by persons from another work center who are used on an "as needed" basis. Their total hours performing this workload is 4,172 hours. This would be reflected as two workyears. Less than one-half year of effort should be rounded down, and one-half year or more should be rounded up.

These workyear figures shall be the baseline for determining the manpower savings identified by the management study.

Section Three

Event: The In-House and the Contractor Costs of Operation are Compared

The entries in this section provide information on the date of the cost comparison (initial decision), the preliminary results, the number of bids or offers received, and the costing method used in the cost comparison.

The DoD Component shall enter the following data elements in the first quarterly update subsequent to the date of the comparison of in-house and contractor costs (date of initial decision):

[24] Cost Comparison/Initial Decision Date. Date the initial decision is announced. The initial decision is based on the apparent low bid or offer and is subject to preaward surveys and resolution of all appeals and protests. In a formal advertised procurement, the initial decision is announced at bid opening. In a negotiated procurement, the initial decision is announced when the cost comparison is made between the in-house estimate and the proposal of the selected offeror.

[25] Cost Comparison Preliminary Results Code. A one-character alpha designator indicating the results of the cost comparison as announced by the contracting officer at the time the bids or offers are compared. The entries are limited to two possibilities:

I—In-house
C—Contract

[26] Cost Method Code. A one-character numeric designator indicating the procedures under which the cost comparison was/is being conducted. Enter one of the following codes:

- 1—Cost comparison conducted under the incremental costing procedures in effect before 1980.
- 2—Cost comparison conducted using the full costing procedures in DoD 4100.33-H of February 1980.
- 3—Cost comparison conducted under the alternative costing procedures implemented in Department of Defense in March 1982.
- 4—Cost comparison conducted under the new costing procedures in the OMB Circular A-78 published August 4, 1983 and implemented in Department of Defense DoD in March 1984.

[27] Number of Bids or Offers Received. The number of commercial bids or offers

received by the contracting officer in response to the solicitation.

Section Four

Event: The Contracting Officer Either Awards the Contract or Commercial Activity Cancels the Solicitation

The entries in this section identify the final result, information on the contract, the in-house bid, and costing information from the cost comparison form.

The DoD Component shall enter the following data elements in the first quarterly update subsequent to the date the contracting officer either awards a contract or cancels the solicitation:

[28] Contract Award/Solicitation Commercial Activity Cancellation Date. For conversions to contract, this is the date a contract was awarded in a formal advertised solicitation or the date the contractor was authorized to proceed on a conditional award contract in a negotiated solicitation. For retentions in-house, this is the date the solicitation was canceled (when the contracting officer publishes an amendment to the solicitation canceling it).

[29] Cost Comparison Final Result Code. A one-character alpha designator identifying the final result of the comparison between in-house and contractor costs; the contracting officer either awards the contract or cancels the solicitation. Enter one of the following codes:

I—In-house
C—Contract

[30] Decision Rationale Code. A one-character alpha designator that identifies the rationale for awarding a contract or canceling the solicitation. The work shall either be performed in-house or by contractor, based on cost, or the work shall be performed in-house because no satisfactory commercial source was available (no bids or offers were received or the preaward survey resulted in the determination that no commercial sources were responsive or responsible). Enter one of the following codes:

C—Cost
N—No satisfactory commercial source

[31] Contract-Type Code. Enter one of the following alpha codes for the type of contract used in the cost comparison. This entry is required for all completed studies, regardless of their outcome.

FFP—Firm Fixed Price
FP-EPA—Fixed Price with Economic Price Adjustment
FPI—Fixed Price Incentive
CPIF—Cost Plus Incentive Fee
CPAF—Cost Plus Award Fee
CPFF—Cost Plus Fixed Fee

[31a] Prime Contractor Size
S—Small or small/disadvantaged business
L—Large business

[32] MEO Workyears. The number of annual workyears it takes to perform the work described in the PWS after the MEO study has been conducted. This entry will be equal to the number of annual workyears in the in-house bid.

For data elements [33] through [36], enter all data after all adjustments required by appeals board decisions. Do not include the

minimum cost differential (line 31 old CCF or line 14 new CCF or line 16 new ENRC form) in the computation of any of these data elements. If a valid cost comparison was not conducted (that is, all bidders or offerors disqualified, no bids or offers received, etc.) do not complete data elements [33] through [36]. Explain lack of valid cost data in data element [57], DOD Component Comments.

[33] First Performance Period. Expressed in months, the length of time covered by the contract. Do not include any option periods.

[34] Cost Comparison Period. Expressed in months, the total period of operation covered by the cost comparison; this is the period used as the basis for data elements [35] and [36], below.

[35] Total In-house Cost (\$000). Enter the total cost of in-house performance in thousands of dollars, rounded to the nearest thousand. This is the total of line 9 plus line 22 of the old CCF (line 6 of the new CCF or line 8 of the new ENRC CCF).

[36] Total Contract Cost (\$000). Enter the total cost of contract performance in thousands of dollars, rounded to the nearest thousand. This is the total of line 17 plus line 30 of the old cost comparison form (line 13 of the new CCF or line 15 of the new ENRC CCF).

[37] NOTIFICATION DATE. The date Congress is notified, if required, that the DoD Component intends to convert a commercial activity to contract performance.

Section Five

Event: The Contract Starts

The entries in this section identify the contract start date and the personnel actions taken as a result of the cost comparison.

The DoD Component shall enter the following data elements in the first quarterly update subsequent to the start of the contract:

[38] Contract Start Date. The actual date the contractor began full operation of the commercial activities, as reflected in the contracting documents.

[39] Permanent Employees Transferred to Equal Positions. The number of permanent employees who were reassigned to positions of equivalent grade as of the start date of the contract.

[40] Permanent Employees Transferred to Lower Positions. The number of permanent employees who were changed to lower grade positions as of the start date of the contract.

[41] Employees Taking Early Retirement. The number of employees who took early retirement as of the start date of the contract.

[42] Employees Taking Normal Retirement. The number of employees who took normal retirement as of the start date of the contract.

[43] Permanent Employees Separated. The number of permanent employees who were separated from Federal employment as of the start date of the contract.

[44] Temporary Employees Separated. The number of temporary employees who were separated from Federal employment as of the start date of the contract.

[45] Employees Entitled to Severance. The estimated number of employees entitled to severance upon their separation from Federal employment as of the start date of the contract.

[46] Total Amount of Severance Entitlements (\$000). The total estimated amount of severance to be paid to all employees, in thousands of dollars as of the start date of the contract.

[47] Number of Employees Hired by the Contractor. The number of DoD civilian employees (full-time or otherwise) that will be hired by the contractors, or his or her subcontractors estimated at the start date of the contract.

Administrative Appeal

[48] Filed—Were administrative appeals filed? Answer: Y or N

[49] Source—Who filed the appeal? Answer: In-house (enter I), contractor (C), or both (B).

[50] Result—Were the appeals finally upheld? Answer: Y or N (if both appealed, explain result in data element [57]).

GAO Protest

[51] Filed—Was a protest filed with GAO? Answer: Y or N

[52] Source—Who filed the protest? Answer: In-house (enter I), contractor (C—), or both (B).

[53] Result—Was the protest finally upheld? Answer: Y or N (explain result in data element [57]). If GAO protest is still in progress as of the start date of the contract, enter P.

Arbitration

[54] Requested—Was the Federal Labor Relations Authority (FLRA) asked to arbitrate? Answer: Y or N

[55] Result—Was the case found arbitrable? Answer: Y or N (explain result in data element [57]). If arbitration is still in progress as of the start date of the contract, enter P.

General Information

[56] Staff-Hours Expended. Reflect the estimated number of staff hours expended by the installation on the cost comparison from the time it was announced until the final decision was made. Do not include any time that was spent on general policy or procedures applicable to all studies.

[57] DOD Component Comments. Enter comments, as required, to explain situations that affect the conduct of the cost comparison.

[58] Effective Date. "As of" date of the most current update for the cost comparison. Will be generated by DMDC.

[59] (Leave blank, for DoD Computer Program use).

Section Six

Event: Quarter Following Contract/Option Renewal

The entries in this section identify actual contract costs and original contract bid and information or subsequent contract actions. This data shall be utilized to determine the accuracy of the cost comparison.

The DoD Component shall enter the following data elements in the first quarterly update subsequent to the receipt of actual annual contract cost data.

[60] Contract Bid/Offer (\$000). Enter the contractor bid price or offer reflected in column one (the first performance period) of

the CCF in thousands of dollars, rounded to the nearest thousand. This is line 10, column 1, of the old CCF (line 7 of the new CCF or line 9 of the new ENRC CCF).

[61] Actual Contract Cost First Performance Period (\$000). Enter the actual contract for the first performance period, including all change orders, in thousands of dollars, rounded to the nearest thousand.

[62] Actual Contract Cost Second Performance Period (\$000). Enter the actual contract cost for the second performance period, including all change orders, in thousands of dollars, rounded to the nearest thousand.

[63] Actual Contract Cost Third Performance Period (\$000). Enter the actual contract cost for the third performance period, including all change orders, in thousands of dollars, rounded to the nearest thousand.

[64] Contractor Change. Enter one of the following alpha codes to indicate whether the contract for the second or third performance period has changed from the original contractor.

Y—Yes, the contractor has changed
N—No, the contractor has not changed

Data elements [65] through [66] are not required if the answer to [64] is no (N).

[65] Prime Contractor Size

S—New contractor is small/small disadvantaged business
L—New contractor is large business

[66] Reason for Change

I—Performance Returned In-House
U—Contract workload consolidated into a larger (umbrella) cost comparison
C—Contract workload consolidated with other existing contract workload

CAMIS ENTRY AND UPDATE INSTRUCTION

Part II—Direct Conversions

The bracketed number preceding each definition in sections one through four is the DoD data element number. All date fields should be in the format MMDDYY (such as, June 30, 1983 = 063083).

Section One

Event: Approval of the Direct Conversion

All entries in this section of the DCR shall be submitted by DoD Components upon approval of a direct conversion. These entries shall be used to establish the DCR and to identify the geographical, organizational, political, and functional attributes of the commercial activity(s) scheduled for conversion to contract without a cost comparison.

DoD Components shall enter the following data elements to establish a DCR:

[1] Direct Conversion Number. The number assigned by the DoD Component to uniquely identify a specific direct conversion. The first character of the direct conversion number must be a letter designating the DoD Component as noted in data element [3], below. The number may vary in length from five to ten characters, of which the second and subsequent may be alpha or numeric and assigned under any system desired by the DoD Component.

[2] Approval Date. The date the direct conversion was approved.

[3] DOD Component Code. Use the following codes to identify the Military Service or Defense Agency converting the commercial activity(s) to contract:

A—Department of the Army
B—Defense Mapping Agency
C—Strategic Defense Initiatives Organization
D—Office of the Secretary of Defense—OCHAMPUS
E—Defense Advanced Research Projects Agency
F—Department of the Air Force
G—National Security Agency/Central Security Service
H—Defense Nuclear Agency
J—Joint Chiefs of Staff (including the Joint Staff, Unified and Specified Commands, and Joint Service Schools)
K—Defense Communications Agency
L—Defense Intelligence Agency
M—United States Marine Corps
N—United States Navy
R—Defense Contract Audit Agency
S—Defense Logistics Agency
T—Defense Security Assistance Agency
V—Defense Investigative Service
W—Uniformed Services University of the Health Sciences
X—Inspector General, Department of Defense
Y—Defense Audio Visual Agency

[4] Command Code. The code established by the DoD Component's headquarters to identify the command responsible for operating the commercial activity to be converted to contract. A separate look-up listing or file shall be provided to DMDC showing each unique command code and its corresponding command name. If the DoD Component chooses to submit this on cards or tape, the format shall be as follows:

Column and Entry

1-6 (left justify)—command code

7—blank

8-80 (left justify)—command name

[5] Installation Code. The code established by the DoD Component headquarters to identify the installation where the commercial activity to be converted to

contract is located physically. Two or more codes (for packages encompassing more than one installation) shall be separated by commas. A separate look-up listing or file shall be provided to DMDC showing each unique installation code and its corresponding installation name. If the DoD Component chooses to submit this on cards or tape, the format shall be as follows:

Column and Entry

1-10 (left justify)—installation code

11—blank

12-80 (left justify)—installation name

DMDC shall generate the installation name corresponding to the installation code submitted by the DoD Component, and display it with the code on the quarterly printout that is provided to the DoD Component for update.

[6] State Code. A two-position numeric code for the State or U.S. Territory as shown in Appendix A, attachment 1, where element [5] is located. Two or more codes should be separated by commas.

[7] Congressional District (CD). Number of the CD(s) where [5] is located. If representatives are elected "at large," enter "01" in this data element; for a delegate or resident commissioner (such as, District of Columbia or Puerto Rico) enter "98". If the installation is located in two or more CDs, all CDs, should be entered and separated by commas.

[8] JIRSG Area Code. The JIRSG area that [5] is assigned to for coordination of the DRIS Program. This is a four-character alpha/numeric data element. For instance, "NO15" is the National Capitol Region (as published in the DRIS Point of Contact Directory).

Note.—The DoD Component may, at its option, report corresponding multiple values for the following geographical data elements: State code, congressional district, JIRSG area code. These values shall be grouped and punctuated as shown in the example below so that the proper relationship can be established between each installation code value and its corresponding set of geographical attribute values.

[5] Installation Code	[6] State Code	[7] Congressional District	[8] JIRSG Area Code
AAAAA,BBBBB,CCCCC	GA, CA, NJ	05,06, 42,15	SO03,WE10*

When multiple values within a data element are reported for a single installation code, semicolons shall be used to separate each series of values and to indicate correspondence of each series to its respective installation code; commas shall be used to separate the values within a series. When only a single value (within a data element) is reported for each installation, the values should be separated by commas. To denote an unknown or missing member of a series of values the asterisk (*) symbol shall be used.

The direct conversion above involves three installations: AAAAA, BBBBB, and CCCCC. The first is located in Georgia, the second in

California, and the third in New Jersey. AAAAA is in Georgia's 5th and 6th congressional districts (of Georgia), BBBBB is in California's 42nd district, and CCCCC is in New Jersey's 15th. The first two installations are in JIRSG areas SO03, and WE10, respectively; CCCCC is not in a JIRSG area.

[9] DOD Functional Area Code(s). The four or five alpha/numeric character designator listed in enclosure 3 that describes the type of commercial activity to be converted to contract. This would be one code for a single commercial activity or possibly several codes for a large package. A series of codes shall be separated by commas.

[10] Status Code. A single alpha character that identifies the current status of the conversion. Enter one of the following codes:

P—In progress
C—Complete

X—Canceled. The DCR shall be excluded from future update listings.

Z—Consolidated. The conversion has been consolidated with one or more other contracts into a single contract package. The DCR for the contract that has been consolidated shall be excluded from future update listings. (See data element [16].)

B—Broken out. The conversion has been broken into two or more separate contracts. The previous DCR shall be excluded from future update listings. (See data element [16].)

[11a] Manpower Estimate Civilian and [11b] Manpower Estimate Military. The number of civilian and military authorizations allocated to the commercial activity(s) to be converted. This number in all cases shall be those manpower figures identified in the correspondence requesting the direct conversion.

[11c] Estimated In-House Cost. The annualized in-house cost estimated in the simplified cost comparison prepared for request to directly convert a commercial activity. This data element is not applicable to direct conversions of exclusively military personnel commercial activities.

[12] Estimated Contract Cost. The annualized contract cost estimated in the simplified cost comparison prepared for request to directly convert a commercial activity. Do not include the 10% cost of conversion differential. This data element is not applicable to direct conversions of exclusively military personnel commercial activities.

Section Two

Event: The Solicitation Is Issued

The entries in this section of the DCR provide information on the manpower authorized to perform the workload in the PWS, the number of workyears used to accomplish the workload in the PWS, the type and kind of solicitation, and the number of bids or offers received.

The DoD Component shall enter the following data elements at the first quarterly update subsequent to the issuance of the solicitation:

[13] Date Solicitation Issued. The date the solicitation was issued by the contracting officer.

[14] Solicitation-Type Code. A one-character alpha designator that identifies the type of solicitation used to obtain contract bids or offers. Use either the CBD as the source document or information received from the contracting officer for this entry. Solicitations under Section 8(a) of the Small Business Act are negotiated. Enter one of the following codes:

S—Sealed Bid
N—Negotiated

[15] Solicitation-Kind Code. A one-character (or two-character, if "W" suffix is used) alpha designator indicating whether the solicitation for the contract has been limited to a specific class of bidders or offerors. Use

either the CBD as the source document or information received from the contracting officer to enter one of the following codes:

A—Restricted to small business
B—Small Business Administration 8(a)
C—National Industries for the Severely Handicapped (NISH)
D—Other mandatory sources
U—Unrestricted
W—(optional suffix) Unrestricted after initial restriction

[16] Current Authorized Civilians and [17] Current Authorized Military. The number of civilian and military authorizations allocated on the DoD Component's Manpower documents to perform the work described in the PWS. This number refines the initial authorization estimate (section one, data elements [11] and [12]).

[18] Baseline Annual Workyears Civilian and [19] Baseline Annual Workyears Military. The number of annual workyears it has taken to perform the work described in the PWS.

[20] Number of Bids or Offers Received. The number of commercial bids or offers received by the contracting officer in response to the solicitation.

Section Three

Event: The Contracting Officer Either Awards the Contract or Cancels the Solicitation

The entries in this section provide information on the contract.

The DoD Component shall enter the following data elements in the first quarterly update subsequent to the date of contracting officer either awards a contract or cancels the solicitation:

[21] Contract Award/Solicitation Cancellation Date. This is the date a contract shall be awarded in a formal advertised solicitation or the date the contractor shall be authorized to proceed on a conditioned award contract in a negotiated solicitation. For retentions in-house, this is the date the solicitation is canceled (when the contracting officer publishes an amendment to the solicitation canceling it).

[22] Contract-Type Code. Enter one of the following alpha codes for the type of contract used in the direct conversion.

FFP—Firm Fixed Price
FP-EPA—Fixed Price with Economic Price Adjustment
FPI—Fixed Price Incentive
CPIF—Cost Plus Incentive Fee
CPAF—Cost Plus Award Fee
CPFF—Cost Plus Fixed Fee

[23] Prime Contractor Size

S—Small/small disadvantaged business
L—Large business

[24] Performance Period. Expressed in months, the length of time covered by the contract. Do not include any option periods.

Section Four

Event: The Contract Starts

The entries in this section identify the contract start date and the personnel actions taken as a result of the direct conversion.

The DoD Component shall enter the following data elements in the first quarterly update subsequent to the start of the contract:

[25] Contract Start Date. The actual date the contractor began full operation of the commercial activity(s) as reflected in the contracting documents.

[26] Permanent Employees Reassigned to Equivalent Positions. The number of permanent employees who were reassigned to positions of equal grade as of the start date of the contract.

[27] Permanent Employees Changed to Lower Positions. The number of permanent employees who were reassigned to lower grade positions as of the start date of the contract.

[28] Employees Taking Early Retirement. The number of employees who took early retirement as of the start date of the contract.

[29] Employees Taking Normal Retirement. The number of employees who took normal retirement as of the start date of the contract.

[30] Permanent Employees Separated. The number of permanent employees who were separated from Federal employment as of the start date of the contract.

[31] Temporary Employees Separated. The number of temporary employees who were separated from Federal employment as of the start date of the contract.

[32] Employees Entitled to Severance. The estimated number of employees entitled to severance upon their separation from Federal employment.

[33] Total Amount of Severance Entitlement (\$000). The total estimated amount of severance to be paid to all employees, in thousands of dollars, as of the start date of the contract.

[34] Number of Employees Hired by the Contractor. The number of DoD civilian employees (full-time or otherwise) that will be hired by the contractor, or his or her subcontractors estimated at the start of the contract.

Administrative Appeal

[35] FILED—Were administrative appeals filed? Answer: Y or N

[36] SOURCE—Who filed the appeal? Answer: in-house (enter I), contractor (C), or both (B).

[37] RESULT—Were the appeals finally upheld? Answer: Y or N (if both appealed, explain the result in data element [43]).

GAO Protest

[38] FILED—Was a protest filed with GAO? Answer: Y or N

[39] SOURCE—Who filed the protest? Answer: in-house (enter I), contractor (C), or both (B).

[40] RESULT—Was the protest finally upheld? Answer: Y or N (explain result in data element [43]). If GAO protest is still in progress as of the start date of the contract, enter P.

Arbitration

[41] REQUESTED—Was the FLRA asked to arbitrate? Answer: Y or N

[42] RESULT. Was the case found arbitrable? Answer: Y or N (explain result in data element [43]). If arbitration is still in progress as of the start date of the contract, enter P.

General Information

[43] DOD Component Comments. Enter comments, as required, to explain situations that affect the direct conversion.

[44] Effective Date. "As of" date of the most current update for the direct conversion. Shall be generated by DMDC.

Section Five

Event: Quarter Following Contract/Option Renewal

The entries in this section five identify actual contract costs and original contract bid and information on subsequent contract actions. This data shall be utilized to determine the accuracy of the cost comparison.

The DOD Component shall enter the following data elements in the first quarterly update subsequent to the receipt of actual annual contract cost data.

[45] Contract Bid/Offer (\$000). Enter the contractor bid price or offer.

[46] Actual Contract Cost First Performance Period (\$000). Enter the actual contract cost for the first performance period, including all change orders, in thousands of dollars, rounded to the nearest thousand.

[47] Actual Contract Cost Second Performance Period (\$000). Enter the actual contract cost for the second performance period, including all change orders, in thousands of dollars, rounded to the nearest thousand.

[48] Actual Contract Cost Third Performance Period (\$000). Enter the actual contract cost for the third performance period, including all change orders, in thousands of dollars, rounded to the nearest thousand.

[49] Contractor Change. Enter one of the following alpha codes to indicate whether the contractor for the second or third performance period has changed from the original contractor.

Y—Yes, the contractor has changed
N—No, the contractor has not changed

Data elements [50] through [51] are not required if the answer to [49] is no (N).

[50] Prime Contractor Size

S—New contractor is small/small disadvantaged business

L—New contractor is large business

[51] Reason for Change

I—Performance returned in-house

U—Contract workload consolidated into a larger (umbrella) cost comparison

C—Contract workload consolidated with other existing contract workload

ATTACHMENT 1—COST COMPARISON RECORD (CCR)

Section one

- (1) Cost Comparison Number: _____
- (2) Announcement/Approval Date: _____
- (3) DoD Component Code: _____
- (4) Command Code: _____
- (5) Installation Code: _____
- (6) State Code: _____
- (7) Congressional District: _____
- (8) JIRSG Area Code: _____
- (9) Title of Cost Comparison: _____
- (10) DOD Function Area Code(s): _____
- (11) Prior Operation Code: _____
- (12) Cost Comparison Status Code: _____

- (13) CBD/FR Dates: _____
- (14) Approval Announcement—Manpower Estimate Civilian: _____
- (15) Approval Announcement—Manpower Estimate Military: _____
- (16) Revised/Original Cost Comparison Number: _____

Section Two

- (17) Date Solicitation Issued: _____
- (18) Solicitation-Type Code: _____
- (19) Solicitation-Kind Code: _____
- (20) Current Authorized Civilians: _____
- (21) Current Authorized Military: _____
- (22) Baseline Workyears Civilian: _____
- (23) Baseline Workyears Military: _____

Section Three

- (24) Cost Comparison/Initial Decision Date: _____
- (25) Cost Comparison Preliminary Results Code: _____
- (26) Cost Method Code: _____
- (27) Number of Bids or Offers Received: _____

Section Four

- (28) Contract Award/Solicitation Cancellation Date: _____
- (29) Cost Comparison Final Result Code: _____
- (30) Decision Rational Code: _____
- (31) Contract-Type Code: _____
- (31a) Prime Contractor Size: _____
- (32) MEO Workyears: _____
- (33) First Performance Period: _____
- (34) Cost Comparison Period: _____
- (35) Total In-House (\$000): _____
- (36) Total Contract Cost (\$000): _____
- (37) Notification Date: _____

Section Five

- (38) Contract Start Date: _____
- (39) Permanent Employees Transferred to Equal Positions: _____
- (40) Permanent Employees Transferred to Lower Positions: _____
- (41) Employees Taking Early Retirement: _____
- (42) Employees Taking Normal Retirement: _____
- (43) Permanent Employees Separated: _____
- (44) Temporary Employees Separated: _____
- (45) Employees Entitled to Severance: _____
- (46) Total Amount of Severance Entitlements (\$000): _____
- (47) Number of Employees Hired by the Contractor: _____
- Administrative Appeal _____
- (48) Filed: _____
- (49) Source: _____
- (50) Result: _____

GAO Protest

- (51) Filed: _____
- (52) Source: _____
- (53) Result: _____

Arbitration

- (54) Requested: _____
- (55) Result: _____

General Information

- (56) Staff Hours Expended: _____
- (57) DoD Component Comments: _____
- (58) Effective Date: _____
- (59) (Leave blank)

Section Six

- (60) Contract Bid/Offer (\$000): _____

- (61) Actual Contract Cost First Performance Period (\$000): _____
- (62) Actual Contract Cost Second Performance Period (\$000): _____
- (63) Actual Contract Cost Third Performance Period (\$000): _____
- (64) Contractor Change: _____
- (65) Prime Contractor Size: _____
- (66) Reason for Change: _____

ATTACHMENT 2—DIRECT CONVERSION RECORD (DCR)

Section One

- (1) Direct Conversion Number: _____
- (2) Approval Date: _____
- (3) DoD Component Code: _____
- (4) Command Code: _____
- (5) Installation Code: _____
- (6) State Code: _____
- (7) Congressional District: _____
- (8) JIRSG Area Code: _____
- (9) DoD Functional Area Code(s): _____
- (10) Status Code: _____
- (11a) Manpower Estimate Civilian: _____
- (11b) Manpower Estimate Military: _____
- (11c) Estimated In-House Cost: _____
- (12) Estimated Contract Cost: _____

Section Two

- (13) Date Solicitation Issued: _____
- (14) Solicitation-Type Code: _____
- (15) Solicitation-Kind Code: _____
- (16) Current Authorized Civilians: _____
- (17) Current Authorized Military: _____
- (18) Baseline Annual Workyears Civilian: _____
- (19) Baseline Annual Workyears Military: _____
- (20) Number of Bids or Offers Received: _____

Section Three

- (21) Contract Award/Solicitation Cancellation Date: _____
- (22) Contract-Type Code: _____
- (23) Prime Contractor Size: _____
- (24) Performance Period: _____

Section Four

- (25) Contract Start Date: _____
- (26) Permanent Employees Reassigned to Equivalent Positions: _____
- (27) Permanent Employees Changed to Lower Positions: _____
- (28) Employees Taking Early Retirement: _____
- (29) Employees Taking Normal Retirement: _____
- (30) Permanent Employees Separated: _____
- (31) Temporary Employees Separated: _____
- (32) Employees Entitled to Severance: _____
- (33) Total Amount of Severance Entitlement (\$000): _____
- (34) Number of Employees Hired by the Contractor: _____

Administrative Appeal

(35) Filed: _____
 (36) Source: _____
 (37) Result: _____

GAO Protest

(38) Filed: _____
 (39) Source: _____
 (40) Result: _____

Arbitration

(41) Requested: _____
 (42) Result: _____

General Information

(43) DoD Component Comments: _____
 (44) Effective Date: _____

Section Five

(45) Contract Bid/Offer (\$000): _____
 (46) Actual Contract Cost First Performance Period (\$000): _____
 (47) Actual Contract Cost Second Performance Period (\$000): _____
 (48) Actual Contract Cost Third Performance Period (\$000): _____
 (49) Contractor Change: _____
 (50) Prime Contractor Size: _____
 (51) Reason for Change: _____

Appendix E—Public Law 96-342, as Amended by Public Law 97-252 (Hereafter Referred to as Section 502)

Section 502. (a) No commercial or industrial type function of the Department of Defense that on October 1, 1980, is being performed by the Department of Defense civilian employees may be converted to performance by a private contractor—

(1) to circumvent any civilian personnel ceiling or

(2) unless the Secretary of Defense provides to the Congress in a timely manner—

(A) notification of any decision to study such commercial or industrial type function for possible performance by a private contractor

(B) a detailed summary of a comparison of the cost of performance of such function by Department of Defense civilian employees and by private contractor which demonstrates that the performance of such function by a private contractor will result in a cost savings to the Government over the life of the contract and a certification that the entire cost comparison is available;

(C) a certification that the Government calculation for the cost of performance of such function by Department of Defense civilian personnel is based on an estimate of the most efficient and cost effective organization for performance of such function by Department of Defense personnel; and

(D) a report to be submitted with the certification required by subparagraph (C) showing—

(i) the potential economic effect on employees affected, and the potential economic effect on the local community and the Federal Government if more than 50 employees are involved of contracting for performance of such function;

(ii) the effect of contracting for performance of such function on the military mission of such function; and

(iii) the amount of the bid accepted for the performance of such function by the private

contractor whose bid is accepted and the cost of performance of such function by Department of Defense civilian employees, together with costs and expenditures which the Government will incur because of the contract.

(b) If, after completion of the studies required for completion of the certification and report required by subparagraphs (C) and (D) of subsection (a)(2), a decision is made to convert to contractor performance, the Secretary of Defense shall notify Congress of such decision.

(c) The Secretary of Defense shall submit a written report to the Congress by February 1 of each fiscal year describing the extent to which commercial and industrial type functions were performed by Department of Defense contractors during the preceding fiscal year. The Secretary shall include in each such report an estimate of the percentage of commercial and industrial type functions of the Department of Defense that will be performed by Department of Defense civilian employees, and the percentage of such functions that will be performed by private contractors, during the fiscal year during which the report is submitted.

(d) Except as provided in subsection (a)(1), subsections (a) through (c) shall not apply to a commercial or industrial type function of the Department of Defense that is being performed by ten or fewer Department of Defense civilian employees.

(e) In no case may any commercial or industrial type function being performed by Department of Defense personnel be modified, reorganized, divided, or in any way changed for the purpose of exempting from the requirements of subsection (a)(2) the conversion of all or any part of such function to performance by a private contractor.

(f) The provisions of this section shall not apply during war or a period of national emergency declared by the President or the Congress.

Dated: October 1, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-23758 Filed 10-4-85; 8:45 a.m.]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 85-88]

Marine Event: Lake Havasu City Triathlon

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Lake Havasu City Triathlon. This event will be held on 13 October 1985 at Lake Havasu City, Arizona. The regulations are needed to provide for the safety of life and

property on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on October 13, 1985 and terminate on October 13, 1985.

FOR FURTHER INFORMATION CONTACT:

LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: This final rule was not preceded by a notice of proposed rulemaking and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received until September 5, 1985, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date. This rule will benefit the public by providing regulations which would protect life and property on navigable waters during this event. Therefore, the Coast Guard has determined that good cause exists to make this rule effective in less than 30 days after publication in the Federal Register in accord with 5 U.S.C. 553(d)(3).

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 85-88) and the specific section of the rule to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District, and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The Professional Fire Fighters Association's "Lake Havasu City Triathlon" will be conducted on October 13, 1985 at Lake Havasu City, Arizona. This event will have approximately 200 swimmers that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. 33 CFR 100 is amended by adding a temporary section 100.35 11-85-88 to read as follows:

§ 100.35 11-85-88—Lake Havasu City Triathlon, Lake Havasu City, Arizona

(a) *Regulated Area:* The following area will be closed intermittently to all vessel traffic: that portion of Thompson Bay, Lake Havasu, Arizona from the London Bridge to Lake Havasu Marina.

(b) *Effective Dates:* These regulations will be effective from 7:30 AM to 9:30 AM on 13 October 1985.

(c) *Special Local Regulations:* All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designed Patrol Commander. Failure to do so may result in citation for failure to comply.

(3) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

Dated: September 18, 1985.

J.L. Maloney,

Captain, U.S. Coast Guard, Acting
Commander, Eleventh Coast Guard District.

[FR Doc. 85-23913 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD11 85-13]

Marine Event: London Bridge Days Ski Show

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish special local regulations during the London Bridge Days Ski Show. Through this action the Coast Guard intends to ensure the safety of spectators and participants on navigable waters during the start of the event.

EFFECTIVE DATE: These regulations become effective on 4 October 1985 and terminate on 12 October 1985.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Ocean Gate Boulevard, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: This final rule was not preceded by a notice of proposed rulemaking and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received until 8 August 1985, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date. This rule will benefit the public by providing regulations which would protect life and property on navigable waters during this event. Therefore, the Coast Guard has determined that good cause exists to make this rule effective in less than 30 days after publication in the Federal Register in accord with 5 U.S.C. 553(d)(3).

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 85-13) and the specific section of the rule to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The Lake Havasu Water Ski Club, "London Bridge Days Ski Show" will be conducted between 4:45 pm and 6:15 pm on 5, 6 and 11, 12 October 1985 under the London Bridge, in the Bridgewater Channel, Lake Havasu City, Arizona. This event will have approximately 3 ski boats 18 feet in length, having up to 30 skiers, that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this rule is expected to be so minimal that a full regulatory evaluation is unnecessary, since the regulated area will be in effect for a short period of time.

Since the impact of this rule is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, by adding the following section:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 U.S.C. 1236; 49 CFR 1.46(b) and 33 CFR 100.35.

2. 33 CFR 100 is amended by adding the following section:

§ 100.35 11-85-13—London Bridge Days Ski Show, Lake Havasu City, Arizona.

(a) *Regulated Area:* The following area will be closed intermittently to all vessel traffic: that portion of the Bridgewater Channel, Lake Havasu City, Arizona commencing approximately 200 yards north of the London Bridge, thence southerly along the channel to approximately 200 yards south. Event participants will be transiting under the center span of the bridge.

(b) *Effective Dates:* These regulations will be effective from 4:45 PM to 6:15 PM on 5, 6 and 11, 12 October 1985.

(c) *Special Local Regulations:* All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in a citation for failure to comply.

(3) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

Dated: 27 September 1985.

J.I. Maloney,

Captain, U.S. Coast Guard, Commander,
Eleventh Coast Guard District, Acting.

[FR Doc. 85-23911 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD11 85-18]

Marine Event: NJBA Regatta

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will establish special local regulations during the NJBA Regatta. Through this action the Coast Guard intends to ensure the safety of spectators and participants on navigable waters during the start of the event.

EFFECTIVE DATE: These regulations become effective at 8:00 am and terminate at 5:30 pm on the following dates: October 12 and 13, and November 8, 9, and 10, 1985.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Ocean Gate Boulevard, Long Beach, California 90822, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: This final rule was not preceded by a notice of proposed rulemaking and it is being

made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received until 19 August 1985, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date. This rule will benefit the public by providing regulations which would protect life and property on navigable waters during this event. Therefore, the Coast Guard has determined that good cause exists to make this rule effective in less than 30 days after publication in the Federal Register in accord with 5 U.S.C. 553(d)(3).

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 85-18) and the specific section of the rule to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are LTJG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The National Jet Boat Association, "NJBA Regatta" will be conducted on 12 and 13 October, 8-9 and 10 November 1985 on the Colorado River in front of the Bluewater Marina, Parker, Arizona. This event will have approximately 200 inboard high speed ski boats 18 to 20 feet in length, that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this rule is expected to be so minimal that a full regulatory evaluation is unnecessary, since the regulated area will be in effect for a short period of time.

Since the impact of this rule is expected to be minimal, the Coast

Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations, by adding the following section:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 U.S.C. 1236; 49 CFR 1.46(b) and 33 CFR 100.35.

2. 33 CFR 100 is amended by adding the following section:

§ 100.35 11-85-18—NJBA Regatta, Parker, Arizona.

(a) *Regulated Area:* The following area will be closed intermittently to all vessel traffic: that portion of the Arizona side of the Colorado River, from Headgate Rock Dam thence 1.5 miles north.

(b) *Effective Dates:* These regulations will be effective from 8:00 am to 5:30 pm on the following dates:

12 and 13 October 1985;

8-9 and 10 November 1985.

(c) *Special Local Regulations:* All persons and/or vessels not registered with the sponsor as participants or official regatta patrol vessels are considered spectators. The "official regatta patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol this event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official regatta patrol vessels in the regulated area during the effective dates, unless cleared for such entry by or through an official regatta patrol vessel.

(2) When hailed and/or signaled by horn or whistle by an official regatta patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions of the designated Patrol Commander. Failure to do so may result in a citation for failure to comply.

(3) The Patrol Commander is empowered to forbid and control the movement of vessels in the regulated area. He may terminate the marine event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16

(156.8 MHz) when required, by the call sign "PATCOM".

Dated: September 27, 1985.

J.I. Maloney,

*Captain, U.S. Coast Guard, Acting
Commander, Eleventh Coast Guard District.*

[FR Doc. 85-23912 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD8-85-13]

Drawbridge Operation Regulations; Vermilion River, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD) and Vermilion Parish, the Coast Guard is changing the regulations governing the operation of four state owned drawbridges and one parish owned drawbridge over the Vermilion River, Louisiana, as follows:

(1) The lift span bridge, mile 22.4 on LA82 at Perry, Vermilion Parish.

(2) The lift span bridge, mile 25.4, on LA14 at Abbeville, Vermilion Parish.

(3) The lift span bridge, mile 26.0, on LA14 Bypass at Abbeville, Vermilion Parish.

(4) The swing span bridge, mile 34.2, near Milton, Vermilion Parish, (parish owned).

(5) The lift span bridge, mile 37.6, on LA92 at Milton, Lafayette Parish.

This change requires that the draw of the bridge at Perry, mile 22.4, open on at least four hours advance notice from 9 p.m. to 5 a.m., and that the draws of the other four bridges open on at least four hours advance notice from 6 p.m. to 10 a.m. The draws will open on signal outside these hours.

This change is being made because of the infrequent requests for opening the draws at mile 25.4, 26.0, 34.2 and 37.6 between 6 p.m. and 10 a.m. This action does not change the existing advance notice period for the Perry bridge, but it does reduce the advance notice time to be given for an opening for that bridge from 12 to four hours, to be consistent with the other bridges. This action will relieve the bridge owners of the burden of having a person constantly available at each of the four bridges from 6 p.m. to 10 a.m., while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on November 6, 1985.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge

Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On 18 July 1985, the Coast Guard published a proposed rule (50 FR 29236) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a public notice dated 24 July 1985. In each notice interested persons were given until 3 September 1985 to submit comments.

Drafting Information

The drafters of this regulation are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney.

Discussion of Comments

Two letters were received in response to the notices, offering no objections to the proposed rule.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the number of vessels passing these four bridges during the advance notice period, 6 p.m. to 10 a.m., is two vessels every three days. These few vessels can reasonably give four hours notice for a bridge opening between 6 p.m. and 10 a.m. by placing a collect call at any time to the LDOTD District Office in Lafayette, Louisiana, telephone (318) 233-7304, for the state owned bridges; and, to Vermilion Parish at Abbeville, Louisiana, telephone (318) 893-0118, for the parish owned bridge. Scheduling their arrival at the bridges at the appointed time would involve little or no additional expense to the mariners. Since the economic impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR 1.46(c)(5) and 33 CFR 1.05-1(g).

2. Section 117.509 is amended by revising paragraph (a), designating existing paragraph (b) as paragraph (c), and adding new paragraphs (b) and (d) to read as follows:

§ 117.509 Vermilion River.

(a) The draw of the S82 bridge, mile 22.4 at Perry, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given.

(b) The draws of the following bridges shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given:

(1) S14 bridge, mile 25.4 at Abbeville.

(2) S14 Bypass bridge, mile 26.0 at Abbeville.

(3) Vermilion Parish bridge, mile 34.2 near Milton.

(4) S92 bridge, mile 37.6 at Milton.

(c) * * *

(d) During the advance notice periods, the draws of the bridges listed in this section shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

Dated: September 17, 1985.

Clyde T. Lusk, Jr.,

*Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.*

[FR Doc. 85-23910 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Miami, Florida Regulations CCGD7-85-49]

Safety Zone Regulations; the Rickenbacker Causeway Bridge, Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone at the Rickenbacker Causeway Bridge, Biscayne Bay, Miami, Florida, position latitude 25-45 N, longitude 80-11 W. This zone is needed to protect bridge construction workers, and pleasure and commercial vessels transiting the area. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on 2 October 1985 and terminates on 18 October 1985. The safety zone will in effect between 7:00 am and 5:00 pm Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

CWO3 P.J. MacDonald, c/o
Commanding Officer, U.S. Coast Guard,
Marine Safety Office, Miami, Fl. 33130,
Tel (305) 350-5691.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication.

Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent potential hazards to personnel and vessels involved.

Drafting Information

The drafters of this regulation are CWO3 P.J. MacDonald, project officer for the Captain of the Port, and LCDR K.E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The reason for this regulation is the construction of a new Rickenbacker Causeway Bridge, over Biscayne Bay, Miami, Florida, position latitude 25-45 N, longitude 80-11 W. The company performing the work is Atlantic Foundation Co., Inc. Construction will take place Monday through Friday between the hours of 7:00 am and 5:00 pm, from 2 October 1985, through 18 October 1985. During this time the channel will be closed for several hours each day. The following schedule will be followed on a daily basis:

7:00 am-9:00 am Channel closed
9:00 am-9:30 am Channel open
9:30 am-11:30 am closed
11:30 am-12 noon open
12 noon-2:00 pm closed
2:00 pm-2:30 pm open
2:30 pm-4:30 pm closed.

The channel will be open to traffic from 4:30 pm until 7:00 am each day, and all day on weekends. Vessels transiting this area should minimize the effects of their wake.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T-07 is added to read as follows:

§ 165.T-07 Safety Zone: The channel under the Rickenbacker Causeway Bridge, Biscayne Bay, Miami, Florida, position latitude 25-45 N, longitude 80-11 W.

(a) *Location:* The following area is a Safety Zone: In the channel under the Rickenbacker Causeway Bridge, Biscayne Bay, Miami, Florida. Position latitude 25-45 N, longitude 80-11 W. The zone is needed to protect bridge construction workers and pleasure and commercial vessels transiting the area. Construction will take place Monday through Friday, beginning 2 October 1985 through 18 October 1985, between the hours of 7:00 am and 5:00 pm. The channel will be closed for several hours each day. The following schedule will be followed on a daily basis:

7:00 am-9:00 am Channel closed
9:00 am-9:30 am Channel open
9:30 am-11:30 am closed
11:30 am-12 noon open
12 noon-2:00 pm closed
2:00 pm-2:30 pm open
2:30 pm-4:30 pm closed.

Daily after 4:30 pm the channel will be open to traffic until 7:00 am the following morning. Vessels transiting this area should minimize the effects of their wake.

(b) Regulations:

(1) In accordance with the general regulation in § 165.23 of this part, entry into this zone is prohibited, unless authorized by the Captain of the Port.

(2) Vessels transiting this area should minimize the effects of their wake.

Dated: September 26, 1985.

R.N. Roussel,

Commander, U.S. Coast Guard, Captain of the Port, Miami, Florida.

[FR Doc. 85-23907 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-14-M

LIBRARY OF CONGRESS**Copyright Office****37 CFR Part 201**

[Docket RM 85-3A]

Cancellation of Completed Registrations

AGENCY: Copyright Office, Library of Congress

ACTION: Final regulations.

SUMMARY: The Copyright Office of the Library of Congress is issuing final regulation 37 CFR 201.7 regarding cancellation practices and procedures under the Copyright Act of 1976. The effect of this new regulation is to specify

the conditions under which the Copyright Office will cancel a completed registration.

EFFECTIVE DATE: October 7, 1985.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559 (202) 287-8380.

SUPPLEMENTARY INFORMATION:

Cancellation is an action taken by the Copyright Office to expunge an already completed registration. On August 16, 1985, the Copyright Office published in the Federal Register a proposed regulation setting forth the policies and procedures governing cancellation [50 FR 33065]. Although the Copyright Office applied cancellation procedures under both the 1909 Act and the 1976 Act, no regulation had even specified in detail the circumstances under which the Office would cancel a completed registration. Regulations in effect since 1956,¹ however, had established the principle that the Office would correct its own errors by cancelling where the claim is invalid.

The Copyright Office received two comments from three attorneys practicing in the same law firm. The comments urged that the proposed regulation be withdrawn for a variety of reasons. The comments asserted the cancellation regulation posed constitutional problems due to the location of the Library of Congress within the legislative branch. It was further argued that cancellation procedures should be limited to "administrative" cancellations and no action should be taken in the case of "substantive" cancellation. The comments asserted the cancellation regulation enlarged the scope of the Register's authority, and reduced public confidence in the registration system. Additionally, the comments claimed the cancellation regulation would establish procedures similar to "interference" proceedings such as those provided by the Federal trademark and patent laws, and the lack of a hearing procedure raised procedural due process concerns under the Administrative Procedure Act (APA). Finally, the comments asserted the cancellation procedures were properly before a federal court in a case they described as the "Zap Mail" case.

The Copyright Office considers the withdrawal of a proposed regulation embodying procedures applied for many years, and described in the Office's publicly available practices,² to be an

¹ 37 CFR 201.5(a) (1957); 37 CFR 201.5(a)(2) (1976).

² *Compendium I of Copyright Office Practices*, Supplementary Practice No. 15, at S-48 and S-49 (1973).

extreme position. For reasons which will be detailed subsequently, the Copyright Office has rejected the request to withdraw the cancellation regulation.

In adopting § 201.7, the Copyright Office has made a technical change in the language of § 201.7(a) regarding the definition of cancellation. The most significant change in this language is the deletion of the reference to "an error of the Office." In general cancellation for substantive invalidity will be invoked to correct Copyright Office errors, i.e., where the original administrative record reveals a material defect in the claim which the examiner should have noticed at the time of original examination. In other instances, however, cancellation is also appropriate where the Office discovers that the factual circumstances relied on at the time of registration were not accurate, and that on the basis of facts as they actually exist, registration was not authorized.³ Cancellation because of insufficient funds also does not involve Office error. Since the reasons for an erroneous registration may encompass errors by either the Copyright Office or by the copyright claimant, the Office decided to delete the reference entirely.

The Office intends no change however in practices that it has been following under the current Act. As we stated in the Supplementary Information to the proposed regulation, the Office "does not invite, and will generally not respond favorably to, requests to cancel a completed registration" from members of the public.

The Copyright Office studied carefully the criticism in both comment letters before it decided to adopt the cancellation regulation in final form. The discussion of the background and present cancellation practices, and of the authority to cancel, as published at 50 FR 33065-67, is reconfirmed and incorporated by reference here. In addition, the Copyright Office has rejected the points raised by the comment letters for the following reasons.

1. *Constitutional infirmities.* The argument that refusals to register on substantive grounds pose constitutional

problems because the Library of Congress is located in the legislative branch was considered thoroughly and rejected by the Fourth Circuit in *Eltro Corp. v. Ringer*, 579 F.2d 294 (4th Cir. 1978), decided under the Act of 1909:

*** It is irrelevant that the Office of the Librarian of Congress is codified under the legislative branch or that it receives its appropriation as part of the legislative appropriation. The Librarian performs certain functions which may be regarded as legislative (i.e., Congressional Research Service) and other functions (such as the Copyright Office) which are executive or administrative. Because of its hybrid character, it could have been grouped code-wise under either the legislative or executive department.⁴

The authority of the Register to examine claims and refuse registration of invalid claims is explicitly stated in the current Act, 17 U.S.C. 410. In a cancellation for substantive invalidity, the Office simply corrects the public record to show what action the Office would have taken initially if the claim had been examined correctly or if the claimant had truthfully presented the material facts on which registration was based. The authority to refuse registration clearly encompasses the authority to cancel a completed registration that is invalid as a matter of law.

Since the courts have held that the Copyright Office can constitutionally refuse registration it seems obvious that the Office can constitutionally act to correct errors (whether its own or the claimant's) by simulating the action that should have been taken initially.

2. *Distinction between "administrative" cancellation and "substantive" cancellation.* The law firm argued that the Copyright Office should limit its cancellation procedures to so-called "administrative" cancellations. No cancellation should be considered on "substantive" grounds, which the firm identified as "based upon non-copyrightable subject matter."

It is unclear why the law firm believes non-copyrightable subject matter is an inherently different matter from other material defects in the validity of the claim. As an example of an "administrative" cancellation, the firm gave the following case: "... if the Copyright Office discovers that a

renewal copyright application was actually filed too late because the original application discloses an early year date in the copyright notice, then the Copyright Office should have the authority to cancel a registration upon proper notice to the renewal claimant."

In both the above example and the case of registration of non-copyrightable subject matter the registration is invalid under the copyright law. The Office can see no reason why one should be classified as "administrative" cancellation and within the authority of the Copyright Office, and the other a "substantive" cancellation and outside the authority of the Copyright Office. In applying the cancellation policies under the 1909 Act and 1976 Act, the Copyright Office has never attempted to distinguish between "administrative" cancellations and "substantive" cancellations, as defined by the law firm, and no compelling argument or authority has been advanced for establishing such a distinction.

3. *Enlarging the scope of the Register's authority and reducing public confidence.* Section 201.7 neither enlarges the scope of the Register's authority under the statute nor reduces public confidence in the registration system. As detailed in the Supplementary Information published in the *Federal Register* at 50 FR 33065-33067 and hereby incorporated by reference cancellation has long been practiced under both the 1909 Act and 1976 Act. In considering enactment of the 1976 Act Congress was clearly informed of the cancellation procedures.⁵ The provisions of the 1976 Act reflect a clear concern that the factual content of Copyright Office registration records be accurate and that claims at least facially satisfy the legal requirements of the Act. Section 410 authorizes an examination for copyright validity and section 506(e) makes it a criminal misdemeanor knowingly to misrepresent a material fact in an application for registration. In discussing the correction and amplification provision of section 408(d), both Congressional Reports on the Copyright Revision Bill acknowledge the authority of the Copyright Office to correct its own errors:

... The "error" to be corrected under subsection (d) is an error by the applicant that the Copyright Office could not have been expected to note during its examination of the claim; where the error in a registration is

⁴ *Eltro Corp. v. Ringer*, 579 F.2d 294, 301 (4th Cir. 1978). As the court also noted, "it seems incredible that, if there were a constitutional infirmity in the 1909 Act, it would have so long escaped notice by either the Supreme Court or the bar or that the Supreme Court would have given implicit authorization ... for the exercise by the Register of the power to issue rules and regulations, as provided in the Act." *Id.* at 299.

⁵ Supplementary Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law, 1965 Revision Bill, Copyright Law Revision, Part 6, 89th Cong., 1st Sess. 120 (Comm. Print 1965).

³ An example of such a case arises where a work is deposited without a notice of copyright and the application designates a date of publication on or after January 1, 1978. After the original registration is made, the copyright claimant files a corrective application designating the publication date as before January 1, 1978. In such a case registration would not be authorized because under the terms of the 1909 Act, publication without notice divested copyright protection. Registration must be refused. It would be a fraud on, or at least a disservice to, the public if the Office allowed the original registration to remain valid where, on the claimant's own admissions, the registration is invalid.

the result of the Copyright Office's own mistake or oversight, the Office can make the correction on its own initiative and without recourse to the "supplementary registration" procedure.⁶ (Emphasis added.)

Section 201.7 embodies existing Copyright Office procedures with one exception. It authorizes cancellation for substantive invalidity only after a copyright claimant has been notified of the proposed cancellation and has been given an opportunity for 30 days to show cause why the cancellation should not be made. The Copyright Office believes this new policy is a wise addition and the commentators appear to agree that notice to the claimant is desirable.

The Copyright Office believes that cancellation procedures are necessary to maintain the integrity of Copyright Office records. Without cancellation procedures, a copyright registration could be given prima facie effect in federal court where the Copyright Office knew the registration to be invalid under its regulations or practices. This would place an unfair burden on the public and on defendants in copyright litigation to overcome the strong presumption of validity that the courts have generally accorded copyright registrations. If not corrected, registrations that are inconsistent with published regulations and practices might be cited to the courts to support arguments that the Office has not consistently applied its regulations and practices. The Office views cancellation of invalid claims as a necessary measure to ensure the integrity of the copyright registration system and to ensure consistent application of its regulations and practices.⁷ In addition, restricting cancellation procedures in the manner suggested by the law firm could create an incentive to misrepresent facts since the Copyright Office would be powerless to correct certain errors once the registration was made.

4. *Similarity to interference proceedings and lack of hearing procedures.* The argument in the comments asserting that the cancellation procedures would establish an interference proceeding similar to the Patent Office is false. In examining claims for copyright registration, the

Copyright Office does not resolve factual disputes and does not conduct adversarial proceedings. In general, the Copyright Office accepts the facts as given by the copyright claimant.⁸ Interference proceedings before the Patent Office, on the other hand, involve the resolution of difficult factual controversies.

Likewise, the hearing requirement under 5 U.S.C. 554 of the APA involves adjudications. The Copyright Office does not adjudicate factual controversies between parties. There is no requirement of a hearing in the Copyright Act for any action of the Office. Any due process concerns are satisfied by notice to the applicant and the opportunity to show cause why cancellation should not be made.

5. *The "Zap Mail" case.* The Copyright Office is not entirely certain what the commentators mean by the "Zap Mail" case. The commentators provided no citation as to the parties nor to the court in which this action is filed. One recent case, *Kiddie Rides, U.S.A., Inc. v. Donald Curran*, Civ. No. 85-1368 (D.C.D.C. Apr. 26, 1985) initially raised an issue concerning cancellation procedures, but the case was dismissed on July 31, 1985, after the Copyright Office reinstated the cancelled registrations for the purpose of affording the applicant an opportunity to show cause why the claims should not be cancelled. There are presently no pending actions involving the cancellation procedures.

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5 Chapter 5 of the U.S. Code, Subchapter II and Chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.⁹

⁶ While the Copyright Office generally accepts the factual assertions of the copyright claimant as true, the Copyright Office is not required to accept factual assertions which are beyond belief. For example, the assertion or independent creation of the U.S. Constitution would not be accepted.

⁷ The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title [17]."

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined that this proposed regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 201

Claims to copyright, Copyright.

Final Regulations

In consideration of the foregoing, Part 201 of 37 CFR, Chapter II is amended as follows:

PART 201—[AMENDED]

1. The authority citation for Part 201 is revised to read as follows:

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702; § 201.7 is also issued under 17 U.S.C. 408, 409, and 410.

2. By adding a new § 201.7 to read as follows:

§ 201.7 Cancellation of completed registrations.

[a] *Definition.* Cancellation is an action taken by the Copyright Office whereby either the registration is eliminated on the ground that the registration is invalid under the applicable law and regulations, or the registration number is eliminated and a new registration is made under a different class and number.

[b] *General policy.* The Copyright Office will cancel a completed registration only in those cases where: (1) It is clear that no registration should have been made because the work does not constitute copyrightable subject matter or fails to satisfy the other legal and formal requirements for obtaining copyright; (2) registration may be authorized but the application, deposit material, or fee does not meet the requirements of the law and Copyright Office regulations, and the Office is unable to get the defect corrected; or (3) an existing registration in the wrong class is to be replaced by a new registration in the correct class.

[c] *Circumstances under which a registration will be cancelled.* (1) Where the Copyright Office becomes aware after registration that a work is not copyrightable, either because the authorship is de minimis or the work

except with respect to the making of copies of copyright deposits. [17 U.S.C. 706(b)]. The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

⁸ Sen. Rep. No. 94-473, 94th Cong., 1st Sess. 137 (1975); H.R. Rep. No. 94-1476, 94th Cong., 2d Sess. 155 (1976).

⁷ Double examination or other quality review before issuance of the certificate would be another way to obviate the need for most cancellations on substantive grounds. This would of course result in significant delays in certificate issuance. The Office and the public have preferred the present system in the past, and, in view of the exceedingly small number of errors, the Office continues to favor correction of errors after registration to delays in processing for all claims.

does not contain authorship subject to copyright, the registration will be cancelled. The copyright claimant will be notified by correspondence of the proposed cancellation and the reasons therefor, and be given 30 days, from the date the Copyright Office letter is mailed, to show cause in writing why the cancellation should not be made. If the claimant fails to respond within the 30 day period, or if the Office after considering the response, determines that the registration was made in error and not in accordance with title 17 U.S.C., Chapters 1 through 8, the registration will be cancelled.

(2) When a check received in payment of a registration fee is returned to the Copyright Office marked "insufficient funds" or is otherwise uncollectible the Copyright Office will immediately cancel any registration(s) for which the dishonored check was submitted and will notify the remitter the registration has been cancelled because the check was returned as uncollectible.

(3) Where registration is made in the wrong class, the Copyright Office will cancel the first registration, replace it with a new registration in the correct class, and issue a corrected certificate.

(4) Where registration has been made for a work which appears to be copyrightable but after registration the Copyright Office becomes aware that, on the administrative record before the Office, the statutory requirements have apparently not been satisfied, or that information essential to registration has been omitted entirely from the application or is questionable, or correct deposit material has not been deposited, the Office will correspond with the copyright claimant in an attempt to secure the required information or deposit material or to clarify the information previously given on the application. If the Copyright Office receives no reply to its correspondence within 30 days of the date the letter is mailed, or the response does not resolve the substantive defect, the registration will be cancelled. The correspondence will include the reason for the cancellation. The following are instances where a completed registration will be cancelled unless the substantive defect in the registration can be cured:

- (i) Eligibility for registration has not been established;
- (ii) A work was registered more than 5 years after the date of first publication and the deposit copy or phonorecord does not contain a statutory copyright notice;
- (iii) The deposit copies or phonorecords of a work published

before January 1, 1978 do not contain a copyright notice or the notice is defective;

(iv) A renewal claim was registered after the statutory time limits for registration had apparently expired;

(v) The application and copy(s) or phonorecord(s) do not match each other and the Office cannot locate a copy of phonorecord as described in the application elsewhere in the Copyright Office of the Library of Congress;

(vi) The application for registration does not identify a copyright claimant or it appears from the transfer statement on the application or elsewhere that the "claimant" named in the application does not have the right to claim copyright;

(vii) A claim to copyright is based on material added to a preexisting work and a reading of the application in its totality indicates that there is no copyrightable new material on which to base a claim;

(viii) A work subject to the manufacturing provisions of the Act of 1909 was apparently published in violation of those provisions;

(ix) For a work published after January 1, 1978 the only claimant given on the application was deceased on the date the application was certified;

(x) A work is not anonymous or pseudonymous and statements on the application and/or copy vary so much that the author cannot be identified; and

(xi) Statements on the application conflict or are so unclear that the claimant cannot be adequately identified.

(d) *Minor substantive errors.* Where a registration includes minor substantive errors or omissions which would generally have been rectified before registration, the Copyright Office will attempt to rectify the error through correspondence with the remitter. Except in those cases enumerated in paragraph (c) of this section, if the Office is unable for any reason to obtain the correct information or deposit copy the registration record will be annotated to state the nature of the informality and show that the Copyright Office attempted to correct the registration.

Dated: September 26, 1985.

Ralph Oman,

Register of Copyrights,

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 85-23900 Filed 10-4-85; 8:45 am]

BILLING CODE 1410-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 76

[MM Docket No. 85-61; FCC 85-511]

Amendment To Implement the Equal Employment Opportunity Provisions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order changes the Commission's rules and regulations regarding equal employment opportunities in the cable industry. This action is necessitated by the passage of the Cable Communications Policy Act of 1984 which sets a national cable equal employment opportunity policy. This action is intended to revise our rules and regulations to conform with the Cable Communications Policy Act of 1984.

EFFECTIVE DATE: September 25, 1985.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bruce A. Franca, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 76

Cable television.

Report and order

In the matter of amendment of Part 76 of the Commission's Rules to Implement the Equal Employment Opportunity Provisions of the Cable Communications Policy Act of 1984, MM Docket No. 85-61, FCC 85-511.

Adopted: September 18, 1985.

Released: September 25, 1985.

By the Commission: Commissioner Patrick dissenting in part and issuing a statement at a later date.

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I. Introduction

1. On October 30, 1984, the Cable Communications Policy Act of 1984 (Cable Act) was signed into law.¹ This legislation established guidelines for the regulation of cable systems in the areas of ownership, channel usage, franchising, rates and service regulations and equal employment opportunity (EEO) requirements.² By this *Report and Order*, the Commission is amending its rules to implement the EEO provisions of the Cable Act.

II. Background

2. On March 1, 1985, the Commission adopted a *Notice of Proposed Rule Making (Notice)* that proposed rules and regulations to implement the equal employment opportunity provisions of the Cable Act. Section 634 of the Cable Act sets forth EEO requirements for the cable industry. This section of the Cable Act requires that each cable operator establish a program to ensure equal employment opportunities. In addition, it states that cable operators must file an annual employment report with the Commission and defines the contents of that report. Section 634 of the Cable Act also provides that the Commission must certify annually those cable systems that are in compliance with these EEO provisions and, must periodically investigate the employment practices of each cable system to review and verify its compliance with the prescribed EEO standards.

3. Section 634(d)(1) of the Cable Act requires that the Commission, not later than 270 days after the effective date of the Cable Act, and after notice and opportunity for hearing, prescribe rules to ensure that the cable industry carriers out these EEO provisions.³ In the *Notice*, we proposed rule changes we believed were required to implement the EEO provisions of the Cable Act and sought comment from all interested parties on the proposed rules.

4. Seventeen comments and eleven

reply comments were filed in response to the *Notice*.⁴

III. Current State of the Cable Industry

5. The Commission has broad experience in the enforcement of EEO standards in the cable industry. The Commission first adopted EEO requirements for the cable industry in 1972.⁵ These rules were subsequently modified in 1978.⁶ The cable EEO rules currently require all operators of cable television systems to afford equal opportunity in employment to all qualified persons. Cable operators may not discriminate against any person in employment because of race, color, religion, national origin or sex. In

addition, each cable operator must establish and file with the Commission an equal employment opportunity program which includes specific practices designed to assure equal opportunity in employment. Finally, cable operators are required to file an annual employment report with the Commission.

6. The cable industry has generally increased the number of minority and female employees since the adoption of the Commission's EEO rules and regulations. The following tables show the minority and female employment statistics for the cable industry over the last ten years:

	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Overall Employment in the Cable Industry [*]										
Percent of minority employees	8.6	9.3	10.8	11.7	12.3	12.8	13.9	15.2	15.2	17.4
Percent of female employees	28.4	30.0	29.1	29.6	32.0	32.4	33.3	34.7	36.0	37.2
Employment in Top Four Job Categories [*]										
Percent of minority employees	N/A	N/A	N/A	10.3	10.6	10.4	11.0	12.7	12.6	14.0
Percent of female employees	N/A	N/A	N/A	10.8	12.6	13.9	16.5	18.4	19.4	21.5

^{*} Source: FCC Public Notices concerning Cable Television Employment Statistics. These figures do not include headquarters personnel.
[†] Id.

7. Several commenting parties point to the present composition of the cable industry as an indication of the general non-discriminatory nature of the cable industry's current employment practices. The National Cable Television Association, Inc. (NCTA), in its comments, states that the cable industry has nearly doubled its percentage of minority employees since 1975. Over the same period, NCTA notes that the percentage of female employees has grown by almost one-third. NCTA also indicates that the cable industry has significantly increased the percentage of minorities and women in the top four job categories. The Joint Comments of Cable Companies (Joint Commenters) indicate that since 1974 minority employment in the top four job categories has more than doubled. The Joint Commenters believe that such statistics demonstrate the non-discriminatory nature of cable industry employment practices and the effectiveness of the Commission's rules in promoting such practices. Similar observations were made by other commenters.

IV. Scope, Policy and Program

8. Section 634 of the Cable Act states that equal opportunity in employment shall be afforded by entities operating cable systems and that no person shall be discriminated against in employment because of race, color, religion, national origin, age, or sex. In addition, it sets forth a number of provisions to ensure opportunity for equal employment in the cable industry.⁹ In this regard, it defines the scope of applicability of the EEO rules and, delineates the policy, program and practices that cable entities must establish to ensure equal employment opportunity.

9. *Scope of EEO Rules.* Section 634(a) of the Cable Act defines the cable entities subject to the EEO provisions. It states that these provisions: "shall apply to any corporation, partnership, association, joint-stock company, or trust engaged primarily in the

^{*} Our EEO Authority does not preclude states and franchising authorities from requiring EEO standards that are consistent with the requirements of Section 634. See Section 634(i)(1)(A). Regarding state and local authority to adopt more stringent EEO standards, we concur with the Department of Justice's comments that the Commission misstated the intent of the Cable Act in the *Notice* because of our reliance on the legislative history of an earlier version of the statute. See *Notice* at fn. 4.

¹ Cable Communications Policy Act of 1984, Pub. L. No. 98-549, § 1 et seq., 98 Stat. 2779 (1984).

² The Commission implemented certain provisions of the Cable Act other than those pertaining to equal employment opportunity in the *Report and Order* in MM Docket 84-1296, 50 FR 18637 (1985).

³ Appendix A contains the rule changes we are adopting to implement the Cable Act.

⁴ Appendix B is a list of commenters.

⁵ See *Report and Order*, Docket No. 19246, 34 FCC 2d 188 (1972).

⁶ See *Report and Order*, in Docket No. 20829, 69 FCC 2d 1324 (1978).

management or operation of any cable system."

In addition, section 634(h) broadens the scope of systems subject to the EEO provisions. This section provides that the EEO requirements also apply to operators of satellite master antenna television systems (SMATVs), including those systems that serve only to retransmit the signals of broadcast television stations.¹⁰ Section 634(h) also provides that a SMATV operator is not subject to the EEO requirements if it serves fewer than 50 subscribers. The House Report on the Cable Act indicates that SMATV operators are subject to the EEO provisions regardless of whether the systems only serve commonly-owned apartments without crossing public rights of way.¹¹

10. The House Report indicates that section 634 applies to cable "entities," rather than cable "operators," that manage or operate cable systems pursuant to any existing or future franchises.¹² The House Report also emphasizes that both individual cable systems and the regional and national headquarters of a company, to the extent such operations are primarily engaged in the management of any cable system, are subject to the provisions of this section. It states:

where a subsidiary or affiliate of a corporation or other entity has primary responsibility for the management or operation of one or more cable systems, the affiliate or subsidiary, and the cable system it manages or operates, will be subject to the requirements of this section as separate employment units; the parent entity will not be subject to the requirements of this section. Similarly, other affiliates or subsidiaries of the parent entity, if not engaged primarily in the management or operation of any cable system, also will not be subject to the requirements of this section.¹³

11. In the *Notice*, the Commission observed that the scope of the EEO requirements of the Cable Act differs in certain respects from that of the Commission's EEO rules. First, the requirements of the statute apply to entities involved in management or operation of cable television systems, while our EEO rules apply to "operators" of such systems. In the *Notice*, the Commission stated its belief

¹⁰ Section 634(h) states that "the term 'cable operator' includes any operator of any satellite master antenna television system, including a system described in section 602(6)(A)." Section 602(6)(A) refers to "a facility that serves only to retransmit the television signals of one or more television broadcast stations."

¹¹ See House Committee on Energy and Commerce, H.R. Rep. No. 934, 98th Cong., 2nd Sess. (1984) [hereinafter House Report] at 93.

¹² *Id.* at 88.

¹³ *Id.*

that this difference constitutes a minor change in terminology with no substantive effect. However, for purposes of consistency, we proposed to amend our rules to comport with the language in the Cable Act. In addition, section 634 specifies a broader range of video distribution systems as "cable systems" for purposes of EEO enforcement than our current rules.¹⁴ We proposed to modify our rules concerning the scope of systems subject to EEO enforcement so that they conform with the statute.

12. No specific comments were received concerning our proposals with regard to the scope of the EEO provisions of the Cable Act. However, the Office of Management and Budget (OMB), in its response to our request for approval of the EEO reporting requirements, is critical of the proposed scope of these requirements. OMB questions whether Section 634 requires SMATV operators to file statistical reports. It recognizes that section 634 includes operators of SMATV systems as "cable operators" and that some portions of the section apply specifically to cable operators. Notwithstanding this, OMB argues that the portion requiring an annual statistical report does not refer to cable operators, but rather to the cable "entities" described in section 634(a). OMB, therefore, holds that the statute does not require SMATV operators to file statistical EEO reports.

13. After reviewing the record, we believe the modifications proposed in the *Notice* concerning the scope of systems subject to the EEO requirements are generally appropriate to conform our rules with section 634. We disagree with OMB's interpretation that the Cable Act does not require SMATV operators to file statistical EEO reports. We do not believe that the fact that the statute refers to operators of SMATV systems as "cable operators" rather than "cable entities" exempts operators of SMATV systems from the statistical reporting requirements. Section 634(a) of the Cable Act specifies that the EEO requirements shall apply to "any corporation, . . . or trust engaged primarily in the operation of any cable system (emphasis added)." Further, section 634(i)(3) provides that "the provisions of this section shall apply to any cable operator. . . ." and that "cable operator" includes a SMATV operator. Based on this language, we

¹⁴ We also noted that the definition of a cable television system in our rules differs from that described in the statute. In the *Report and Order* implementing other provisions of the Cable Act, the Commission adopted the Cable Act definition of a cable system. See *Report and Order*, Docket No. 84-1296, *supra*.

believe that Congress intended that SMATV operators be subject to all provisions of section 634. Accordingly, we will require SMATV operators to comply with the cable EEO statistical reporting requirements. It should be noted, however, that section 634(h)(3) provides that where the cable operator is also the owner of a multiple unit dwelling, the EEO requirements will only apply with respect to its employees who are primarily engaged in cable telecommunications. We believe that in most cases, SMATV operators will have fewer than six employees who are involved in the operation of the cable service on a full-time basis and, therefore, it would appear that most SMATV operators would be exempt from the filing requirement.

14. *EEO Policy.* Section 634(b) of the Cable Act requires that each cable entity afford equal opportunity in employment. This section, thus, sets the general policy that cable entities are prohibited from discriminating on the basis of race, color, religion, national origin, age, or sex. Section 634(c) of the Cable Act requires that each cable entity establish, maintain and execute a continuing program of specific practices to ensure equal employment opportunity in every aspect of its employment policies. The Cable Act sets forth the following five steps each entity shall take as part of its EEO program:

- (1) Define and review the responsibility of each level of management with regard to the application and enforcement of its EEO policy;
- (2) Inform its employees and recognized employee organizations of the EEO policy;
- (3) Solicit the assistance of sources of qualified applicants, without regard to race, color, religion, national origin, age, or sex, to fulfill its employment needs;
- (4) Conduct a continuing program to exclude discrimination on the basis of race, color, religion, national origin, age, or sex in its personnel practices and working conditions; and
- (5) Continually review its job structure and employment practices to ensure genuine equality of opportunity at all levels.

These provisions are similar to the requirements of § 76.311(e) of the Commission's rules with the exception that the Cable Act adds a specific prohibition against age discrimination. In the *Notice*, we proposed to add the age category and to change the language of our rules to conform with the Cable Act.

15. Commenting parties generally support our proposal to amend our rules

to add a prohibition on age discrimination and to conform the language of the rules to the statute. Accordingly, we are amending Section 76.311 of the rules to conform to section 634(c) of the Cable Act, as proposed in the *Notice*. These provisions appear in a new rule § 76.73 as shown in the attached Appendix A.

16. *EEO Program*. Section 634(d)(2) directs the Commission to promulgate rules that specify the manner in which each cable entity shall, to the extent possible:

(1) Disseminate its equal opportunity program to job applicants, employees, and those with whom it regularly does business;

(2) Use minority organizations, organizations for women, media, educational institutions, and other potential sources of minority and female applications to supply referrals whenever jobs are available in its operation;

(3) Evaluate its employment profile and job turnover against the availability of minorities and women in its franchise area;

(4) Undertake to offer promotions of minorities and women to positions of greater responsibility;

(5) Encourage minority and female entrepreneurs to conduct business with all parts of its operation; and

(6) Analyze the results of its efforts to recruit, hire, promote, and use the services of minorities and women and explain any difficulties encountered in implementing its equal employment opportunity program.

17. The legislative history indicates that this subsection conforms in large part of the existing EEO program requirements contained in § 76.311(f) of the rules. For example, these rules state that each cable entity must disseminate its equal opportunity program by posting notices in its offices and places of employment informing employees, and applicants for employment, of their equal employment opportunity rights. This section of the Cable Act adds, however, a requirement that the Commission design rules to encourage cable systems to conduct business with minority and women entrepreneurs. In the *Notice*, we indicated that we believe this can be accomplished by requiring cable entities, to the extent possible, to affirmatively seek bids from minority and female entrepreneurs for contracted work.

18. The commenting parties generally agree with our proposed approach for revising our rules concerning the requirements of a cable system's EEO program. In particular, most parties are in favor of our proposal to encourage

cable systems to conduct business with minority and female entrepreneurs. Accordingly, we are amending our rules to incorporate the provisions of section 634(d)(2) as proposed in the *Notice*.

V. Monitoring of EEO Performance

19. Section 364 of the Cable Act requires that the Commission monitor the EEO performance of cable entities. The statute requires that all entities with more than five full-time employees file an annual employment report with the Commission. Furthermore, the Commission is required to certify annually that each cable entity is in compliance with the EEO standards prescribed in paragraphs (b), (c), and (d) of Section 634. This certification is to be based on information in the possession of the Commission, including the annual reports. The Commission also must investigate each cable entity at least once in five years to review its employment policies and practices and to verify the accuracy of its annual employment reports.

20. In the *Notice*, the Commission proposed a comprehensive revision of its EEO reporting requirements and compliance procedures to reflect the provisions of section 634 of the Cable Act. The Commission proposed to delete the rule requiring each cable operator to file a copy of its EEO program and to replace it with a new procedure for certifying compliance with our EEO requirements. The new certification and investigation procedures would be based on information submitted on a revised Form 395A, "Cable Television Annual Employment Report and Application for Certification," and a new Form 397, "Cable Television Equal Employment Opportunity Investigation Form."¹⁵ As proposed, Form 395A would satisfy the Cable Act's annual reporting requirement and provide the Commission with sufficient additional information for certification. The Commission made specific proposals for certification based on these reports, including the use of the existing EEO processing guidelines. The proposed new Form 397 would elicit more detailed information and would be submitted once every five years, in lieu of the Form 395A. The Form 397 reports would be the basis of the Commission's investigation of cable systems' EEO performance. The Commission also proposed to allow arrangements with multiple system operators (MSOs) for the coordinated review of their EEO reports.

21. In developing proposals for the reporting formats and the certification

and investigation procedures, we considered several criteria. First, the reporting requirement must provide the Commission with sufficient information to enable us to implement fully our statutory EEO enforcement responsibilities. Second, we attempted to minimize the reporting burden on individual cable operators. Finally, in order to process the required data from more than 5,000 employment units every year, we sought procedures that would be feasible for us to administer and would allow us to automate much of our review of cable system EEO performance.

A. Annual Employment Reports

22. Section 634(d)(3) of the Cable Act requires that each cable entity with more than five full-time employees file an annual employment report that identifies full-time and part-time employees by race and sex in each of the following job categories:

- (A) Officials and managers;
- (B) Professionals;
- (C) Technicians;
- (D) Sales persons;
- (E) Office and clerical personnel;
- (F) Skilled craft persons;
- (G) Semiskilled operatives;
- (H) Unskilled laborers; and
- (I) Service workers.¹⁶

This reporting requirement is similar to the Commission's existing Form 395A. The Cable Act also requires that the annual report include the number of minorities and women in the relevant labor market for each of the specified job categories. The Cable Act further specifies that the reports shall be available at the central office and at every location where more than five full-time employees are assigned to work.

23. Upon review of the record in this proceeding, we have developed revised annual EEO reporting requirements that we believe will provide adequate information for our certification activity with the minimum burden on all parties involved. The various aspects of the revised EEO annual reporting requirement are discussed below.

24. *Filing Requirements*. As proposed in the *Notice*, each employment unit and headquarters unit with more than five full-time employees would submit a revised Form 395A each year. This form would request identifying information about the cable employment unit (name,

¹⁶ These job categories are determined by the Office of Management and Budget and are presently used by the Commission for its EEO reporting requirements. These categories are also used government-wide for all industries. See *Notice* Appendix B for complete definitions of these terms.

¹⁵ See *Notice*, Appendices B and C.

address, etc.); a breakdown of full-time employees by sex, race and national origin in the nine job categories specified in section 634 of the Cable Act; data on part-time employees, promotions and job hires in the upper four job categories and in the aggregate; and, a list of primary minority and female recruitment sources contacted. In addition, the form would request available labor force data (aggregate) and, if available, occupational availability data in each of the nine job categories and in the aggregate. The employment information on the form would be based on one payroll period in January, February or March of the year during which the report is filed. Each employment unit would be expected to use the same payroll period each year. We also proposed to require employment units with five or fewer full-time employees to submit page one of the form which contains various identifying information. This information would allow us to keep consistent records, especially for cable entities that may meet the reporting cut-off in some years, but do not meet it in other years.¹⁷

25. Several parties had general comments relating to these proposals. OMB questions the need to collect this information from those cable entities that also are required to submit similar data to the Equal Employment Opportunity Commission (EEOC) on its Form EEO-1. Centel Cable Television (Centel), which must also file with the EEOC, suggests that we incorporate that agency's filing into our forms, as much as possible, to minimize the reporting burden on the affected cable entities. OMB states that the proposed Form 395A and its instructions do not state why the data are being collected. OMB states that section 3504(c)(3)(C) of the Paperwork Reduction Act requires that the commission indicate how the requested data will be used and whether a response to the form is voluntary, required to obtain a benefit or mandated by law. NCTA and the National Association of Minorities in Cable (NAMIC) support our proposal to require all employment units to file page one of the form to facilitate our recordkeeping. OMB, however, objects to this proposal, stating that we already collect identifying information from each cable system on the annual Form 325. As an alternative, OMB suggests the addition of a certification statement to Form 325 to the effect that the cable entity has less than six employees and

is not required to submit an annual employment report.

26. The Office of Communication of the United Church of Christ and Action for Children's Television (UCC/ACT) and OMB request that we clarify the date that the annual report is due at the Commission. UCC/ACT notes that the proposed instructions indicate that Form 395A must be submitted by May 1 and the proposed form requires a response within 60 days of receipt. The Joint Commenters recommend that the Commission permit an employment unit to change its reporting period if there is a change of ownership.

27. The Form 395A reports will be required to be submitted by May 1 of each year. After consideration of these comments, we are adopting filing requirements that include some modifications of our initial proposals. We will require each cable employment unit with six or more full-time employees to submit Form 395A annually. The statistical information contained on the Form 395A should be based on one pay period during January, February, or March, as proposed in the Notice.¹⁸

28. We will not, in general, require an annual submission from cable entities with fewer than six full-time employees. However, we will require such entities to initially identify that they have less than six employees and are not subject to the statistical reporting requirements. This information would be provided by a one-time certification on page one of the Form 395A that the unit has fewer than six full-time employees.¹⁹ Of course, if such a cable entity increased its workforce to six or more full-time employees, it would then become subject to the full Form 395A reporting requirements. On the other hand, if a cable entity reduces its workforce to fewer than six full-time employees, it

¹⁸ These provisions apply to cable entities as employment units. Each cable system may be considered a separate employment unit. However, where two or more cable systems are under common ownership or control and are interrelated in their local management, operation and utilization of employees, they shall constitute a single employment unit. A multiple system operator shall treat as a separate employment unit each headquarters office to the extent that work of the office is primarily related to the operation of more than one employment unit.

¹⁹ In the first year of the implementation of the EEO reporting requirements, we will send a copy of the new Form 395A to all cable entities that are presently required to file annual employment reports. All cable units will be required to submit either a full report or page one of Form 395A, certifying that they have fewer than six full-time employees. After this, only those entities with six or more full-time employees or those entities that filed a full report the previous year will be subject to a reporting requirement.

would be subject only to the page one identification requirement.

29. We believe that these reporting requirements are appropriate under the provisions of the Cable Act. In addition, we believe that this approach will satisfy our administrative need for information to determine which cable entities are required to file reports while minimizing the impact of our efforts to obtain this information on cable entities with fewer than six full-time employees.

30. In view of OMB's request, we are adding a statement to the revised Form 395A to inform the respondent that the information requested is for the purpose of determining compliance with sections 634 (b), (c) and (d) of the Communications Act and that a response is mandatory.

31. *Employment Data.* In the Notice, we proposed to continue to use the existing format for reporting the number of full-time employees by job category on Form 395A. Commenters generally favored our approach for collecting the required annual employment data. For example, NCTA states that the proposed form is already familiar to the Commission and the industry, is consistent with the statute, and is an appropriate tool for gathering information concerning EEO performance. However, NCTA suggests reversing the order of the headings for race, sex and national origin classifications to conform to EEOC's EEO-1 form that is required from cable entities with more than 100 employees. OMB asserts that the Commission's proposal goes beyond the statute. Since the statute only requires that employees be classified by race and sex, OMB states that we should exclude all requests for information regarding ethnic background (e.g., Hispanic). American Women in Radio and Television (AWRT) requests that we define the word "full-time," especially as it might effect sales representatives whose work hours may not be fixed. AWRT and the Joint Commenters request a clarification of how to report employees on leave, those terminated but still on the payroll and contract employees.

32. In the Notice, we also requested comments on whether the job titles listed for each job category were appropriate. The legislative history provides no specific guidance regarding an appropriate definition for each of the job categories for the annual reporting form and the investigation processes. However, the House report notes "that the Commission has not recently reconsidered the job category definitions required for the existing

¹⁷ This is our existing procedure for systems with fewer than five employees.

annual statistical employment report." The House then directs the Commission to reexamine these "job categories for the specific purpose of ensuring that the definitions accurately reflect the nature of the categories and the specific positions within them."²⁰

33. Most of the parties commenting on this issue believe that the job categories should not be changed. Commenters, such as NCTA, the Equal Employment Advisory Council (EEAC), Centel and the Joint Commenters, note that these are the classifications used by EEOC and should be retained. In particular, NCTA and the Joint Commenters state that the existing general definitions of job categories allow the cable operator the flexibility needed to report the wide range of employees within cable companies.

34. Several commenters suggest minor changes to the list of job titles. For example, NCTA and the Joint Commenters recommend the addition of "salaried supervisors who are members of management" to the job category titled officers and managers. EEOC suggests that the word "person" should be replaced by either "technician" or "worker" (*i.e.*, camera technician instead of cameraperson). EEOC also believes that stagehands should be moved from the technical to the laborer category and that it is more appropriate to classify computer operators in the office and clerical workers category than in the technical category, as they are now classified. Further, EEOC suggests additional minor modifications to the job titles listed in each job category.

35. A few commenters, such as AWRT, UCC/ACT, and the New York City Bureau of Labor Statistics (NYC), believe that the job titles should be more cable industry specific. UCC/ACT has specific suggestions for cable industry job titles to be added.²¹ AWRT states that doing this would facilitate completion of the employment report and would ensure uniformity in the categorization of positions. Also, AWRT suggests that the general descriptions of each job category be made more complete.

36. The Cable Act also requires each cable entity to provide annual data on part-time employment by race and sex. This requirement is similar to that of our current rules. In order to minimize the reporting burden, we proposed to revise our rules to combine these data into two categories. The first groupings would

include the upper four job categories (*i.e.*, officials and managers, professionals, technicians and sales persons) and the second would be the total of all job categories. We requested comment on whether this information would fulfill the requirements of the statute.

37. UCC/ACT and the Black Citizen's for a Fair Media, *et al.*, (BCFM) state that this proposal would be inadequate and a violation of the Cable Act because it explicitly requires data for each of the nine job categories. Further, BCFM asserts that this would make it more difficult to evaluate whether minority and female employees are gaining access to part-time jobs. EEOC recommends two alternative sets of classifications for reporting these data. They suggest either "white collar" (comprising the upper five job categories) and "blue collar and service workers" (comprising the remaining four job categories) or "white collar and service workers" (comprising the upper five job categories and the service worker category) and "blue collar" (comprising skilled craftpersons, semiskilled operatives and unskilled laborers).²² Finally, Cole, Raywid & Braverman, on behalf of cable operators (Cable Operators), requests a further explanation of how the Commission will take these data into account when the cable entity's employment profile is compared to the processing guidelines.

38. Under the reporting requirements we are adopting, all EEO units or headquarters units employing more than five full-time employees will be required to complete the data portion of Form 395A.²³ However, we are modifying the format for submitting these data to conform with EEOC's EEO-1 form. We believe that this approach will minimize the reporting burden, particularly for those cable operators subject to EEOC's reporting requirements.

39. The revised format will consist of a grid identical to the one on the EEO-1 form. For each EEO unit or headquarters unit with more than five full-time employees, the cable entity will enter

²⁰ EEOC and NCTA also note an inconsistency between the text of the *Notice* and the proposed Form 395A in Appendix B. In the *Notice*, we stated that the two groupings for part-time statistics would be the upper four job categories and the aggregate of all other categories. However, the proposed form groups the data by upper four job categories and the total of all job categories. NCTA prefers the format on the proposed form since it is consistent with the current evaluation of the data.²¹ As indicated in paragraph 36, we are including part-time and full-time employees in the same table.

²² A full-time employee will be defined as an employee who regularly works at least 30 hours per week. This is the same definition of full-time employees that is currently used by the Commission for broadcast EEO reporting purposes.

the number of employees, full-time, part-time, apprentice or on-the-job-trainee, for each job category by sex and race or national origin classification.²⁴ Those units that file an EEO-1 form may substitute a copy of that filing as an attachment to the Commission's form if they choose. This will eliminate duplication of preparation effort for those entities that must also file with the EEOC.

40. In spite of OMB's objection to the collection of data regarding ethnicity as well as race and sex, we will continue to request these data. All of the ethnic or national origin classifications mentioned in the Commission's proposal are recognized by OMB, EEOC and the Commission as minority groups.²⁵ In fact, in many areas, ethnic or national origin minorities are the largest minority group in the labor force (*e.g.*, Hispanics in El Paso, Texas). Thus, data on significant groups covered by the affirmative action provisions of the Cable Act would not be available if the ethnic and national origin classifications were deleted from the form.

41. We see no reason to change the job categories or their definitions at this time. We believe that the job categories, their definitions and most of the suggested job titles are generally appropriate as proposed in the *Notice*. These are the job categories listed in the statute and are the same as those used by EEOC on its Form EEO-1. Further, our description of each job category is identical to that of EEOC.

42. The job titles listed for each job category are intended to give an indication of the types of cable industry jobs that are likely to be consistent with the responsibilities described for each job category. We are satisfied that most of the job titles included in each job category are appropriate for the cable industry. Moreover, we do not believe it

²³ This procedure eliminates the separate reporting format for part-time employees. Based on our experience with the broadcast industry, we requested these data separately for the cable industry because we feared that possible differences between the hiring practices for full-time and part-time employees might skew the entity's employment profile. A cursory review of Form 395A data previously submitted to the Commission indicates that temporary or part-time employment is not significant in the cable industry. Therefore, we believe that it is appropriate to combine all employment statistics in one report. Furthermore, there is no indication that discrimination is more likely to occur against part-time employees than against full-time employees. If so, we believe the Commission will become aware of its existence through complaints or during the periodic investigation.

²⁴ For example, the Form EEO-1, includes ethnic classifications. See also section 309(i)(3)(C)(ii) of the Communications Act of 1934, as amended [lottery provision definition of minority group].

²⁰ See House Report at 91.

²¹ For example, UCC/ACT believes that the public access director should be included in the officials and managers job category.

is necessary to add job titles. Additional titles would likely not correspond with the employment classifications of many cable systems and could be particularly cumbersome in cases where an individual employee's responsibilities overlapped classifications. As currently defined, the job categories allow each cable operator the flexibility to classify each employee in the manner that best represents his or her duties and responsibilities.²⁶ Should any questions arise regarding the classification of employees on the annual report, the Commission may require additional documentation in the context of the periodic investigation or through a Multiple System Operator Reporting Agreement (MRA) (see discussion below). For these reasons, we will adopt the job titles and descriptions as proposed in the *Notice* with only minor modifications (i.e., replacing the word "person" with "worker" or "technician" as suggested by the EEOC) and to eliminate certain classifications such as "weaver" that clearly do not pertain to the cable industry.

43. *Labor Force Data.* As set forth in section 634(d)(3) of the Cable Act, the annual statistical report must also include the numbers of minorities and women in the relevant labor market for each job category. Accordingly, we proposed to add this information to the existing Form 395A. In the *Notice*, we stated that we believed that these labor force data were available through each state's employment security division and accessible at an employment center located near the cable system. We requested comments on the availability of labor force data on an aggregate basis and by occupational availability.

44. We also noted that labor force data are generally available on a county basis, or aggregated by standard metropolitan statistical area (SMSA), metropolitan statistical area (MSA) or primary metropolitan statistical area (PMSA) basis.²⁷ We proposed that a cable employment unit use data for the MSA where its employment office is located. If the employment office is not located in an MSA, we stated that county data could be used. For headquarters units, we indicated that

national data may be the most appropriate. We sought comments also on the geographic area that is most appropriate for reporting the relevant labor market for employment and headquarters units.

45. EEOC states that the data we seek are available through the research offices of each state's employment security agency. OMB states that they have contracted several of these state agencies to request information on women and minorities in the labor force. The data these state agencies had were reprints of U.S. Department of Labor statistical reports based on census data. OMB claims that our requirements that cable entities supply the Commission, one Federal agency, with data produced by another Federal agency is wasteful and ge burdensome. OMB believes that we could meet the requirements of the statute by supplying each entity with the appropriate census-based data. If necessary, the cable operator could add and explain any adjustments that would more accurately reflect the local labor market. The American Legal Foundation (ALF) contends that we should only require the submission of occupational availability data where it is readily available. Centel, in its reply, suggests that other data bases may be available in the marketplace. Centel believes that the Commission should investigate the availability of these alternative sources and establish criteria for using alternative sources.

46. Many parties commented on the issue of the appropriate geographic unit of the relevant labor market. For individual employment units, the Joint Commenters, NCTA and the Cable Operators comment that cable operators should have the discretion to submit the labor market statistics that they believe are the most appropriate for their community. These commenters generally note that the Cable Act does not require any particular rigid definition of the local labor force. NCTA and the Joint Commenters state that factors such as location, geography, transportation and the local economy affect a cable entity's employment circumstances. NCTA suggests that a cable system be allowed to choose the MSA, the county or the franchise area as the relevant labor market. ALF and the Joint Commenters concur with NCTA that franchise area should be added. Additionally, the Joint Commenters suggest that the Commission adopt guidelines to assist cable entities in defining the relevant labor market. EEOC recommends that the Commission adopt the Office of Federal Contract Compliance Programs'

(OFCCP) approach that recognizes that there may be qualified applicants in the local labor force for entry level positions but many firms recruit nationwide for high level or highly technical positions.²⁸ UCC/ACT asserts that the labor force data should, as early as possible, approximate the labor force of the area served by the cable system, and not just the area where the cable unit's employment office is located. According to NCTA, the Commission should assume that the cable operator's choice is reasonable and justifiable. The Cable Operators suggest that if an area other than the MSA, or county where the employment unit is outside the MSA, is chosen, then it could be justified at the time of the five-year investigation.

47. Regarding the appropriate geographic unit for labor force data for headquarters units, many parties, such as UCC/ACT, the Cable Operators, NCTA, Centel and the Joint Commenters, comment that the national labor market may be relevant for the upper level positions for which individuals may be willing to relocate. However, many believe that this choice is unrealistic for most middle management, sales, clerical, technical and skilled labor jobs that are likely to be filled by individuals who live in the area immediate to the headquarters unit. ALF and NCTA state that the Commission has previously treated headquarters units in the same manner as other cable employment units and applied MSA data to those entities located in an MSA and county data to those located outside an MSA. NCTA believes that the Commission should adopt a flexible approach, accepting MSA, county or franchise area data. The submitted data should be assumed to be reasonable and valid, in NCTA's view. According to ALF, if the Commission adopts the proposal to apply national data to headquarters units, then these entities also should be allowed to submit county and MSA data. Centel states that each headquarter's unit should have the discretion to choose the relevant market for its various job categories.

48. Other commenters focused on the mechanics of submitting the data to be required on Form 395A. OMB, for example, states that the instructions do not explain how to complete the boxes

²⁶ However, we accept the EEOC's suggestion that stagehands should be recategorized as laborers, and that the title "weavers" be eliminated.

²⁷ Prior to 1983, data were available on an SMSA (Standard Metropolitan Statistical Area) basis. In 1983, OMB changed the reporting unit from SMSA to MSA. These two areas are equivalent. See *Metropolitan Statistical Areas 1983*, published by the Office of Management and Budget. An MSA is a geographic area that consists of a central city, the county in which it is located and contiguous counties with a high degree of economic and social integration with the central city.

²⁸ The *Federal Contract Compliance Manual* section 2-100.5a states in part: The area in which a contractor can reasonably recruit will often be different from [the] immediate labor area, depending upon the skills involved in the job group, and thus will often exert a controlling influence on the requisite skills availability data that are appropriate for use in the analysis.

labeled SMSA, MSA, PMSA and county. OMB also states that we do not define the terms "available labor force," "occupational availability" or "source" and we do not explain which sources would be acceptable. The commenters also note that the Form 395A instructions are not clear as to whether occupational availability data should be reported in the form of absolute numbers or percentages. UCC/ACT and NYC suggest that labor force data should be reported using the same grid that is required for full-time employment statistics to avoid counting minority women twice.

49. As set forth in section 634(d)(3) of the Cable Act, it is the responsibility of each entity filing a statistical report to include not only a breakdown of its own employees by race and sex but also a comparable report on the number of minorities and women in the relevant labor market. Section 634(d)(2)(C) requires the system operator to use data of this type to "evaluate its employment profile and job turnover against the availability of minorities and women in its franchise area (emphasis added)." The legitimate point has been raised in the OMB filing that it makes little sense for the Federal government to collect labor force information through the census process, require businesses to obtain that data from the Federal government, and then require that they refile it with the Federal government. To the extent this back-and-forth filing can be eliminated it clearly should be. The statute remains clear, however, that there is a filing requirement on the part of the system operator and it must have the information before it in any case to comply with the evaluation requirements of section 634(d)(2)(C). Moreover, while some general guidance can be provided as to the scope of the "relevant labor market" the statute, by imposing the filing obligation on the system operator, appears to impose on the system the initial task of defining that area as well. Thus, we cannot simply exempt systems from this part of the filing obligation. To minimize the burden of this requirement and in recognition of the point raised by OMB, we are investigating the possibility of supplying each cable employment unit with the county or MSA labor force statistics for each individual cable entity on Form 395A before it is sent to the operator. The statute is specific, however, that it is the operator's responsibility to have and to file this information regardless of whether the Commission is able to develop a system for making the data more readily available. The EEOC, however, has this

information and at this point we see no insurmountable obstacle to pre-printing it on the annual forms before they are mailed out.

50. The data provided and used by the Commission in the analysis of the Form 395A will, in the absence of an alternative submission, be the data for the MSA in which the employment office is located. If the employment office is not located in an MSA, the data for the county in which it is located will be used. In the case of headquarters units, we will use national labor force statistics for the top four categories and local data of the lower four categories. We believe that these data generally will comport with the hiring practices of cable employment offices and headquarters units.

51. We will, however, allow the cable entities to substitute alternative labor force data. The Cable Act places the principal responsibility for the identification of the relevant labor force on the system operator. Although under earlier rules the Commission had indicated that it would itself undertake to define appropriate labor pools using a flexible approach based on a review of relevant geographic and demographic considerations, experience indicates that this is not a function that can be performed centrally by the Commission with any facility given the many variables involved and our lack of information concerning labor force hiring patterns for the thousands of areas where there are cable employment units subject to the reporting requirements. We have generally used either MSA or county data in the past and we expect that such data will continue to be relevant to the majority of situations in the future as well. We recognize, however, that MSA or county area data may not always be appropriate and their use could be counterproductive. Systems must undertake a self-analysis as part of the affirmative action program required by the Cable Act so that use of relevant data rather than a centrally dictated arbitrary standard is particularly important.²⁹ The use of alternative labor

²⁹ The legislative history of the Cable Act suggests that the principles set forth in Title VII of the Civil Rights Act of 1964 should govern proceedings before the Commission under the Cable Act. See House Report at 93. Some guidance for establishing what should be considered within the relevant labor area may be obtained from decisions under Title VII. In one leading case, the issue was whether the labor pool for Fairfax County, Virginia, a suburban Washington, D.C. county, should cover the whole of the Washington SMSA. The court concluded that it should not, citing a number of factors contributing to the separation of Washington, D.C. and Fairfax and inhibiting a flow of applicants, including the distances involved, the absence of conveniently

force data must be accompanied by a brief explanation as to why these data are more appropriate than MSA or county data. For example, such explanations might be based on the fact that (a) the distance of the employment unit from areas of minority concentration in the MSA is great; (b) commuting from those areas to the cable unit is difficult (such difficulties will usually be based on distance but may also be based on other factors such as lack of public transportation); or (c) that recruitment efforts directed at the MSA minority labor force have been fruitless.³⁰

52. As a final matter, we also will add more explicit instructions and definition of terms of the Form 395A, as requested by OMB and other commenters.

53. *Additional Information.* In the *Notice*, we proposed to add several elements to the existing Form 395A that we believed would indicate whether the cable operator is implementing the EEO policies and program set forth in subsections (b), (c) and (d) of the Cable Act. This additional information would include the number of hires and promotions, categorized by sex and race or national origin in the upper four job categories and the total of all other job categories, and a list of recruitment sources contacted by the cable operator over a twelve month period.³¹ Regarding this proposal, OMB requests clarification of the instructions. It states that it is unclear whether these data should be reported as absolute numbers or percentages. Also, OMB states that it is unclear whether we are requesting recruitment sources in general or only

available public transportation and the salary differentials between the communities. See *U.S. v. County of Fairfax*, 629 F.2d 932 (1980).

³⁰ Compare *Renewals of Indiana, Kentucky and Tennessee Broadcast Stations* (WHIN/WWKX, Gallatin, Tennessee) FCC 83-574, 54 RR 2d 1473, 1484 (1983) with *Media-Com, Inc.* (WDBN-FM), FCC 84-70, 55 RR 2d 1291, 1294 (1984). In the case of WHIN/WWKX, no showing had been made relative to the licensee's efforts in Nashville, while in the case of WDBN-FM, a substantial documented showing indicated that the distance from areas of minority concentration to the station was a mitigating factor. See *Application of Radio Station WFPB, INC. for Renewal of License of Station WSMJ(FM), Greenfield, Indiana*, 66 FCC 2d 450 (1977). Also, see, e.g. letter from Glenn A. Wolfe to M. Christopher Derick, dated February 15, 1985 [system allowed to use data for various counties rather than St. Louis PMSA data]; letter from Glenn A. Wolfe to Jerry Haines, Esquire, dated April 3, 1984 [station in Port Huron, Michigan, may use St. Clair County data rather than Detroit PMSA].

³¹ EEOC notes that the Commission proposed to require data for the upper four job categories and the aggregate of all other job categories for hires and promotions in the text of the *Notice*. However, the proposed Form 395A requests this information for the upper four job categories and the total of all job categories.

those for female and minority employees. OMB further questions the need for these additional data. Centel likewise believes that we should not request the submission of these data since they are not required by the statute. Centel contends that interpretation of these data would have to be subjective and would interject the Commission into management decisions that the cable operator is entitled to make. Centel believes that a statement certifying compliance with the provisions of Sections 643 (b), (c) and (d) would be sufficient.

54. Several commenters believe that the Commission's proposal to collect hiring and promotion information would not provide sufficient data to certify that the employment unit is in compliance with the provisions of section 634. NYC, UCC/ACT and BCFM argue that the data on hiring and promotions should be submitted for each of the nine job categories individually. In UCC/ACT's view, the proposed format would not allow the Commission to identify instances of "ghettoization."³² According to BCFM and UCC/ACT, this format would not show instances where a promotion does not result in increased pay or responsibility. UCC/ACT comments that the proposed form does not require compliance with section 634(c)(5) regarding training and that this should be added to the form. UCC/ACT also states that a section regarding on-the-job training is needed on Form 395A.

55. Our initial proposal focused on only a few of the many elements of the EEO policies and practices enumerated in section 634 of the Cable Act. We now believe that this proposal would not provide us with sufficient information to verify that the cable entity is in compliance with the EEO provisions of the Cable Act. Furthermore, we believe that our original proposal may have placed excessive emphasis on statistical information and omitted certain other necessary information concerning the cable entities EEO policies and practices. Accordingly, in addition to the hiring and promotion information proposed on the Notice, we will require the submission of some additional information.³³ This additional

³² "Ghettoization" is the situation where minorities and women are represented in one or more of the upper four job categories but are virtually excluded from other upper four job category positions. See House Report at 89.

³³ OMB claims that the Commission has not shown how the hiring and promotion data will be useful in detecting or deterring discrimination that would not be detected or deterred by other agencies. We believe that OMB misunderstands our mandate. We are required by the Cable Act to do more than simply detect and deter discrimination. Our function is to certify that cable operators do not

information will consist of the series of questions addressing the policy aspects and program obligations of section 634.³⁴ Each question will require a "yes" or "no" response. A "no" response to any question will require a further explanation as to why this aspect of the EEO program was not complied with. We believe that this approach will provide us with the necessary data to fulfill the certification requirement of the Cable Act without being overly burdensome on cable operators. The proposal that the cable entity be required to submit detailed recruitment information on the Form 395A will not be adopted. Instead, recruitment activity will be the subject of one of the questions on the report.

56. *Public Inspection.* Section 634(d)(3) of the Cable Act requires that the annual employment report must be available for public inspection at the central office of each cable entity and at any location that has more than five full-time employees on a regular basis. Our existing rules require that these annual statistical reports and the EEO program filed with the Commission must be available for public inspection at the principal workplace of each employment unit or another accessible place.³⁵ The rules also specify that they must be retained for five years. In the Notice, we proposed to conform the terminology of our rules to that of the Cable Act.³⁶

discriminate (section 634(b)), that they have a positive program of specific practices designed to ensure equal employment opportunity (section 634(c)) and that they regularly evaluate the results of their practices relative to the available minority and female labor force (section 634(d)). We believe that the information we proposed to collect is the minimal amount needed to be consistent with the intent of the statute. Without this information, we would have no way of determining whether the cable operator even has the means for undertaking the analysis required by section 634(d)(2)(F) of the Cable Act. Conversely, if the summary data are prepared and presented, we are assured that the cable operator has in place the means to analyze its efforts and we are in a position to certify that the operator has in fact complied with the EEO provisions of the Cable Act.

³⁴ The questions parallel the major EEO program requirements contained in the new § 76.75 of the rules. For example, one of the questions that will be included on the Form 395A is "Does the cable entity disseminate its EEO program to job applicants, employees, and those with whom it regularly does business?" (See section 634(d)(2)(A) of the Cable Act.)

³⁵ See § 76.311(f) of the Commission's rules.

³⁶ The proposed § 76.79(b) would require that the annual employment and investigation reports be retained and made available for public inspection at the central office and at every location with more than five full-time employees for five years.

57. A few parties commented on the issue of record retention. UCC/ACT seeks a clarification of the definitions of "central office" and "principal workplace." Without a clarification, the commenter believes that it is possible to misinterpret the meaning of the term central office as the headquarters unit. UCC/ACT believes that Congress meant the principal workplace of the local cable system. BCFM requests that the Commission explicitly state that these filings are to be available at both the central office and any work place employing more than five employees.

58. According to UCC/ACT, neither the Cable Act nor the Commission in the Notice specifies the length of time the forms must be retained. They state that a seven-year retention requirement would be consistent with the cable EEO enforcement activities prescribed in the Cable Act.³⁷ UCC/ACT also proposes adding a statement regarding these record retention requirements to the instructions for Form 395A. The United States Catholic Conference (Catholic Conference) proposes that the Commission require each cable system to publish a notice informing the public of its EEO filing with the FCC and the location in the community where it is available for inspection. The Cable Operators, in their reply, assert that this proposal should be rejected since it would go beyond the requirements of the statute.

59. In the Notice, we noted that the requirements of the Cable Act relating to the retention of the annual statistical report for public inspection were essentially the same as the existing regulations. The principal difference is in terminology. While nothing in the comments leads us to change our basic proposal, it is apparent that there is a need for clarification of our intent and of the wording of the rule.

60. We will require each individual employment unit to maintain a public inspection file at its central office and at any other work place that is part of the employment unit and has more than five full-time employees. This file must include copies of the annual employment reports. Each headquarters unit will be required to maintain a public inspection file that includes its annual employment reports and a consolidated set of all documents pertaining to the other employment units of the MSO at its central office.

61. Contrary to UCC/ACT's comments, we proposed that all documents must be retained for five years, as is required under our existing

³⁷ See section 634(f)(1).

rules. This time period is particularly appropriate now that each employment unit will undergo a Commission investigation once every five years. We do not believe that a statement regarding the placement of Form 395A in the public inspection file is needed on the instructions to that form, as UCC/ACT suggests. Each cable operator is expected to be familiar with the Commission's rules. Finally, we believe that the Catholic Conference's recommendation that each cable system be required to publish a public notice regarding its Form 395A filing would place an unnecessary burden on the cable operator.

B. Annual Certification

62. Section 634(e)(1) of the Cable Act requires that the Commission annually "certify" each cable entity, including each headquarters unit, is in compliance with paragraphs (b), (c) and (d) of section 634. The Cable Act states that certification is to be based on information in the possession of the Commission, including the annual employment report.³⁸ The statute does not, however, specify how the Commission is to carry out the certification process. In the *Notice*, we proposed to certify cable entities based on the information contained in our proposed Form 395A and any other relevant information before the Commission. Certification would be withheld only in those instances where the available information suggests that the cable entity's EEO efforts are deficient. As part of the certification process, we proposed to use our existing EEO processing guidelines to perform an initial screening of the information on Form 395A.

63. *Use of Processing Guidelines.* In the *Notice*, we proposed to certify cable entities as complying with the EEO requirements of the Cable Act based on the information contained in the proposed FCC Form 395A and any other relevant information that might be before us. In addition, we stated that as an aid in this determination, we intended to use our existing EEO processing guidelines to evaluate the compliance of cable entities with our EEO standards.³⁹ The proposal to use

the existing EEO processing guidelines generated a considerable amount of controversy and comment. Several parties comment that the use of processing guidelines would be tantamount to a quota system and contrary to the intent of the statute. Centel states that "it is clear that there must be no parity or similar 'quota-type' requirements." The Civil Rights Division of the Department of Justice (Department of Justice) states that Congress did not intend that a numerical standard be used to evaluate disparities between the minority and female composition of a cable entity's workforce and the composition of the relevant labor market. The Department of Justice states that any such use of a numerical standard would contradict the intent of Congress. The United States Commission on Civil Rights (Civil Rights Commission), in its comments, indicates that the Commission's "proposed rules impermissibly interpret the Cable Act's EEO provisions by claiming authority to impose employment quotas which the Congress clearly withheld."

64. ALF, in its reply comments, supports the view that the use of processing guidelines is both a violation of the Equal Protection Clause of the U.S. Constitution, and a direct contravention of the Congressional intent of the Cable Act. BCFM, in its reply, indicates that the use of processing guidelines is appropriate and within the statutory authority of the Commission. BCFM states that the Commission's existing processing guidelines are not prohibited by the Cable Act nor the legislative history and are not constitutionally suspect.

65. Several members of Congress also commented on our proposal to use our existing processing guidelines in reviewing EEO compliance. Congressmen Dingell, Wirth and Leland, in their joint letter, state that "all Congressional parties involved with the drafting of this section of the Cable Act understood and anticipated that the legislation adopted would permit the Commission to continue to utilize

processing guidelines in monitoring cable industry EEO compliance."⁴⁰ The Congressmen also indicate that the Commission's use of processing guidelines is "clearly permissible" under the Cable Act. Congressmen Dingell, Wirth and Leland state that they strongly support the continued use of processing guidelines as a means of assessing EEO compliance and as an indicator for when additional Commission scrutiny may be necessary. Senator Hatch, on the other hand, expresses serious concerns about the proposal to use the existing processing guidelines to evaluate EEO compliance.⁴¹ Senator Hatch states that such numerical standards have little in common with the language of the Cable Act; and, that the use of arbitrary numerical tests constitutes bad public policy because they ultimately frustrate the very objectives they are designed to achieve. Senator Hatch further questions why the Commission has chosen a standard contrary to other Federal affirmative action regulations, such as those administered by the OFCCP.

66. The question of how these processing guidelines would be used in conjunction with the requirements of the Cable Act received substantial attention in the comments. The Anti-Defamation League of B'nai B'rith (ADL) is concerned that the processing guidelines may function as a hiring quota in the cable industry. ADL suggests that the proposed regulations should be amended to include the processing guidelines "explicitly stating that statistics alone will not support or rebut a finding of EEO deficiency." EEAC, in its comments, indicates that it assumes that the Commission intends to use the processing guidelines simply as a means for channelling limited compliance resources, and not as a device for imposing *de facto* employment quotas of the type which were removed from the Cable Act legislation prior to enactment. EEAC further states that the Commission should not presume that cable entities with employment profiles below the rates specified in the processing guidelines are out of compliance with EEO the standards. Similarly, NCTA states that noncompliance with the EEO requirements of the Cable Act must be based on finding that cable system has

women are employed on a full-time basis at a ratio of less than 50 percent of their availability in the labor force with respect to all full-time jobs and at a ratio of less than 25 percent of their availability with respect to full-time jobs in the upper four job categories. Employment units with eleven or more full-time employees are subject to further review where the most recent annual report shows that minorities and/or women are employed on a full-time basis at a ratio of less than 50 percent of their availability in the labor force with respect to all full-time jobs and at a ratio of less than 50 percent of their availability with respect to full-time jobs in the upper four job categories. See Public Notice No. 1364, December 15, 1983. See Report and Order in Docket 20829 *supra*.

³⁸ The House Report suggests that other available relevant information, such as complaints filed by employees or applicants, information from the franchising authority or information submitted by public or private organizations, shall be considered by the Commission when determining compliance. See House Report at 88.

³⁹ The Commission currently selects for further review those employment units with five to ten employees where the most recent annual employment report indicates that minorities and/or

⁴⁰ See Letter to Honorable Mark S. Fowler, Chairman, Federal Communications Commission, dated June 19, 1985.

⁴¹ See Letter to Honorable Mark S. Fowler, Chairman, Federal Communications Commission, dated June 28, 1985.

not in good faith implemented an EEO plan. It should not, in NCTA's opinion, be based on a numerical evaluation of the statistical report. NCTA states that based on its understanding of the Commission's review processes, it can accept the general approach proposed in the *Notice*. NCTA urges, however, that the Commission clearly state that the processing guidelines are to be used only as a screening mechanism in the evaluation of a cable operator's EEO performance.

67. The National Black Media Coalition (NBMC), on the other hand, states that the certification procedure appears to be designed to make it all but impossible for a cable system to fail to be certified.

68. In its reply comments, NAMIC urges the Commission to clarify that the processing guidelines will be used as an "investigative trigger" and will not constitute a quota system. BCFM asserts that the Commission's processing guidelines have been critical in helping to identify media entities that had ineffective or discriminatory employment practices. BCFM also states that goals and timetables have been critical in assessing the effectiveness of plans and programs designed to remedy such discriminatory practices. In addition, BCFM believes that the continued use of such tools is well within the Commission's authority and was anticipated by Congress.

69. While there is no clear or explicit guidance provided in the Cable Act with regard to the certification procedure, we believe that a plain reading of the language contained in paragraph (e)(1) of section 634 of the Cable Act demonstrates that Commission review of the statistical report is warranted. Paragraph 634(e)(1) states:

[o]n an annual basis, the Commission shall certify each entity described in subsection (a) as in compliance with this section if, on the basis of information in the possession of the Commission, including the [statistical] report filed pursuant to subsection (d)(3), such entity was in compliance, during the annual period involved, with the requirements of subsections (b) (c), and (d). (Emphasis added.)

70. We believe that there is no legal bar to the Commission's continued use of its processing guidelines for the purposes of the annual certification requirement contained in the Cable Act. We find nothing in the record of this proceeding, in the statute, or the legislative history to indicate that the Cable Act prohibits the Commission from using its existing processing guidelines.

71. We also find the constitutional questions raised by the ALF and other

commenters to be without merit. The arguments raised here rest essentially on the premise that the Commission's use of processing guidelines is a quota system. These guidelines are clearly not intended to be used for any such purpose. Furthermore, we intend to work to assure that they do not unintentionally serve as a quota system.

72. In addition, the Commission has addressed the matter of processing guidelines on a number of occasions, most particularly in the context of the similarly used guidelines for broadcast licensees. In its decision in *EEO Processing Guidelines*, 79 FCC 2d 922 (1980), the Commission rejected an argument by the National Association of Broadcasters (NAB) alleging, *inter alia*, that the processing guidelines were quotas defining employment results that broadcasters were required to achieve.⁴² In making that decision, the Commission explained that the processing guidelines are an administrative device by which the Commission determines which of the broadcast licensees filing renewal applications will have their station's EEO program subjected to further staff review. This determination is based on our analysis of the station's employment profile plus the licensee's efforts to recruit and employ minorities and women. *Id.* at 926. Thus, the Commission concluded that the processing guidelines in no way set quotas for a licensee. In accordance with this decision the Commission dismissed NAB's argument that the processing guidelines are substantive rules and regulations that trigger the notice and comment requirements of section 553 of the Administrative Procedure Act, 5 U.S.C. § 553. The Commission pointed out that the guidelines are intended to regulate the Commission's own behavior, and should not be construed as having a substantial impact on broadcast conduct. Therefore, the processing guidelines are exempt from the notice and comment requirements of section 553. *Id.* at 927.

73. The General Counsel of the Commission has also found that the Commission's broadcasts of EEO rules do not impose hiring quotas. *Opinion of General Counsel/EEO Rules*, 44 RR 2d 907, 909 (1978). Following the United States Supreme Court decision in *Regents of University of California v. Bakke*, 438 U.S. 265 (1975), the General Counsel of the Commission was asked to determine the impact of that decision on the Commission's EEO rules. The General Counsel concluded that the

Bakke case did not cast any doubt on the Commission's EEO rules and policies. In distinguishing the University of California's special admission program and the Commission's EEO rules, the General Counsel noted that the EEO rules and policies, including the processing guidelines, "do not establish fixed hiring quotas for minorities." *Opinion of General Counsel/EEO Rules, supra* at 909.

74. After full consideration of the record, we have developed a new process for evaluating EEO compliance. We believe that this new procedure will better judge a cable entity's performance based on its overall efforts rather than solely relying on the composition of its workforce. This process will consider any EEO complaints filed against the entity, responses to the questions concerning the entity's EEO program and practices, and the composition of the entity's workforce. In developing this process, we recognized the concerns raised by some commenters with respect to use of our existing guidelines and the possibility that the certification of compliance function might serve as a quota system. It is our intention that certification of compliance be based on a comprehensive analysis of a cable system's efforts to comply with the EEO requirements and not simply statistical measures of its workforce. Accordingly, we have designed the certification process and criteria to ensure that full consideration is given to the full range of available information describing a cable entity's EEO efforts.

75. However, we continue to believe that our existing guidelines for examining employment statistics are a useful tool and will use them in the certification process. As described below, these guidelines will be used only for screening the statistical information to reveal cases where more in-depth examination of actual employment activity is warranted. Use of the guidelines in this manner will provide the Commission with an economical and effective method of evaluating the statistical information from the over 5000 cable entities that are subject to certification each year. We believe this will speed the certification process and enable the Commission to use its limited resources in the most efficient manner.

76. *Certification Process.* We will certify based on several different indicia of efforts. Our administrative processing guidelines—the relationship between the numbers of minorities or women employees—will be used solely for an administrative purpose in this process,

⁴² *Dismissed without opinion*, 610 F.2d 1000 (D.C. Cir. 1979).

i.e., to sort out those systems which may require further review of their EEO efforts. In any event, certification will be based on the evidence of efforts contained in the answers to the 395A questions, discrimination complaints and any further information that the cable entity may provide or that the Commission may request in individual cases. This review will be even more thorough for those systems which fall below the Commission's administrative processing guidelines. The certification process itself will consist of a series of separate examinations of the information from Form 395A, any EEO complaints that may have been filed, and, if necessary, additional information that may be supplied by or requested from the cable entity. The initial step will be to examine the cable entity's Form 395A for completeness. Where the cable entity has failed to file the required report, or where the report has been found to be substantially incomplete, certification of the cable entity will be withheld. In this regard, we will consider a report substantially incomplete if the cable entity has failed to submit the required statistical information, failed to answer any of the required questions, or failed to respond to any request for additional information.

77. The second step will be to determine whether any EEO complaints have been filed against the cable entity, either with the FCC, the EEOC, or elsewhere, relating to the certification period. In cases where an adjudicated decision has been issued finding discrimination in response to such a complaint, we will consider that finding to be evidence that the cable entity has not complied with the EEO requirements. We will examine the findings in such cases and will deny certification where a lack of compliance with Section 634 is indicated. In general, we will not consider unresolved complaints to be grounds for denial of certification. Furthermore, any such complaints that are ultimately judged to be cases in which the cable entity has discriminated in its employment policies and practices in violation of the EEO provisions of the Cable Act will be grounds for the Commission to take subsequent action to revoke certification that might otherwise have been granted.

78. The next phase of the certification process will be an examination of the answers to the questions in Part A of Form 395A (See attached Appendix C). If there are negative responses, we will examine any supplemental information or explanation the cable entity may have provided with respect to the

questions. We will consider any negative responses that are not satisfactorily justified to be evidence that the entity has not met the EEO requirements and accordingly will deny certification in such cases. If all questions are answered in the affirmative, we will proceed to an analysis of the statistical information on Part B of Form 395A and any additional information supplied by the Cable entity.

79. As part of the certification process, we will also review the statistical data contained in the annual report. The employment and labor force data will be compared to the processing guidelines. If the composition of the entity's labor force does not meet the processing guidelines, we would then examine any other information before us with respect to the cable entity's efforts. We would examine the hiring and promotion information on the Form 395A; and, any explanatory statements or additional information supplied by the cable operator. For example, such additional explanations might include detailed analyses or statements concerning the relationships between the number of minority and female workers employed by the cable system and the number of minorities and women in the available labor force with background, skills or experience appropriate to the relevant job categories. If necessary, we would request additional information concerning the cable entity's actual EEO performance. Such requests for additional information might include inquiries with respect to the specific yes/no questions contained in Part A of Form 395A. Certification of compliance would be granted upon our determination that such explanations and information indicated the cable entity had made sufficient efforts to comply with the statute. In light of the discussion above relating to the permissible use of employment statistics, it is important to emphasize that if the record indicates that the cable entity is making reasonable and good-faith efforts to recruit and employ minorities and women and place them in responsible positions, certification will be granted even though there may be a disparity between the number of minorities and women employed and their respective proportions in the relevant labor market.

80. Upon completion of this review, the Commission will notify cable entities by mail of grant of certification of compliance with paragraphs (b), (c), and (d) of section 634 of the Cable Act. In cases where certification of compliance with the EEO requirements

is denied, we will inform the cable entity by letter. This letter will indicate the reasons why we were unable to grant certification and the consequences of this action, including any sanctions the Commission may deem necessary.

81. To summarize the certification of EEO compliance process, cable entities with no EEO complaints, affirmative responses to all of the questions on Part A of Form 395A, and an employment record or other information indicates sufficient efforts to comply with the statute will be granted certification of compliance. Certification of compliance will be denied or withheld in cases where: (1) The cable entity has failed to submit a Form 395A or has filed a substantially incomplete Form 395A; (2) the cable entity has been found as a result of an adjudicated complaint to have discriminated in violation of the provisions of the Cable Act; or, (3) the cable entity's EEO program and practices (i.e., EEO efforts) are found unsatisfactory. Given the Form 395A filing schedules involved, we anticipate that the annual certification period will extend from July 1 to June 30 of each year.

82. *Implementation of the Certification Process.* NCTA and Centel suggest that a three-year transition period be observed before conducting investigations and on-site inspections. NCTA believes this transition period would provide an adequate time frame for the FCC to accumulate the necessary computer facilities and personnel to process forms and to negotiate reporting agreements with operators. NCTA is concerned that certification will be delayed because of a backlog in the Commission's review processes. NAMIC would take a "wait and see" position and believes that if such a backlog occur, the FCC should obtain more staff until the problem is resolved. NAMIC points out that there is no Congressional intent to delay enforcement of EEO compliance and that no transition period is necessary.

83. The Cable Act specifies that within 270 days of the effective date of this title, the FCC is to establish rules to enforce and effectuate the requirements of section 634. The Commission agrees with NAMIC that there is no Congressional intent to delay implementation or enforcement of this section beyond the specified date. We will commence implementation and enforcement of this section as soon as possible after the effective date. It is our intention to effectively administer the EEO certification procedures upon their adoption. However, we recognize that implementation of the certification

process entails development of substantial and complex procedures and automated data systems and that initially it is possible that we may experience some processing delays. While we intend to make every effort to avoid or minimize such problems, we wish to indicate that cable systems will not be penalized or otherwise held accountable for any certification delays that arise during the implementation period.

C. Investigations

84. Section 634(e)(2) of the Cable Act requires that the Commission investigate the employment practices of all cable entities at least once every five years. The purpose of these investigations is to determine whether each cable entity has been in compliance with the requirements of section 634 (b), (c) and (d), including whether the entity's employment practices provide minorities and women equal employment opportunities. As part of this investigation, the Commission must also review the accuracy of employment practices and job classifications reported in the annual statistical report. Again, the statute and the legislative history provide only limited guidance with respect to the implementation of the investigation activity.

85. In the *Notice*, we proposed to investigate 20 percent of all cable entities each year primarily using a paper process. We proposed a new reporting requirement, Form 397, consisting of three parts. The first part (Part A) would ask identifying information of the cable entity and would contain a series of questions requiring "yes" or "no" responses. These questions address the policy aspects and program obligations of section 634 (b), (c) and (d) and are more detailed than the questions in Part A of the new Form 395A we are adopting. The second part (Part B) requests the statistical information contained in the annual employment report and would replace the submission of a Form 395A in the year of the investigation. The third part (Part C) asks that the cable entity submit data to support the statistical information contained in the annual employment report.

86. Specifically, we proposed that Part C of Form 397 would include a list of employees, their current job titles, job categories and a brief description of each employee's primary duties and responsibilities. In addition, we proposed to require that cable entities submit a list of all employees hired or promoted during the year by sex and race or national origin. We also

proposed to require each entity to provide a list of the total number of contracts that were open for bid during the preceding twelve months, the total number of minority and female entrepreneurs that bid on each contract and the total number of contracts that were awarded to minority and female entrepreneurs. Finally, we proposed to permit cable entities to submit any additional information that they believed was relevant to our evaluation of their compliance with the EEO requirements.⁴³

87. The Commission's proposed Form 397 received a significant amount of criticism from cable interests, minority groups and other parties.⁴⁴ OMB, in its filing, asserts that the Commission's proposal to collect this information exceeds the specific requirements of the Cable Act. OMB asserts that the Commission did not justify the collection of these data in the *Notice*.⁴⁵ OMB also states that the proposed form does not contain a statement informing the respondent why the information is being collected and how it will be used and whether response is voluntary, required to obtain a benefit, or mandatory, as required by the Paperwork Act. Centel and the Cable Operators also believe that the Commission has not justified the burden of this form and that it goes beyond the intent of Congress. NAMIC contends that the proposed form is burdensome without being useful.

88. With respect to the proposed "yes" or "no" questions in Part A, UCC/ACT expresses skepticism about the reliability of the yes/no responses for obtaining information that is substantially more complex. BCFM argues that the questions do not provide the amount, type, or specificity of

⁴³ We also offered a second option for meeting this requirement that would encompass reviewing and evaluating the annual Form 395A filings for the previous five years, together with complaints of violations by employees or job applicants, and other information presented by the franchising authority and by private or public agencies or organizations. See *Notice* at footnote 18. NCTA comments that this proposal is insufficient for the investigation process. NCTA contends that the Commission should at least require some additional information to provide a better basis for detecting compliance with the statute's requirements. UCC/ACT states that a five-year trend analysis using the Form 395A filings should be performed in addition to the submission of proposed Form 397. BCFM asserts that this alternative would be totally inadequate.

⁴⁴ We will only discuss comments on Parts A and C of the proposed Form 397 since Part B is identical to the annual employment report, Form 395A.

⁴⁵ Accordingly to OMB, to have practical utility, the information must be significantly useful in detecting or deterring cases of employment discrimination that would not be detected or deterred by other Federal, State or local EEO laws and enforcement programs.

information needed for the conduct of an effective investigation of a cable entity's EEO practices. NYC, NAMIC, and NBMC note that the "yes" or "no" questions allow the cable operator to determine what constitutes compliance, a judgment these commenters believe should be made by the Commission. The Joint Commenters recommend that cable operators have the option to add additional information that they believe is relevant to their response to any of the questions. NBMC states that the response to each question should require an explanation. Finally, some parties suggest additional questions, the elimination of some of the proposed questions, or modifications to the proposed questions.⁴⁶

89. Many commenters consider Part C of the proposed Form 397 burdensome. NCTA doubts that this detailed information would be useful for indicating compliance with the statute and suggests that Part C be replaced by an organization chart or a discussion of the organization's structure and a description of the internal audit system for maintaining its EEO program. Some of the commenters, notably Centel, the Joint Commenters, the Cable Operators, and NCTA, are concerned that this requirement would be intrusive on the privacy of employees, as the data will become publicly available for the first time.⁴⁷ According to Centel, similar data are already reviewed by EEOC and OFCCP and an additional review would not be fruitful.

90. The Joint Commenters, NCTA, Centel, EEAC, NAMIC and the Cable Operators state that for most cable companies the detailed job description information is not readily available and to prepare it would be a tremendous and costly undertaking. Further, it is likely to produce a massive amount of information that the Commission will not be able to process. Centel states that if the Commission insists on job data it should simply require a statement that job descriptions exist or at most require a one-time filing. NAMIC recommends the submission of a list of job titles, by department, in order of salary, at least for the upper four job categories. According to NCTA, Centel, and the Joint Commenters, the request for data regarding hiring and promotions on Form 397 will not add significantly to the material before the Commission as it

⁴⁶ See, for example, NCTA at 47-48, Cole at 11-13, Joint Commenters at 39-41, EEAC at 9.

⁴⁷ The Cable Operators are particularly concerned that this information and other data requested on Form 397 that it considers proprietary will become public at the Commission or by its inclusion in the cable system's public inspection file.

is already reported on the annual employment report. However, these parties believe that it will impose an additional paperwork burden on cable operators. In the Joint Commenters' view, this reporting requirement would intrude on management's rights because it places the Commission in a role of second guessing a cable operator's decision as to which employees merit promotion.

91. NCTA and Centel state that the request for data on contract bids on the proposed Form 397 exceeds the requirements of the Cable Act. They argue that section 634(d)(2)(E) of the statute only requires that a cable entity encourage all parts of its operation to conduct business with minority and female entrepreneurs. By limiting the inquiry to the bidding process, NCTA and the Joint Commenters assert that the Commission is ignoring the fact that once the cable system is operational, the cable operator rarely engages in the competitive bidding process in the conduct of ordinary business. OMB views this data request as burdensome and intrusive as it would require the cable operator to obtain information about every bidding firm's owners and their race, sex and ethnicity. However, UCC/ACT recommends expanding this question to include an explanation of why a contract was not awarded to a female or minority entrepreneur, if that was the case.

92. Several commenters recommend alternative approaches for investigating compliance with the Cable Act. NCTA suggests that compliance would best be assessed during on-site audits. EEAC recommends that this information be collected only if necessary during a compliance review. Other commenters, however, tended to believe that the proposal did not provide sufficient information. NYC, BCFM and NBMC recommend that the proposed Form 397 be replaced by a more detailed submission.⁴⁸ UCC/ACT and NAMIC

⁴⁸ Among the additional information NYC believes that the Commission should collect would be details of recruitment, training and promotion policies, and copies of employment applications and recruiting advertisements. BCFM suggests that the investigation include three things: Form 395A, supplemented by the specific employment practices listed in § 76.311(g) of the current rules; open-ended questions that require more in-depth responses; and the proposed Part C of Form 397. NBMC's proposal would require a cable operator to submit, in addition to the information requested by the Commission's proposal, data on the source of each applicant, training of prospective employees and the operation of cooperative training programs with schools and colleges.

recommend that Form 397 include the submission of an analysis of past practices and proposals for improving the employment unit's EEO program in accordance with section 634(d)(2)(F) of the Cable Act. Finally, the Catholic Conference proposes that each cable operator be required to circulate, and certify that it has circulated, its investigation submission among its employees who are perhaps the best judge of the veracity of the submission.

93. We continue to believe that the investigative process should consist of the annual Form 395A certification information plus additional information to support the information on that report. As stated in the statute, the investigation should ensure that the entity is in compliance with the provisions of the Cable Act and that the statistical reports submitted by the cable entity accurately reflect employee responsibilities in the reported job classifications. After consideration of the record, however, we find that the filing requirements proposed in the *Notice* would be unduly burdensome for both the cable industry and the Commission. Accordingly, we are amending the investigation procedure, as indicated below, to limit the filing requirements to the minimum necessary to carry out our statutory responsibility.

94. *Supplemental Investigation Sheet.* Several commenters raised questions whether the proposed Form 397 would replace the Form 395A for the year of the investigation or would be in addition to the 395A filing. To avoid any confusion regarding the Commission's cable EEO filing requirements and in view of the substantial modifications in the investigation filing requirement, we will not adopt the proposed Form 397. Instead, during the year in which a cable entity comes under investigation, a "Supplemental Investigation Sheet" will be included with the Form 395A that is sent to the cable entity. The cable entity will be required to submit the requested additional information with the regular annual report Form 395A.

95. The Supplemental Investigation Sheet will request additional information to support the cable entity's statistical filing and to support any questions that may arise regarding the cable entity's EEO program or practices. In order to meet the statutory requirement that the Commission ensure that employees are assigned to the proper job categories, Part I of the Supplemental Investigation Sheet will request brief descriptions of the major duties and responsibilities of employees listed in certain job categories. In the case of cable entities that have been

granted certifications of EEO compliance in each of the years subsequent to their most recent investigation, this request in general will be limited to three job descriptions per employment unit. The job categories from which the job descriptions are to be selected will be specified by the Commission. In the case of cable entities that have been denied certification in one or more of the years subsequent to their last investigation, the Commission may ask for additional job descriptions in the same or other job categories. The nature and extent of the expanded request for job descriptions in such cases will depend on the nature of the problems in the cable entity's EEO program that resulted in denial of certification. In such cases, we intend to limit our additional requests to information relating to the specific areas where the entity was not found to be complying with the EEO requirements.

96. Part II of the Supplemental Investigation Sheet will ask specific questions concerning the cable entity's EEO practices and its conformance with the EEO requirements of the Cable Act and Part 76 of our rules. For example, one such question might be to describe the cable entity's efforts to promote minorities and women in a non-discriminatory fashion to positions of greater responsibility under the requirements of section 634(d)(a)(D) of the Cable Act and § 76.75(d) of the Commission's rules. We will ask cable entities that have been granted certification in each of the years subsequent to their most recent investigation to respond to three such questions. We may also ask cable systems that have been denied certification in one or more of the years subsequent to their last investigation to respond to additional questions. In such cases, the additional questions will be directed to the specific EEO program deficiencies that formed the basis for the denial of the certificate of EEO compliance.

97. *Investigation Process.* The investigation process will consist of an examination of the information on the Form 395A and the Supplemental Investigation Sheet. The first step will be to evaluate the regular Form 395A information generally in accordance with the procedures and standards of the normal certification of EEO compliance process. However, we will not grant a certification of EEO compliance until we also have completed our examination of the responses to the inquiries on the Supplemental Investigation Sheet and have determined that these responses

substantially verify the Form 395A report.

98. Once the evaluation of the regular Form 395A report is completed, we will examine the supplemental information. We will review the job descriptions requested in Part I of the Supplemental Investigation Sheet to determine whether the employee's duties and responsibilities are consistent with the job category in which the employee was reported. If any questions arise in this examination, we will ask the cable entity to provide additional information with respect to the employees' responsibilities and may also request additional job descriptions and information concerning the manner in which jobs/employees are assigned to the various categories. If necessary, we may conduct an on-site audit of the cable unit's employment statistics report. If, after further examination, we determine there are substantial deficiencies in the cable entity's reporting methods, lack of EEO performance, or effort as required under the Cable Act, we will take appropriate action, including possible denial of certification and other sanctions as provided in the Cable Act and § 1.80 of our rules.

99. We next will examine the responses to the questions concerning EEO practices and their conformance with requirements of the Cable Act. Any apparent deviations in the cable entity's EEO practices from the requirements of the Cable Act and/or our rules will be subject to further investigation, including additional questions and, if necessary, an on-site audit of the cable unit's EEO practices and activities. If the further investigation reveals substantial deviation from the EEO requirements, lack of effort, or activity inconsistent with the EEO provisions of the Cable Act or our rules we will take appropriate action. This may result in denial of certification, forfeiture, or other sanctions as provided under the Cable Act and § 1.80 of our rules. If the information provided on Form 395A and in response to the inquiries on the Supplemental Investigation Sheet and any further requests or on-site audits indicates satisfactory compliance with the EEO requirements of the Cable Act, we will grant certification of EEO compliance.

100. We believe that this investigation process will provide us with sufficient data and information to assess whether the EEO practices of an employment unit are in compliance with the requirements of section 634 (b), (c) and (d) of the Cable Act. This procedure will limit the burden on the cable system and

on the Commission to that which we believe is the minimum necessary to fully satisfy our obligations under the Cable Act.

D. On-Site Audits

101. As stated in the House and Senate legislative reports, Congress intended that the Commission use random on-site audits as part of the process of determining compliance with the EEO provisions of the Cable Act. In particular, the legislative history states:

in order to ensure compliance with this section, the Commission is directed to annually review the employment profiles of reporting employment units, including random on-site audits of some reporting units. These audits will provide the Commission with a basis for determining whether employment profiles are accurately reported on the required annual statistical employment reports, and whether job classification and employee responsibilities are accurately defined.⁴⁹

In the *Notice*, the Commission proposed to conduct random on-site audits on a more limited basis than the paper investigations. Due to the inherent costliness of conducting on-site audits, we proposed that these audits would be conducted only in response to problems that arose during the investigations procedure.

102. NCTA and ALF comment that random on-site audits are a reasonable approach for verification of the reported data and descriptions. These commenters, however, state that such audits should be kept to a minimum and used only when the paper investigation suggests the existence of a problem. ALF believes that on-site audits are a deterrent mechanism and should be used sparingly to preserve their effectiveness. The Joint Commenters and ALF note that on-site audits are not only costly to the Commission, but to the cable entity being audited. NCTA suggests that the Commission limit the number of units owned by a single MSO that can be audited during the company's year of investigation. NYC and BCFM state that the Commission should indicate how frequently and under what circumstances on-site audits will be conducted. The Joint Commenters, ALF and NCTA recommend that the Commission adopt guidelines for the conduct of on-site audits to ensure that they are handled fairly and efficiently. Among the suggested guidelines are notification of the intent to conduct an audit and notification of the intended scope and manner of the inquiry. Further,

according to these parties, audits should not disrupt the cable entity's normal operations and system operators and their employees should be permitted to have counsel present.

103. NBMC asserts that the Commission should audit a specified percentage of cable systems that are randomly selected by lottery each year. Each system should be subject to an on-site audit once every five years, not necessarily the same year as the paper investigation. UCC/ACT believes that in addition to the audits conducted in response to problems, the Commission should conduct a specific number of random on-site audits each year. In UCC/ACT's view, if problems are evidenced during an on-site audit, a follow-up audit should be conducted within three years. UCC/ACT also suggests that the Commission establish criteria to determine the existence of problems.⁵⁰ NBMC states that the Commission should not be concerned with the inherent costliness of on-site audits. Rather the Commission should ask Congress for whatever funds are necessary to ensure that the Commission is able to comply with the Cable Act.

104. We intend to concentrate our on-site auditing efforts on those situations that present problems during the paper investigation, as proposed. In particular, we believe on-site audits would be most effective for verification of a cable entity's classification of specific jobs in the various job categories. We believe that this approach will make the most efficient use of our limited resources. On-site audits, as we previously noted, are costly to conduct and are likely to be burdensome for the cable operator subject to this type of investigation. By directing our efforts toward those situations where there appear to be problems, we believe that we can be most effective in ensuring compliance with the EEO requirements of the Cable Act throughout the cable industry. Before the Commission conducts an on-site audit of an EEO unit, we intend to provide the cable operator with adequate notification. In general, on-site audits will be limited in scope, focusing on questions raised during our routine investigations. Further, we will attempt to conduct audits in a manner that will be least disruptive to the operator and employees of the cable system.

⁴⁹ See 98th Cong. 2d Session 130 Cong. Rec. S14,286 (1984) and House Report at 91.

⁵⁰ UCC/ACT's criteria are failure to obtain certification three or more times in a seven-year period, evidence of problems in the five-year investigation and irregularities in either the annual Form 395A report or the Form 397 submission.

E. Multiple System Operators Reporting Agreements

105. In the *Notice*, we proposed to develop multiple system operators reporting agreements (MRAs). As proposed, these agreements would include:

(1) An analysis of each individual employment unit of the MSO (basically, this would consist of the regular Form 395A information);

(2) An understanding of how the employment units are organized and how the personnel policies and practices are administered (the *Notice* suggested that an organizational chart of the MSO might be appropriate for providing the necessary information);

(3) A complete listing of job titles with corresponding job category classifications and a brief general description of the job duties and responsibilities for each job title; and

(4) A description of internal audit systems, including forms for analyzing personnel actions and provisions for corrective measures where goals are not being met; and a description of methodology to calculate detailed goals that may be necessary to correct identifiable problem areas.

We indicated in the *Notice* that the MRAs would permit MSOs to file coordinated certification and investigation reports for all their employment units at one time. All employment units subject to certification or under investigation would then be reviewed within the context of the MSO's total organizational data and pre-approved reporting format. While each employment unit of the MSO would still be required to meet its individual EEO obligations, we stated our belief that the MRA procedure would reduce the overall administrative costs of compliance and be beneficial for both the MSO and the Commission.

106. In general, the commenters support the MRA approach. EEAC supports the Commission's efforts to reduce recordkeeping and reporting burdens. UCC/ACT believes that the MRA would provide valuable structural, organizational and administrative information to the Commission and to the MSO for its annual certification. UCC/ACT also supports the listing of job titles, job category classifications and job responsibilities. NBMC, in its comments, states that the MRA is a laudable proposal requiring only minor fine tuning. In fact, NBMC believes that review of MSO company-wide performance should always be performed and supports requiring an MRA for any MSO with more than five

systems. The Catholic Conference suggests that the MRAs be made available for public inspection.

107. The Cable Operators endorse the MRA proposal, but urge that it be an optional reporting procedure. The Cable Operators also suggest certain clarifications. NCTA supports the adoption of the MRA concept but suggests certain modifications. For example, NCTA opposes the proposed requirement that all cable entities submit job descriptions for their employees. NCTA suggests that the request for this information should be limited to only those units undergoing the periodic investigation. NCTA further is opposed to the use of the term "goals" in the MRA and its concomitant suggestion of numerical standards. NCTA also believes that all cable entities should be permitted to enter into special reporting agreements. Finally, NCTA requests clarification of the "pre-approved reporting format" language contained in the proposal. In this regard, NCTA supports the concept of allowing cable operators to establish a reporting format that accommodates their individual organizational structures and interests.

108. Centel suggests that the MRAs be limited to the five year investigation. The Joint Commenters agree that an MRA could serve a useful purpose; however, they believe that the MRA procedure proposed in the *Notice* is too burdensome. The Joint Commenters indicate that the Commission could develop a list of potentially useful information and that submission of this information could be left to the discretion of the MSO. According to the Joint Commenters, the Commission would not routinely review the submitted information except in cases where the annual employment report or the Form 397 raise concerns. The Joint Commenters suggest that the Commission could then refer to the submitted information to determine whether those questions or concerns could be resolved without further inquiry. The Joint Commenters believe that this approach to the MRA would create a valuable, efficiency-promoting administrative tool for both the Commission and the cable entity.

109. After consideration of the comments, we believe that an MRA procedure would be beneficial to both the Commission and the cable industry. However, we agree with those commenters who believe that the proposed procedure would be excessively burdensome and conclude that it is necessary to modify the MRA procedure proposed in the *Notice* and to make it an optional arrangement.

110. *Purpose and Scope of the MRA.* We believe that the ability to consolidate the filing of EEO reports for all employment units, to coordinate the supplemental information for the units under investigation, and to review this information within the context of the MSO organizational make-up will be beneficial in reducing the administrative costs for both the MSO and Commission. However, we disagree with NBMC and other groups that have suggested that various MSOs should be required to file MRAs. Since the concept of an MRA is neither required nor contemplated by the Cable Act, but rather was intended to benefit the Commission and the MSO, we do not believe that mandatory MRAs would be desirable. Thus, an MSO will not be required to enter into an MRA. However, as discussed above, we believe such arrangements would be cost-efficient for both MSOs and the Commission, and therefore, encourage MSOs to participate in the MRA program.

111. The principal purpose of the MRA is to establish an effective dialogue between an MSO and the Commission on EEO matters. The MRA will provide an arrangement under which an MSO can file consolidated EEO reports for all its employment units. In addition, the MRA will provide a mechanism for a coordinated review of the MSO's employment practices for the purpose of determining compliance with the EEO requirements of the Cable Act. In this regard, we envision that the MRA procedure, in general, will be used for both the annual certification and the five-year investigation of an MSO's employment units.⁶¹

112. Since the purpose of the MRA is to encourage a dialogue between the Commission and MSOs regarding the unique problems that MSOs face, we intend, in most instances, to review the MRA agreement annually. This systematic review will enable the Commission and the cable entity to identify problem areas. Furthermore, an annual review process will avoid the broad inquires that might otherwise be necessary.

113. With respect to the scope of the MRA, several commenters have

⁶¹ We believe that this is a reasonable approach since one of the provisions of the MRA will be to determine which of the MSO's employment units will be subject to investigation (e.g., 20% per year). In this regard, the MRA would provide the information needed for both certification and investigation activities and would eliminate the need for the MSO to submit the additional information for its cable units that might be requested if the units were certified and investigated on an individual basis.

indicated that MRAs should be available to both MSOs and independent operators. These commenters have stated that by limiting MRAs to multiple system operators we are depriving the independent cable operator of the benefits of being evaluated within the context of a greater range of information. We wish to make clear that independent operators, those operators with one system and filing one form, are not precluded from seeking the technical assistance otherwise afforded MSOs. We do believe that MSOs stand to benefit most from MRAs, insofar as we will allow them to coordinate the filing of certification and investigation reports for several employment units at one time. However, we also encourage individual operators to enter into reporting agreements to the extent that they provide the opportunity to submit additional information concerning the company's employment practices or good faith efforts.

114. *MRA Information.* Several commenters expressed concern that the MRA information proposed in the *Notice* was overly burdensome. NCTA, for example, expressed concern that the Commission might seek detailed information regarding how employment units are interrelated and how policies are administered. Many cable parties were concerned with the proposal that the MRAs include "(a) complete listing of job titles with job category classifications"

115. The Commission's intended purpose in developing the MRA procedure is to reduce, rather than increase, the administrative burden associated with complying with the EEO requirements of the Cable Act. We agree with the commenters that some of the information requested in the original proposal is unnecessary. Accordingly, we have amended the MRA procedure to make the information filing requirement as minimally intrusive as possible. At the same time, we believe that the new MRA procedure will allow us to collect sufficient information to perform our certification and investigatory responsibilities under the statute. In general, we envision that the principal filing requirement under an MRA will be the same as that for all cable entities, *i.e.*, FCC Form 395A. The MRA will be merely an administrative device to enable an MSO to coordinate and consolidate the filing of the necessary EEO information; to take into account the special aspects and nature of the MSO organizational structure; and to permit an orderly review of the MSO's EEO efforts by the Commission.

116. With respect to corporate organizational information, we believe that it is important for the purpose of the MRA that the Commission be aware of how cable employment units are interrelated and how personnel policies are administered within the cable firm. Nevertheless, we can understand the concern with such a broad submission. Therefore, MRA agreements will permit MSOs to submit whatever information meets this end, and, in most instances, an organizational chart will be adequate.

117. Many cable operators oppose the proposal to include a complete listing of job titles and corresponding job category classifications in the MRA. The parties state that such a proposal would impose an enormous financial and administrative burden on MSOs. In order to impose the least burden on cable operators and still comply with the statutory requirements to review the accuracy of employment practices and job classifications reported in the annual report, we believe it generally would be sufficient for MSOs participating in the MRA program to submit job information for only three job titles. The categories from which these job titles are to be selected will be specified by the Commission. This job information should include a brief general description of the major duties and responsibilities of each job title. This modification should alleviate the concerns regarding the financial and administrative burden imposed on cable operators, the inability of the Commission to review this information, and the concerns regarding violation of employee privacy rights. In the case of MSOs that have been denied a certification of EEO compliance in one or more of the previous five years, we may ask for additional job descriptions as described in the discussion of Supplemental Investigation Sheets above.

118. *Internal audit system.* In the *Notice*, we proposed that the MRA include a description of who the MSO would monitor and analyze personnel actions. In addition, we proposed to collect information on provisions for corrective measures where goals are not being met and a description of methodology to calculate detailed goals that may be necessary to correct identifiable problem areas.

119. Several commenters strongly object to the use of the word "goals" in this proposal. NCTA suggests that the current language of the proposal be shortened to delete the goal language and that a statement be included that operators must submit with the MRA "a

description of internal audit systems including forms for analyzing personnel actions and provisions for corrective measures." Inasmuch as we have no intention of imposing numerical quotas on cable operators, we believe that the edit proposed by NCTA is appropriate. Our concern is that the Commission receive information to determine whether procedures have been implemented to correct identifiable problems that may exist. Accordingly, the MRA will include only a description of how the MSO monitors and analyzes its personnel actions.

120. *Implementation of the MRA.* A number of commenters have requested that the Commission clarify how it intends to implement an MRA agreement with an MSO. It is our desire to allow MSOs the flexibility to negotiate an MRA in a manner that is most convenient for their respective needs. In the usual case involving a large MSO, we would assume that the MSO representative initially would find it beneficial to discuss the MRA orally, in person or by telephone, with a Commission staff member. In any event, the initial discussion should be scheduled by January 1 of each year.

121. *Preliminary Discussion.* An MSO seeking to enter into a MRA initially will be assigned to an EEO Specialist who would be responsible for conducting a preliminary discussion. This discussion will center on how to review each individual employment unit's EEO performance within the context of its organizational structure. The outcome of this discussion will determine which employment units will be investigated and the extent of the investigations. Administratively, one-fifth of the employment units will be investigated annually. However, some flexibility will be provided to accommodate the individual structure of each MSO.

122. *Pre-Approved Reporting Format.* NCTA requests that the Commission clarify the proposal to allow cable operators to arrange "pre-approved reporting formats." Centel and others express a similar concern as to whether the MRA reporting format would be individually negotiated and would take into account the unique characteristics of each MSO. It is the Commission's intention to establish a reporting format that accommodates each MSO's unique characteristics. In this regard, the aspects of the reporting requirements that will be discussed are:

(1) The determination of which labor force data (*i.e.*, national vs. regional data) individual employment units must apply;

(ii) The unique characteristics of the cable entity's decentralized personnel practice;

(iii) Which employment units will undergo the formal investigation each year;

(iv) Whether a large MSO should file a single MRA or separate MRAs for regional units;

(v) A determination of the three job titles for which the MSO will submit a brief general description of duties and responsibilities; and

(vi) How to deal with individual employment units with deficient EEO programs, and how to bring these deficient units into compliance.

IV. Sanctions

123. Section 634(f) of the Cable Act provides sanctions for failure to comply with EEO requirements and outlines procedures to be used by the Commission when it believes that a sanction is warranted. Subsection (f)(1) specifies that if the Commission finds, after notice and hearing, that an entity has "willfully or repeatedly without good cause failed to comply with the requirements of [section 634]," such a failure is a substantial failure to comply with the Cable Act.⁵² Such a failure, in turn, is a basis for the nonrenewal of the system's franchise pursuant to section 626(c)(1)(A).

124. Subsection (f)(2) specifies that any person who is determined by the Commission "to have failed to meet or failed to make best efforts to meet" the requirements of section 634 or our cable EEO rules is liable to a forfeiture penalty of \$200 per day for each violation. While there is a limit of 180 days for forfeitures accruing prior to notification by the Commission of a potential violation, there is no limit regarding violations that continue after the issuance of such notification. In addition, subsection (f)(2) authorizes the Commission to suspend one or more of a violator's cable auxiliary relay service (CARS) licenses until the violation is corrected.⁵³ Only one violation of the cable EEO provisions is specifically defined, namely a misrepresentation occurring in connection with an application for certification.

125. Subsection (f)(3) specifies that certain parts of the Commission's existing statutory authority respecting the issuance of a forfeiture penalty shall apply to cable EEO forfeitures.

Subsection (f)(4) directs the Commission to provide notice to the public and appropriate franchising authorities of any penalty imposed.

126. In the *Notice*, we noted that § 1.80 of our rules sets forth both the amounts of forfeiture and the procedures to be followed before a forfeiture can be imposed. We expressed our belief that because § 1.80(a) states that "[a] forfeiture penalty assessed under this section is in addition to any other penalty provided for by the Communications Act," no change in our rules was necessary.

127. Commenters express concern over certain language in this section and the lack of specificity as to when penalties are applied. NYC claims there is no definition of "failure" to make best efforts to meet standards or whether "willful" violations are required before the FCC imposes penalties. The Joint Commenters and NCTA are concerned that section 634 of the Cable Act has the potential to exact penalties over and above those provided for in § 1.80 of the Commission's rules. They believe cable entities could, therefore, be penalized twice for the same infraction.

128. In accordance with section 634(f)(1) of the Cable Act, the Commission will consider any willful or repeated without good cause failure to comply with the EEO provisions of section 634, or our rules, to be a substantial failure to comply with the Cable Act. Any such failure to comply may constitute a basis for the imposition of a forfeiture or a suspension of a CARS license. The amount of the forfeiture will be limited by the provisions of section 634(f)(2) of the Cable Act. Before a forfeiture or suspension is imposed, we will follow the procedures for notification and hearing in § 1.80(e) *et seq.* Further, § 1.80 of our rules will be modified to exclude EEO violations from the monetary limits for forfeitures in accordance with the provisions of the Cable Act.

VII. EEO Complaint Procedures

129. In the *Notice*, we noted that the Commission has experience in EEO complaint procedures dealing with broadcast licensees. We proposed to invoke similar procedures involving discrimination complaints against cable entities. In this regard, the Commission has a formal Memorandum of Understanding (MOU) with the EEOC regarding the exchange of information and the disposition of discrimination complaints involving broadcast licensees.⁵⁴ The MOU establishes a

procedure for the orderly exchange of information between the FCC and the EEOC and a process for the investigation and resolution of complaints of employment discrimination against broadcast licensees.⁵⁵ We proposed to modify the MOU to include cable operators and multiple system operators. In addition, we proposed the addition of a prohibition against age discrimination to comport with the provisions of the Cable Act. Since the amended MOU provides for the orderly exchange of information for the investigation and resolution of discrimination complaints involving cable operators, we also proposed to eliminate from our rules § 78.311(h), *Report of Complaints*. This section provides that every employment unit submit an annual report to the Commission indicating whether any complaints have been filed regarding violations of equal employment statutes by a cable operator.

130. Of the parties who commented on this section, most favor our proposals regarding complaint procedures and the modifications to the MOU. However, several parties request clarification of various aspects of the complaint procedures. NCTA would have the FCC explain procedures for processing complaints of EEO violations as described in paragraph 42 of the *Notice*. NCTA, the Joint Commenters and the Cable Operators want the Commission to review all complaints for strict compliance with the adopted requirements and swiftly dismiss those complaints that fail to meet those requirements. These parties are especially concerned with "interested" party status regarding EEO complaints. NCTA claims that charges must be substantial and detailed and that it should be made clear that interested parties have standing and specificity of evidence and must supply affidavits of personal knowledge of the complaint. NCTA also contends that complainants must be made aware that false statements are punishable so as to discourage frivolous complaints and that alleged violations must be filed within 180 days. NAMIC proposes to delete the time limit for filing complaints.

Equal Employment Opportunity Commission, 70 FCC 2d 2320 (1978).

⁵⁵ For a general description of the EEOC's statutory authority, see *id.* at 2321 n. 2. The EEOC's jurisdiction extends to employers with 15 or more employees, while the jurisdiction of a state or local agency may be broader in scope. Further, to be timely, a charge must be filed with the EEOC within 180 days of the alleged unlawful employment practice, except as otherwise noted in 29 CFR 1601.13.

⁵⁴ *Memorandum of Understanding Between the Federal Communications Commission and the*

⁵² Repeatedly is defined as three or more times during any seven year period.

⁵³ Section 634(i)(2) states that the remedies and enforcement provisions of section 634 are in addition to any other penalty available under the Communications Act or any other law.

131. The Catholic Conference suggests that anyone filing a complaint that fails to comply with the adopted requirements be given a plain English explanation of the rules and allowed to resubmit the complaint in proper form. In addition, the Commission should develop a "Cable EEO and Complaint Procedures Manual." This manual should be provided to cable operators for their public file.

132. The Joint Commenters note that the Commission stated that it intended to add cable operators and multiple system operators to the *MOU*. They ask that the Commission clarify that this does not mean that filing a complaint against a single system of an MSO will trigger an investigation of all of the MSO's systems.

133. Section 634(g) of the Cable Act establishes certain restrictions relating to the filing of EEO complaints. It provides that complaints shall be in writing and shall be signed and sworn to. In addition, it limits the filing of complaints to "employees or applicants for employment" and "any other interested person." To the extent these requirements are unclear, some useful guidance may be obtained from the parallel provisions of section 309(d)(1) of the Communications Act and from the decisions interpreting that section, including in particular *Office of Communications of the United Church of Christ v. FCC*, 359 F. 2d 994 (1966). The standing of employees and job applicants under section 634(g) is clear. The basic holding of *UCC v. FCC* is that any person may establish standing to participate as a party in interest by alleging a threatened or actual inquiry will be personally suffered that is likely to be prevented or redressed by a favorable decision. *UCC v. FCC* makes it clear that consumers may be included within this group. These precedents also appear to be the origin of the requirement that all allegations must be supported by an affidavit of a person or persons with personal knowledge of the facts recited. The Commission established that any individual may qualify as a party in interest if he alleges that he is a listener or viewer of the broadcast station in question or that he resides within the station's service area. An organization may establish standing to represent the interest of local listeners or viewers. To do so, it must provide the affidavit of one or more individuals entitled to standing indicating that the group represents local residents and that the petition is filed on their behalf. Given this precedent, a party in interest to a formal cable EEO complaint shall be anyone, or

group representing said person, residing within the cable system's franchise area who alleges noncompliance and, according to the Cable Act, signs and swears to a written description of the allegations. We will not process formal complaints which do not meet these requirements. Thus, if a complaint does not allege facts raising a *prima facie* question of noncompliance with the statute or our rules, we will notify the complainant that the matters alleged do not warrant further action or inquiry on our part.⁵⁶ On the other hand, where a complaint does raise a *prima facie* question of noncompliance, we will submit it to the cable entity or a response. The Commission will then evaluate the submissions and determine what, if any, action is appropriate. Furthermore, since all that is required to file an EEO complaint is to submit a written, sworn to and signed statement, we see no need to develop a "complaint procedures manual" as the Catholic Conference has suggested. Such a manual would merely be repetitive of this section.

134. The Joint Commenters, the Cable Operators and NCTA suggest that all charges be timely filed with the Commission. These parties suggest a 180-day time limit to file charges of discrimination. In this regard, the Commission has considered previously a 180-day time limit for EEO complaints involving broadcasters.⁵⁷ There, the Commission noted that although such a time limit might be desirable "as a safeguard against faded memories, lost records, and dispersed witnesses," the time limit for accepting discrimination complaints was not adopted because of the importance of considering performance in the EEO area throughout the license term of the broadcaster. In the context of section 634(g) of the Cable Act, however, we believe that a 180-day time limit is warranted. Title VII of the Civil Rights Act, the principles of which the Congress has indicated that we should follow here, contains such a limit and we see no reason why that policy should not be followed for complaints filed under the Cable Act. Thus, specific EEO complaints under section 634(g) of the Cable Act must be filed within 180 days of the alleged act of discrimination or non-compliance with the provisions of the statute.

135. With respect to the *MOU*, the EEOC, in its comments, has agreed to

⁵⁶ This does not preclude or limit the Commission from consideration, on its own motion, of any information concerning EEO noncompliance that is brought to its attention on an informal basis.

⁵⁷ *Report and Order*, Docket 20550, 60 FCC 2d at 220 (1976).

revise the *MOU* with certain modifications to include cable system operators and to include a prohibition against age discrimination as proposed in the *Notice*. With respect to the concerns raised by multiple system operators, extension of the *MOU* to cable system operators does not mean that a complaint filed against an affiliated cable system will automatically trigger an investigation of all of the MSO's cable systems. Such an investigation would occur only upon a determination that an affiliated cable system's violation of EEO standards are reflective of the MSO's policy.

136. After discussion with the EEOC, the Commission and the EEOC have also agreed to amend section V of the *MOU* to enhance coordination and cooperation between the agencies of EEO matters. Under the new provisions of section V of the *MOU*, the Commission will confer, to the extent legally permitted, with the EEOC prior to Commission action on non-restricted EEO rule making proceedings. In general, this action will permit the disclosure by Commission staff of non-restricted rule making items, such as notices of inquiry, notices of proposed rule makings, and certain reports and orders, to the EEOC prior to Commission action on such items.⁵⁸ In taking this action, the Commission notes that the provisions of § 1.1231 of its rules and all other *ex parte* restrictions remain in effect. In addition, the EEOC will be prohibited from disclosing the contents of any pre-coordinated Commission item.⁵⁹ Furthermore, nothing in the *MOU* affects the Commission's independence in making its own policy determinations. We believe that these changes to the *MOU* will permit a more orderly exchange of information between the Commission and the EEOC and permit a more effective Federal policy in this area.

137. Since we are adopting the attached *MOU*, we find that § 76.311(a) *Report of Complaints* is no longer necessary and will, therefore, delete this section from our rules. This section provided that every employment unit submit an annual report to the Commission indicating whether any complaints have been filed regarding violations of equal employment statutes by a cable operator. Under the *MOU*, such information is and will continue to

⁵⁸ Such disclosure by authorized Commission employees will be exempt from the provisions of § 19.735-206 of the Commission's rules. Disclosure of reports and orders will not be made when the EEOC is a party to the proceeding.

⁵⁹ See Paper Work Reduction Act, 44 U.S.C. section 3510(b).

be provided directly by the EEOC to the Commission on a regular basis.

VIII. Conclusion

138. By this *Report and Order*, the Commission is amending its rules to implement the equal employment opportunity provisions of the Cable Communications Policy Act of 1984. These rules set forth the policies and program obligations that the Cable Act requires cable operators to observe in order to comply with the Cable Act and to ensure equal employment opportunities. This *Report and Order* also establishes the procedures the Commission will use to monitor EEO performance and compliance with the statute.

IX. Regulatory Flexibility Final Analysis

139. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

I. Need for and purpose of the rules.

The Cable Communications Policy Act of 1984 establishes guidelines for the regulation of equal employment opportunity policy and practices in the cable industry. The Cable Act directs the Commission to take the appropriate action in these areas in order to promote a national policy to encourage employment opportunities for women and minorities and to ensure non-discrimination in the cable industry. As a result of this mandate, we have eliminated some rules, modified other and promulgated new rules.

II. *Summary of issues raised by public comments in response to the initial regulatory flexibility analysis, Commission assessment, and changes made as a result.*

A. Issues Raised.

The Equal Employment Advisory Council (EEAC) suggested that this rule could create multiple reporting obligations for those entities also subject to Executive Order No. 11246. The EEAC recommends that the Commission permit compliance determinations with respect to the FCC EEO standards to be made on the basis of a review of cable entity's affirmative action program prepared pursuant to Executive Order No. 11246.

B. Assessment.

Cable entities do not routinely file affirmative action program information under Executive Order No. 11246. This information is only provided by an entity upon request. Therefore, we do not believe that duplication of reporting obligations occurs. However, to the extent such information is duplicative of our requirements, we would accept copies of such affirmative action program statements for our purposes.

C. *Changes made as a result of such comments.* None.

III. Significant alternatives considered and rejected.

The Commission considered all the alternatives presented in the *Notice* and considered all the timely filed comments directed to the various issues in the *Notice*. After carefully weighing all aspects of this proceeding, the Commission has adopted the most reasonable course of action under the mandate of the Cable Act.

140. Accordingly, it is ordered that under the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and the Cable Communications Policy Act of 1984, Parts 1 and 76 of the Commission's Rules and Regulations are amended as set forth in the attached Appendix A. Pursuant to the requirements of section 634(d)(1) of the Cable Communications Policy Act of 1984 and the authority contained in the Administrative Procedure Act, 5 U.S.C. 553(d)(3), these rules and regulations are effective September 25, 1985. The forms and information collection requirements adopted herein are subject to Office of Management and Budget approval pursuant to the procedures specified in the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

141. It is further ordered that the Memorandum of Understanding between the Equal Employment Opportunity Commission and the Federal Communications Commission as set forth in the attached Appendix D is adopted and will become effective thirty days after signature by both parties.

142. It is further ordered that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

47 CFR Parts 1 and 76 are amended to read as follows:

1. The authority citation for Parts 1 and 76 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

PART 1—[AMENDED]

2. 47 CFR 1.80 is amended by revising paragraphs (b)(2) (i) and (ii) and adding paragraph (b)(2)(iii) to read as follows:

§ 1.80 Forfeiture proceedings.

(b)(2) * * *

(i) \$20,000, if the violator is a common carrier subject to the provisions of the Communications Act, a broadcast station licensee or permittee, or a cable

television system operator except for EEO violations, and the violation relates to operation of those facilities.

(ii) \$5,000, in the case of any other violator, and

(iii) No limit on EEO violations for cable operators.

PART 76—[AMENDED]

§ 76.12 [Amended]

3. 47 CFR 76.12 is amended by removing paragraph (g) in its entirety.

4. 47 CFR Part 76 is amended by adding a new Subpart E, entitled Equal Employment Opportunity Requirements, to read as follows:

Subpart E—Equal Employment Opportunity Requirements

Sec.	
76.71	Scope of application.
76.73	General EEO policy.
76.75	EEO program requirements.
76.77	Reporting requirements.
76.79	Records available for public inspection.

Subpart E—Equal Employment Opportunity Requirements

§ 76.71 Scope of application.

(a) The provisions of this subpart shall apply to any corporation, partnership, association, joint-stock company, or trust engaged primarily in the management or operation of any cable system. Cable entities subject to these provisions include those systems defined in § 76.5(a) of the rules and all satellite master antenna television systems serving 50 or more subscribers.

(b) *Employment units.* The provisions of this subpart shall apply to cable entities as employment units. Each cable entity may be considered a separate employment unit; however, where two or more cable entities are under common ownership or control and are interrelated in their local management, operation, and utilization of employees, they shall constitute a single employment unit.

(c) *Headquarters office.* A multiple cable operator shall treat as a separate employment unit each headquarters office to the extent the work of that office is primarily related to the operation of more than one employment unit as described in paragraph (b) of this section.

§ 76.73 General EEO policy.

(a) Equal opportunity in employment shall be afforded by each cable entity to all qualified persons, and no person shall be discriminated against in employment by such entity because of

race, color, religion, national origin, age or sex.

(b) Each employment unit shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity to every aspect of cable system employment policy and practice. Under the terms of its program, an employment unit shall:

(1) Define the responsibility of each level of management to ensure a positive application and vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;

(2) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation;

(3) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, age or sex, and solicit their recruitment assistance on a continuing basis;

(4) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, age or sex from its personnel policies and practices and working conditions; and

(5) Conduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility.

§ 76.75 EEO program requirements.

An employment unit's equal employment opportunity program should reasonably address itself to the specific areas set forth below, to the extent possible and to the extent that they are appropriate in terms of employment unit size, location, etc.:

(a) Disseminate its equal employment opportunity program to job applicants, employees, and those with whom it regularly does business. For example, this requirement may be met by:

(1) Posting notices in the employment unit's office and places of employment informing employees, and applicants for employment, of their equal employment opportunity rights, and their right to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency, if they believe they have been discriminated against. Where a significant percentage of employees,

employment applicants, or residents of the community of a cable television system of the relevant labor area are Hispanic, such notices should be posted in Spanish and English. Similar use should be made of other languages in such posted equal employment opportunity notices, where appropriate;

(2) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of race, color, religion, national origin, age or sex is prohibited and that they may notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency if they believe they have been discriminated against.

(b) Use minority organizations, organizations for women, media, educational institutions, and other potential sources of minority and female applicants, to supply referrals whenever job vacancies are available in its operation. For example, this requirement may be met by:

(1) Placing employment advertisements in media that have significant circulation among minority-group people in the recruiting area;

(2) Recruiting through schools and colleges with significant minority-group enrollments;

(3) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral of qualified minority or female applicants;

(4) Encouraging current employees to refer minority or female applicants;

(5) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members and females are being sought for consideration whenever the employment unit hires.

(c) Evaluate its employment profile and job turnover against the availability of minorities and women in its franchise area. For example, this requirement may be met by:

(1) Comparing composition of relevant labor area with the composition of the entity's employees;

(2) Comparing its employees, within each job category, with the people available for such positions;

(3) Where there is underrepresentation of either minorities and/or women, examining the company's personnel policies and practices to assure that they do not inadvertently screen out any protected group and take appropriate action where necessary.

Note.—These data are generally available on a metropolitan statistical area (MSA),

primary metropolitan statistical area (PMSA) or county basis.

(d) Undertake to offer promotions of minorities and women in a non-discriminatory fashion to positions of greater responsibility. For example, this requirement may be met by:

(1) Instructing those who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination;

(2) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower paid employees with respect to any of the higher paid positions, followed by assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions;

(3) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(e) Encourage minority and female entrepreneurs to conduct business with all parts of its operation. For example, this requirement may be met by:

(1) Recruiting as wide as possible a pool of qualified entrepreneurs from sources such as employee referrals, community groups, contractors, associations, and other sources likely to be representative of minority and female interests.

(f) Analyze the results of its efforts to recruit, hire, promote, and use the services of minorities and women and explain any difficulties encountered in implementing its equal employment opportunity program. For example, this requirement may be met by:

(1) Where union agreements exist, cooperating with the union or unions in the development of programs to assure qualified minority persons or females of equal opportunity for employment, and including an effective nondiscrimination clause in new or renegotiated union agreements;

(2) Avoiding use of selection techniques or tests that have the effect of discriminating against qualified minority groups or females;

(3) Reviewing seniority practices to ensure that such practices are nondiscriminatory;

(4) Examining rates of pay and fringe benefits for employees having the same duties, and eliminating any inequities based upon race or sex discrimination.

§ 76.77 Reporting Requirements.

(a) *Annual employment report.* Each employment unit with six or more full-time employees shall file an annual employment report (FCC Form 395A) with the Commission on or before May 1 of each year. Employment data on the annual employment report shall reflect the figures from any one payroll period in January, February, or March of the year during which the report is filed. Unless instructed otherwise by the FCC, the same payroll period shall be used for each successive annual employment reports.

(b) *Certification of Compliance.* The Commission will use the information submitted on Form 395A to determine whether cable systems are in compliance with the provisions of this subpart. Cable systems found to be in compliance with these rules will receive a Certificate of Compliance.

(c) *Investigations.* The Commission will investigate each cable system at least once every five years. Cable systems are required to submit supplemental investigation information with their regular Form 395A reports in the years they are investigated.

§ 76.79 Records available for public inspection.

(a) A copy of every annual employment report, and any other employment report filed with the Commission, and complaint report that has been filed with the Commission, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the cable entity and the Commission pertaining to the reports after they have been filed in all documents incorporated therein by reference, unless specifically exempted from the requirement, are open for public inspection at the offices of the Commission in Washington, D.C.

(b) Every employment unit shall maintain for public inspection a file containing copies of all annual employment reports. Each document shall be retained for a period of five years. The file shall be maintained at the central office and at every location with more than five full-time employees. A headquarters employment unit file and a file containing a consolidated set of all documents pertaining to the other employment units of a multiple cable operator shall be maintained at the central office of the headquarters employment unit. The cable entity shall provide reasonable accommodations at these locations for undisturbed inspection of his equal employment opportunity records by members of the public during regular business hours.

§ 76.311 [Removed].

5. 47 CFR 76 is amended by removing § 76.311 in its entirety.

6. 47 CFR 76.402 is revised to read as follows:

§ 76.403 Cable television system reports.

The operator of every operational cable television system shall correct and/or furnish information in response to forms, encompassing each community unit, mailed to said operator by the Commission. These include:

Community unit data—"Annual Report of Cable Television System," Form 325, Schedule 1

Physical system data—"Annual Report of Cable Television System," Form 325, Schedule 2

Operator ownership data—"Annual Report of Cable Television," Form 325, Schedules 3 and 4

These forms shall be completed and returned to the Commission within 60 days after the date of mailing by the Commission.

Note.—The operator of a cable television system having fewer than 1000 subscribers shall only be required to file Schedules 1 and 2 of Form 325 for each community unit.

Appendix B.—List of Commenters*Initial Comments*

American Women in Radio and Television, Inc.
 Anti-Defamation League of B'nai B'rith
 Black Citizens for a Fair Media, League of United Latin American Citizens, the National Association for Better Broadcasting, the National Association for the Advancement of Colored People, Chinese for Affirmative Action, the NOW Legal Defense and Education Fund, the National Women's Political Caucus, the Women's Equity Action League, and the Women's Legal Defense Fund
 Centel Cable Television
 Cole, Raywid & Braveman on Behalf of Cable Operators
 Equal Employment Advisory Council
 Joint Comments of Cable Companies
 National Association of Minorities in Cable
 National Black Media Coalition
 National Cable Television Association, Inc.
 Office of Management and Budget
 Rodriguez Associates, Ltd.
 United States Catholic Conference
 United Church of Christ and Action for Children's Television
 United States Commission on Civil Rights
 United States Department of Justice
 United States Equal Employment Opportunity Commission

Reply Comments

American Legal Foundation
 Black Citizens for a Fair Media, League of United Latin American Citizens, Association for the Advancement of Colored People, Chinese for Affirmative Action, the NOW Legal Defense and Education Fund, the National Women's Political Caucus, the Women's Equity Action League, and the Women's Legal Defense Fund
 Centel Cable Television
 Cole, Baywid & Braveman on Behalf of Cable Operators
 Congressmen John D. Dingell, Timothy E. Wirth and Mickey Leland
 Senator Orrin G. Hatch
 Joint Comments of Cable Companies
 City of Los Angeles
 National Association of Minorities in Cable
 National Cable Television Association, Inc.
 City of New York

Appendix C

Federal Communications Commission,
 Washington, D.C. 20554

Employment Unit Ident:
 Do not alter this area
 Operator

Annual Employment Report—Cable Television

FCC Form 395A

Approved by OMB—, Expires

■ This sheet is your FCC form 395A.

If the employment unit is "local," the communities which comprise it have been pre-printed using the most recent information filed with the Commission.

■ Please correct or complete and return to the Commission

Previously filed:

In addition to the responses to Parts A, B, and C of this form Cable systems may also provide any supplemental information that they believe might be useful in evaluating their efforts to comply with the Commission's EEO provisions. There is no requirement that cable systems supply additional information.

SYSTEM COMMUNITIES COMPRISING THIS LOCAL EMPLOYMENT UNIT

Event	Name	State	Type
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■ If this employment unit did not consist of six or more full-time employees, check here—

Certification

This report must be certified by the individual owning the reporting system, if individually owned; by a partner if a partnership, by an officer of the corporation, if corporation; or a representative holding

power of attorney in case of physical disability of an individual owner or her/his absence from the United States.

Willful false statements made on this form are punishable by fine or imprisonment. 18 U.S.C. section 1001

I certify that I have examined this report, and that all statements of fact contained therein are true, complete and correct to the best of my knowledge, information and belief, and are made in good faith.

Signature _____

Title _____

Printed Name of Person Signing _____

Date Signed _____

Return this sheet, properly completed, by May 1 to the: Federal Communications Commission, RM. 244, Washington, DC 20554.

Part A

Check yes or no to each of the following questions.

(Yes) (No) 1. Does the cable entity disseminate its EEO program to job applicants, employees, and those with whom it regularly does business?

(Yes) (No) 2. Does the cable entity contact minority organizations, women's organizations, media, educational institutions, and other

potential sources of minority and female applicants for referrals whenever job vacancies are available in its organization?

(Yes) (No) 3. Does the cable entity evaluate its employment profile and job turnover against the availability of minorities and women in its franchise area?

(Yes) (No) 4. Does the cable entity undertake to offer promotions to positions of greater responsibility to minorities and women in a nondiscriminatory manner?

(Yes) (No) 5. To the extent possible does the cable entity seek out minority and female entrepreneurs and encourage them to conduct business with all parts of its organization?

(Yes) (No) 6. Does the cable entity analyze the results of its efforts to recruit, hire, promote, and use the services of minorities and women and use these results to evaluate and improve its EEO program?

(Yes) (No) 7. Does the cable entity define the responsibility of each level

of management to ensure a positive application and vigorous enforcement of its policy of equal employment opportunity and maintain a procedure to review and control managerial and supervisory performance?

(Yes) (No) 8. Does the cable entity conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, age, or sex from its personnel policies and practices and working conditions?

(Yes) (No) 9. Does the cable entity conduct a continuing review of job structure and employment practices and maintain positive recruitment training, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility?

Attach an explanation of any negative response to the above questions.

BILLING CODE 6712-01-M

Form 395A—Supplemental Investigation Sheet**Part I Employee Job Descriptions**

Give brief job descriptions for employees in the job categories specified below. The number in parentheses () indicates the number of different job descriptions that are to be submitted for each category. If no female or minorities are employed in the specified job category, choose another job category and indicate this on the form. Job descriptions should include the position title and a brief description of the major duties and responsibilities of the individual(s) in the position. In addition, the number of individuals currently employed under the position title and a breakdown of these employees by sex and minority/national origin should be included.

1. () Officials and managers
2. () Professionals
3. () Technicians
4. () Sales workers
5. () Office and clerical
6. () Craft workers (skilled)
7. () Operatives (semi-skilled)
8. () Laborers (unskilled)
9. () Service workers

Other instructions:

Part II Inquiries Concerning EEO Program and Practices

Submit responses to the inquiries indicated by an "X". Responses should be brief, but must provide sufficient information to describe the employment unit's activity and efforts in the area of inquiry.

1. () Describe the employment unit's efforts to disseminate its equal employment opportunity program to job applicants, employees, and those with whom it regularly does business.
2. () Name the minority organizations, organizations for women, media, educational institutions, and other recruitment sources used to attract minority and female applicants whenever job vacancies become available.
3. () Report the findings of the employment unit's evaluation of its employment profile and job turnover against the availability of minorities and women in the relevant labor market.
4. () Explain the employment unit's efforts to promote minorities and women in a non-discriminatory manner to positions of greater responsibility.
5. () Describe the employment unit's efforts to encourage minority and female entrepreneurs to conduct business with all parts of its operation.

6. () Report the findings of the employment unit's analysis of its efforts to recruit, hire, promote, and use the services of minority and female entrepreneurs and explain any difficulties encountered in implementing its EEO program.
7. () Describe the responsibility of each level of the employment unit's management with respect to application and enforcement of its EEO policy and explain the procedure for review and control of managerial and supervisory performance.
8. () Describe the elements of the employment unit's continuing program to exclude prejudice or discrimination based upon race, color, religion, national origin, age, or sex from its personnel policies and practices and working conditions.
9. () Describe the manner in which the employment unit conducts its continuing review of job structure and employment practices and the positive recruitment, training, job design, and other measures adopted to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility.
10. () Other inquiries:

Definitions**Job Categories**

Officials and Managers—Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives and middle management. This category would include system managers and assistant managers, program directors and assistant directors; office managers, budget officers, promotion managers, public affairs directors, chief engineers and those holding equivalent positions.

Professional—Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, editors, engineers, lawyers, and labor relations workers. This category would include persons engaged in the writing, preparation and reproduction of programming; writers or editors, producers and directors of programs, floor directors, announcers, singers, actors, music librarians and those in similar positions.

Technicians—Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of

post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, engineering aides, junior engineers, and electronic technicians. This category would include strand mappers, audio and video engineers, camera technicians (live or film), film processors, light technicians.

Sales—Occupations engaging wholly or primarily in direct selling. This category would include advertising agents and able service sales personnel (sales representatives).

Office and Clerical—Includes all clerical-type work regardless of level of difficulty, where the activities are predominately nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors of bills and accounts, messengers and clerks, office machine operators, stenographers, typists and secretaries, telephone operators and kindred workers.

Craft Workers (skilled)—Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the process involved in their work. Exercise considerable independent judgment and usually received an extensive period of training. Includes: hourly paid supervisors who are not members of management, mechanics and repair workers, electricians and motion picture projectionists.

Operatives (semiskilled)—Workers who operate machine or processing equipment or perform other factory-type duties or intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices,¹ operatives, truck and tractor drivers, welders, installers, line workers, splicers and trenching machine operators.

Laborers (unskilled)—Workers in manual occupations which generally require no special training. Perform elementary duties that may be learned in a few days and require the applications of little or no independent judgment. Includes: gardeners and groundskeepers, laborers performing lifting or digging, stage hands and kindred workers.

Service Workers—Workers in both protective and nonprotective service occupations. Includes: char workers and

¹ Apprentices—Persons employed in a program including work training and related instruction to learn a trade or craft which is traditionally considered an apprenticeship regardless of whether the program is registered with a Federal or State agency.

cleaners, elevator operators, guards and watch workers, janitors, and kindred workers.

Note.—A person who does more than one job is to be listed in the job category which represents the most frequently performed task by that person; a person is to be listed only once. Specific job titles listed in the categories above are merely illustrative. The proper categorization of any employee depends on the kind and level of the employees' responsibilities.

On-the-job trainees

Production—Persons engaged in formal training for Craft workers (skilled)—When not trained under apprenticeship programs; Operatives (semiskilled); Laborers (Unskilled); Service Workers; Apprentices.

White Collar—Persons engaged in formal training for Officials and Managers; Professionals; Technicians; Sales Office; and Clerical.

Minority Group Identification

(a) Minority group information necessary for this section may be obtained either by visual surveys of the workforce, or from post-employment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.

(b) Since visual surveys are permitted, the fact that minority group identifications are not present on company records is not an excuse for failure to provide the data called for.

(c) Conducting a visual survey and keeping post-employment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and record-keeping as to race, etc., relate only to applicants for jobs, not to employees.

Race/Ethnic Categories

(a) **Black, not of Hispanic Origin**—A person having origins in any of the black racial groups of Africa.

(b) **Hispanic**—A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

(c) **Asian or Pacific Islander**—A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or in the Pacific Islands. This area includes, for example, China, Japan, Korea the Philippine Islands, and Samoa.

(d) **American Indian or Alaskan Native**—A person having origins in any of the original peoples of North America, and who maintain cultural identification

through tribal affiliation or community recognition.

(e) **White, not of Hispanic Origin**—A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Appendix D

Memorandum of Understanding Between the FCC and the EEOC

The text of the Memorandum will be published after it is signed by the Federal Communications Commission and Equal Employment Opportunity Commission.

[FR Doc. 85-23419 Filed 10-4-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 25 and 78

Clarifying the Protection Provisions for the Table Mountain Radio Receiving Zone

AGENCY: Federal Communications Commission.

ACTION: Final rule; Technical amendment.

SUMMARY: This technical amendment corrects the Final Rule (FCC 85-497) published on September 26, 1985, 50 FR 39000 concerning the Table Mountain Receiving Zone, to include Part 78 among the other rule parts clarified.

EFFECTIVE DATE: October 23, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Tropea, Spectrum Management Division, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, (202) 653-8149.

List of Subjects:

47 CFR Part 25

Radio.

47 CFR Part 78

Cable television.

Erratum

In the Matter of amendment of Parts 21, 22, 23, 25, 73, 78, 90, and 94 the Commission's Rules to clarify the protection provisions for the Table Mountain Radio Receiving Zone.

Released: September 30, 1985.

The Commission's *Order*, FCC 85-497, released on September 16, 1985, clarifying the Commission's intention to provide protection from radio interference to the Table Mountain Radio Receiving Zone failed to include Part 78 among the rule parts clarified. Also, the subparagraphs in § 25.203(f) were incorrectly numbered.

According, the Order is corrected by revising § 25.203(f) and by adding the revised § 78.19(e) as follows:

PART 25—SATELLITE COMMUNICATIONS

§ 25.203 Choice of sites and frequencies

(f) Protection for Table Mountain Radio Receiving Zone, Boulder County, Colorado.

(1) Applicants for a station authorization to operate in the vicinity of Boulder County, Colorado under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the research laboratories of the Department of Commerce, Boulder County, Colorado. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that the field strengths of any radiated signals (excluding reflected signals) received on this 1800 acre site (in the vicinity of coordinates 40° 07' 50" N Latitude, 105° 14' 40" W Longitude) resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the following values:

Frequency range	In authorized bandwidth of service	
	Field strength (mV/m)	Power flux density ¹ (dBW/m ²)
Below 540 kHz	10	-65.8
540 to 1600 kHz	20	-59.8
1.6 to 470 MHz	10	-65.8
470 to 890 MHz	30	-58.2
Above 890 MHz	1	-85.8

¹Equivalent values of power flux density are calculated assuming free space characteristic impedance of 376.7 = 120π ohms.

²Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above levels in any 4 kHz band for all angles of arrival.

(2) Advance consultation is recommended particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

- (i) All stations within 1.5 statute miles;
- (ii) Stations within 3 statute miles with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 10 statute miles with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone;

(iv) Stations within 50 statute miles with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain receiving Zone.

(3) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, Research Support Services, NOAA R/E5X2, Boulder Laboratories, Boulder, CO 80303; telephone (303) 497-6548, in advance of filing their applications with the Commission.

(4) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the site in excess of the field strength specified herein.

PART 78—CABLE TELEVISIONS RELAY SERVICE

§ 78.19 Interference.

(e) Protection for Table Mountain Radio Receiving Zone, Boulder County, Colorado: Applicants for a station authorization to operate in the vicinity of Boulder County, Colorado under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the research laboratories of the Department of Commerce, Boulder County, Colorado. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that the field strengths of any radiated signals (excluding reflected signals) received on this 1800 acre site (in the vicinity of coordinates 40°07'50"N Latitude, 105°14'40"W Longitude) resulting from new assignments (other than mobile stations) or from the

modification or relocation of existing facilities do not exceed the following values:

Frequency range	In authorized bandwidth of service	
	Field strength (mV/m)	Power flux density ¹ (dBW/m ²)
Below 540 kHz	10	-65.8
540 to 1600 kHz	20	-69.8
1.6 to 470 MHz	10	-65.8
470 to 890 MHz	30	-56.2
Above 890 MHz	1	-85.8

¹ Equivalent values of power flux density are calculated assuming free space characteristic impedance of 376.7 = 120π ohms.

² Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate parts of the FCC rules, but in no case should exceed the above limits in any 4 kHz band for all angles of arrival.

(1) Advance consultation is recommended particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

(i) All stations within 1.5 statute miles;

(ii) Stations within 3 statute miles with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 10 statute miles with 1 kW or more ERP in the primary plane or polarization in the azimuthal direction of Table Mountain Radio Receiving Zone;

(iv) Stations within 50 statute miles with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(2) Applicants concerned are urged to communicate with the Radio Frequency Management Coordinator, Department of Commerce, Research Support Services, NOAA R/E5X2, Boulder Laboratories, Boulder, CO 80303; telephone (303) 497-6548, in advance of filing their applications with the Commission.

(3) The Commission will not screen

applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the site in excess of the field strength specified herein.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-23856 Filed 10-4-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

[PR Docket No. 84-29; RM 4559]

Update of Commission's Rules Governing Requirements for Radiotelegraph Auto Alarm Receivers, Automatic-Alarm-Signal Keying Devices and Ship Radar Installations in the Maritime Mobile Service

AGENCY: Federal Communications Commission.

ACTION: Final rules; correction.

SUMMARY: The effective dates in § 83.453(b) (1) and (2) were inadvertently omitted. This Erratum inserts the proper dates.

FOR FURTHER INFORMATION CONTACT: Robert DeYoung, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 83

Communications equipment, Marine safety, Radio, Ship stations, Telegraph, Vessels.

Erratum

In the matter of requirements for radiotelegraph auto alarm receivers, radiotelegraph automatic-alarm signal keying devices and ship radar installations in the Maritime Mobile Service; PR Docket No. 84-29, RM-4559.

Released: September 16, 1985.

1. On November 29, 1984, the Commission released a Report and

Order in the above-captioned proceeding, FCC 84-483, 49 FR 48187. In the Appendix, the effective dates of the Report and Order were inadvertently omitted from § 83.453(b) (1) and (2).

2. Accordingly § 83.453(b) appearing on page 48189 in the Federal Register of Dec. 11, 1984, is correctly revised to read as set forth below.

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 83—(AMENDED)

§ 83.453 Radiotelegraph auto alarm.

(b) The following radiotelegraph auto alarms are acceptable for use pursuant to § 83.205:

(1) A radiotelegraph auto alarm that was type approved by the Commission prior to January 7, 1985.

(2) A radiotelegraph auto alarm that was type approved by the Commission subsequent to January 7, 1985, pursuant to § 83.554, to be compatible with a 10 kHz guardband.

[FR Doc. 85-23858 Filed 10-4-85; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 50, No. 194

Monday, October 7, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

Performance Management System

Correction

In FR Doc. 85-20539 beginning on page 35513 in the issue of Friday, August 30, 1985, make the following corrections:

1. On page 35526 in the third column, the amendatory instruction in paragraph 12 states: "In Section 531.408, paragraphs (b) and (c) are revised to read as follows:". The section heading for § 531.408 follows at the top of page 35527; however, the text of paragraphs (b) and (c) of that section, which should have followed the section heading were omitted. The text of § 531.408 (b) and (c) should have appeared as follows:

§ 531.408 Communication of performance requirements.

(b) Employees covered by an appraisal system established under § 430.204 of this chapter shall be informed of the specific performance requirements that constitute an acceptable level of competence within the time frame and by the means of communication of performance standards established under § 430.204 of this chapter.

(c) Employees not covered by an appraisal system established under § 430.204 of this chapter shall be informed, under procedures established by the head of the agency, of the specific requirements for performance at an acceptable level of competence within a reasonable time after initial appointment or permanent change in position.

2. The text designated as paragraphs (c) and (d) which appears at the top of page 35527 immediately following the heading for § 531.408 is actually the text of § 531.409 (c) and (d). The section heading, the amendatory instruction, and paragraph (b) that should have

preceded this text were omitted; they should have appeared as follows:

13. In § 531.409, paragraphs (b), (c) and (d) are revised to read as follows:

§ 531.409 Acceptable level of competence determinations.

(b) *Basis for determination.* When applicable, an acceptable level of competence determination shall be based on a current performance rating made under Part 430 of this chapter. For those agencies not covered by 5 U.S.C. 43 and for employees in positions excluded from subchapter I of 5 U.S.C. 43, an acceptable level of competence determination shall be based on minimal performance appraisal requirements issued by OPM. If an employee has been reduced in grade due to "Unacceptable" performance and has served in one position at the lower grade for at least the minimum appraisal period established by the agency, a performance rating at the lower grade shall be used as the basis for an acceptable level of competence determination.

Editorial Note: By letter dated October 4, 1985 the Office of Personnel Management has informed the Office of the Federal Register that it will continue to accept comments on the provisions of this correction through November 7, 1985.

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1772

[RE A Bulletin 345-90]

REA Specification for Totally Filled Fiber Optic Cable, PE-90

AGENCY: Rural Electrification Administration, USDA.
ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing a new Bulletin 345-90, REA Specification for Totally Filled Fiber Optic Cable, PE-90. This action will permit REA borrowers to routinely employ fiber optic cable, one of the most recent advances in communications technology, as an

alternative to conventional cables utilizing copper conductors. With this alternative available, REA borrowers may utilize the latest technology in bringing the best, most cost-effective telecommunications to rural America. All manufacturers of telecommunications cables as well as all REA borrowers may be impacted to some degree.

DATE: Public comments must be received by REA no later than December 6, 1985.

ADDRESS: Submit written comments to M. Wilson Magruder, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: M. Wilson Magruder, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382-8663. The Draft Impact Analysis describing the option considered in developing this proposed rule and the impact of implementing each options is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing a new Bulletin 345-90, REA Specification for Totally Filled Fiber Optic Cable, PE-90. REA will request approval for Incorporation by Reference from the Director of the Federal Register. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not: (1) Have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has

concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment. This regulation contains no information or recordkeeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*). This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V (48 FR 54317, December 1, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of the document are available upon request from the address indicated above. Interested persons are invited to submit comments on this action. Written comments must be sent to the address stated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Background

REA presently has no specification for optic fiber cables, so that their use on the systems of REA borrowers is severely restricted. This proposed specification would permit REA borrowers to employ fiber optic cable, as an alternate to conventional copper conductor cable, when conditions justify its use. The proposed specification defines cables utilizing optical fibers with lower attenuation loss and increased bandwidth when compared to copper pairs in conventional telephone cable. This would allow for high capacity transmission systems at lower cost to meet initial requirements and at the same time provide for future growth in an economical manner. It also identifies properties which would assure fiber optic cables capable of withstanding the rigors of conventional installation methods and providing reliable long-term service. Neither manufacturing techniques nor purchase price would be adversely affected by this specification.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications, Telephone.

PART 1772—[AMENDED]

In view of the above, REA is proposing to amend 7 CFR 1772 by issuing a new Bulletin 345-90.

1. The authority cited for Part 1772 is revised to read as follows, and all authorities following the sections are removed:

Authority: 7 U.S.C. 901 *et seq.*, 7 U.S.C. 1921 *et seq.*

2. The table in § 1772.97 would be amended by adding the entry 345-90 to read as follows:

§ 1772.97 Incorporation by Reference of telephone standards and specifications.

345-90	PE-90	REA Specification for Totally Filled Fiber Optic Cable.
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Dated: September 30, 1985.
Jack Van Mark,

Acting Administrator.

[FR Doc. 85-283871 Filed 10-4-85; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-67-AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action proposes to amend an existing airworthiness directive (AD) applicable to certain Boeing Model 737 airplanes. The existing AD requires repetitive inspection and repair, as necessary, of the wing to body drag angles and provides for a terminating modification. However, the terminating action did not include acceptable modifications as specified in previous versions of the manufacturer's service bulletin. This action would allow those modifications as a terminating action.

DATES: Comments must be received on or before November 26, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules

Docket No. 85-NM-67-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM-120S; telephone (206) 431-2926. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

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 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 Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-67-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

On February 11, 1985, the FAA issued Amendment 39-4998 (50 FR 5569), AD 85-03-06, which requires repetitive inspection and repair of the wing to body drag angles at Body Station 540. The amendment was prompted by numerous reports of cracking in the wing to body drag angles located at Body Station 540. AD 85-03-06 requires inspection and repair and specifies a terminating modification in accordance with Boeing Service Bulletin 737-53-

1031, Revision 3. Subsequent to the issuance of the AD, the FAA determined that modifications in accordance with previous revisions of the service bulletin are also acceptable terminating action. Therefore, the proposed rule would allow these modifications as an acceptable terminating action.

In addition, a typographical error has been noted in paragraph C. of AD 85-03-06. The reference to Boeing Service Bulletin 737-57-1031 should be changed to Service Bulletin 737-53-1031.

Since the proposed amendment provides clarifying information that expands terminating action of an existing AD, there is no significant economic or regulatory impact on affected operators.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The citation authority 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. 97-440, January 12, 1983); and 14 CFR 11.89.

2. By amending Airworthiness Directive 85-03-06, Amendment 39-3998, (50 FR 5569; February 11, 1985), as follows:

Revise paragraphs B. and C. to read as follows:

B. If cracks are found, replace cracked parts with new aluminum parts and continue the inspections of paragraph A., above, or modify in accordance with the Accomplishment Instructions in Boeing Service Bulletin 737-53-1031,

Revision 1, or later FAA approved revisions.

C. Modification of airplanes in accordance with Accomplishment Instructions of Boeing Service Bulletin 737-53-1031, Revision 1, or later FAA approved revisions, constitutes terminating action for this AD.

All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9610 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on September 26, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-23850 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-13-28

14 CFR Part 39

[Docket No. 84-NM-77-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10 and KC-10A (Military Series Airplanes)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to Notice of Proposed Rulemaking (NPRM); reopening of Comment Period.

SUMMARY: This document amends an earlier proposed airworthiness directive (AD) that would have required modification of the antiskid parking brake shutoff valve monitoring circuit system on McDonnell Douglas Model DC-10 and KC-10A (military) series airplanes. This action provides for a repetitive test as a means of compliance and converts the proposed mandatory modification to an optional terminating action.

DATE: Comments must be received no later than November 26, 1985.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84-NM-77-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Ct-750 (54-60). This information also may be

examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT:

Mr. E. F. Huettner, Aerospace Engineer, Systems & Equipment Branch, ANM-130L, FAA Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2831.

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 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 Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. 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 NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 84-NM-77-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

A Notice of Proposed Rulemaking was published in the Federal Register (49 FR 31074) on August 3, 1984, which requested comments concerning a proposal to require modification of the antiskid parking brake shut-off valve monitoring circuit system. The comment period closed September 22, 1984. Two comments were received from operators which stated that a scheduled maintenance test of the antiskid parking brake shut-off valve monitoring circuitry is adequate to control the risk associated with parking brake valve failures. Upon reconsideration, the FAA agrees with the commenters and has

determined to amend the NPRM to propose this maintenance test be required at intervals not to exceed 3000 flight hours. Further, the NPRM is amended by proposing that the previously proposed mandatory modifications be an optional terminating action for this AD.

It is estimated that 160 airplanes of U.S. registry would be affected by this AD, that it would take approximately 19 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. The costs of modification parts are estimated to be \$700 per airplane. Based on this figures, the total cost impact of the AD to the U.S. fleet would be \$233,600.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-10 airplanes are operated by small entities. A copy of draft regulatory evaluation has been prepared for this action and is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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 amending Notice of Proposed Rulemaking, Docket 84-MN-77-AD, as published in the *Federal Register* on August 3, 1984 (49 FR 31074), by reidentifying existing paragraphs A., B., C., and D. as paragraphs C., D., D., and F., respectively, and adding new paragraphs A. and b. as follows:

A. Within 3,000 flight hours from the effective date of this AD, and at or prior to 3,000 flight hour intervals thereafter, accomplish a parking brake shut-off valve monitoring circuitry test in accordance with

Douglas DC-10 Maintenance Manual Section 32-45-05.

B. Modifications listed below in paragraphs C. and D. are optional and constitute terminating action for this AD when incorporated.

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on September 26, 1985.

Wayne J. Barlow,

Acting Director Northwest Mountain Region

[FR Doc. 85-23851 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-ANE-36]

Amend the Description of the Taunton, MA, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to amend the description of the Taunton, Massachusetts Transition Area so as to provide protected airspace for aircraft executing a new Very High Frequency Omni-directional Radio Range-Airport (VOR-A) Standard Instrument Approach Procedure (SIAP) to the Taunton Municipal Airport, Taunton, Massachusetts.

DATES: Comments must be received on or before December 17, 1985.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 85-ANE-36.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

An informal docket may also be examined during normal business hours in the: Air Traffic Division, ANE-500 Room 304, 12 New England Executive Park, Burlington, MA 01803.

FOR FURTHER INFORMATION CONTACT: Stanley E. Matthews, Operations,

Procedures and Airspace, ANE-530, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts; telephone (617) 273-7139.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties 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 proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate 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 Airspace Docket No. 85-ANE-36." 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 before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, ANE-7, 12 New England Executive Park, Burlington, Massachusetts 01803, 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 NPRMs

Any person may obtain a copy of the 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) 426-8085.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering and amendment to section 181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Taunton, Massachusetts Transition Area so as to provide protected airspace for instrument flight rules aircraft executing a new Very High Frequency Omnidirectional Radio Range-Airport (VOR-A) standard instrument approach procedure to the Taunton Municipal Airport, Taunton, MA section 181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, therefore, it (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment**PART 71—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1346(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.59.

2. By amending § 71.181 as follows:

Taunton, Massachusetts Transition Area

Following the words "Taunton, Massachusetts", delete:

"within 2 miles each side of the Whitman, Massachusetts VORTAC 187 radial, extending from the 6 mile radius area to the Whitman VORTAC and"

Following the words "Taunton, Massachusetts", insert:

"within 2 miles each side of the 007 bearing from the center of the Taunton Municipal

Airport, extending from the 6 mile radius area to 13 miles north of the center of the Taunton Municipal Airport, within 1.5 miles each side of the Bridgewater, Massachusetts VOR/DME 210 radial, extending from the 6 mile radius area to the Bridgewater VOR/DME, and".

Issued in Burlington, Massachusetts on September 26, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85-23938 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION**16 CFR Part 1632****Standard for the Flammability of Mattresses (and Mattress Pads); Withdrawal of Proposed Amendment To Exempt Flat Decubitus Pads and Absorbent Pads From Requirements for Testing**

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Consumer Product Safety Commission is withdrawing a proposal published on July 27, 1979, to amend the mattress flammability standard by exempting flat decubitus mattress pads and absorbent mattress pads from the testing requirements of that standard. The Commission is taking this action because it issued final amendments of the standard on October 10, 1984, to eliminate requirements for production testing of all mattress pads, including flat decubitus pads and absorbent pads.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gomilla, Division of Regulatory Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION: The Standard for the Flammability of Mattresses (and Mattress Pads) (16 CFR Part 1632) was issued in 1972 to protect the public from unreasonable risks of death, personal injury, or serious property damage associated with fires resulting from ignition of mattresses by smoldering cigarettes. As issued in 1972, the standard required manufacturers to perform prototype testing to demonstrate that the materials and construction methods used in each type of mattress will withstand ignition from lighted cigarettes. After successful completion of prototype qualification testing, production could begin. The standard, as issued in 1972, then required periodic testing of samples from regular production.

The mattress flammability standard applies not only to mattresses, but also to mattress pads. As issued in 1972, the standard defined the term "mattress pad" § 1632.6(p) to mean "[a] thin, flat, mat or cushion for use on top of a mattress."

After the standard became effective, the Commission received inquiries about its applicability to various products, including decubitus pads and absorbent pads.

Decubitus pads are designed to prevent or assist in the healing of bed sores. These pads provide air circulation around the affected area and relieve pressure by providing better weight distribution.

Some decubitus pads consist of a solid piece of polyurethane foam convoluted into an "egg crate" configuration of "peaks and valleys." In 1975, the Commission determined that a convoluted foam pad is not a mattress pad for purposes of the mattress flammability standard because it is not a "flat" pad.

Another type of decubitus pad is made with a polyester pile surface approximately one inch long, and a knit backing. The pile is thick and dense, resembling a sheepskin. Decubitus pads of the type having a polyester pile and knit backing are "flat," and therefore are considered to be mattress pads for purposes of the mattress flammability standard.

Absorbent pads are designed for use by persons suffering from urinary incontinence. These pads absorb urine, thereby keeping the patient drier and reducing the number of bed linen changes. The Commission has received information about two basic designs of absorbent pads. Both types of absorbent pads fall within the mattress standard's definition of the term "mattress pad."

After consideration of information concerning the decubitus and absorbent pads which are subject to the requirements of the mattress flammability standard, the Commission concluded that the circumstances in which these pads are used reduce the likelihood that they would be subject to ignition from smoldering cigarettes. The Commission decided to propose an amendment of the standard to exempt those pads from requirements for prototype and production testing if such pads are prominently labeled to warn that they may be subject to ignition from smoldering cigarettes and have not been tested in accordance with the standard. The Commission published a notice proposing this amendment in the Federal Register of July 27, 1979 [44 FR 44175].

At the time the Commission proposed this amendment, it was conducting a comprehensive review of all rules it administered, including the mattress flammability standard.

In a report concerning this rule review activity submitted to Congress in May of 1980, the Commission stated that it had directed the staff to develop proposals for amendment of the mattress standard with a view toward reducing the economic costs associated with that standard without reducing the level of protection it provides to consumers.

In the *Federal Register* of June 10, 1982 (47 FR 25159), the Commission began a second proceeding for amendment of the mattress flammability standard by publication of an advance notice of proposed rulemaking. In this notice, the Commission announced that one of the alternatives under consideration was the elimination of all requirements for production testing of mattresses and mattress pads.

In the notice of June 10, 1982, the Commission stated that the review of the mattress standard completed in 1980 indicated that the standard, as issued in 1972, may require more testing than is necessary to assure that mattresses will resist ignition from smoldering cigarettes. In that notice, the Commission observed that once a mattress design has been accepted by prototype testing, the likelihood is small that mattresses manufactured with the same materials and methods of construction will fail to meet the acceptance criteria of the standard during production testing.

The notice of June 10, 1982, made reference to the 1979 proposal to exempt flat decubitus pads and absorbent pads from the testing requirements of the mattress flammability standard, and stated that the Commission was considering withdrawal of this proposal if requirements for production testing were eliminated from the standard. The Commission expressed the expectation that requirements for prototype testing should not be burdensome for manufacturers of decubitus and absorbent pads because the designs of these products are not changed frequently.

After consideration of written comments received in response to the advance notice of proposed rulemaking, information and recommendations from the Commission staff, and other relevant information, the Commission proposed to amend the mattress flammability standard by eliminating requirements for production testing and by making other changes to improve the practicability, clarity, and precision of the standard. The notice of proposal

was published in the *Federal Register* of December 30, 1983 (48 FR 57502). In the notice of proposal, the Commission announced that if it issued final amendments to the standard to eliminate requirements for production testing, it would withdraw the proposal to exempt flat decubitus pads and absorbent pads from the testing requirements of the standard.

The Commission issued final amendments to the mattress standard to eliminate requirements for production testing of mattresses and mattress pads in the *Federal Register* of October 10, 1984 (49 FR 39790). The amended standard also contains language at § 1632.1(b) which defines the term "mattress pad" to include absorbent mattress pads, flat decubitus pads, and convoluted foam pads which are totally enclosed in a ticking. This definition specifically excludes convoluted foam pads which are not totally encased in a ticking. The amended standard became effective on April 10, 1985.

Having issued final amendments of the mattress flammability standard to exempt all mattress pads from requirements for production testing, the Commission hereby withdraws the proposed amendment published on July 27, 1979, to exempt flat decubitus pads and absorbent pads from the testing requirements of the standard.

Dated: October 1, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85-23929 Filed 10-4-85; 8:45 am]

BILLING CODE 6355-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1627

Administrative Exemption Allowing for Waivers Under the ADEA

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission hereby provides notice of its intention to promulgate an administrative exemption and legislative regulation (under Section 9 of the Age Discrimination in Employment Act of 1967 (ADEA) and 29 CFR 1627.15) allowing for non-EEOC supervised waivers and releases of private rights under the ADEA. The Commission believes that the remedial purposes of the Act will be better served by allowing agreements to resolve claims whenever employees and employers perceive them to serve their

mutual interests, provided that any waivers of ADEA rights in such agreements are voluntary and knowing.

DATES: Comments must be received on or before December 6, 1985.

ADDRESS: Comments should be addressed to the Office of the Executive Secretariat, Room 507, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20507.

FOR FURTHER INFORMATION CONTACT: John K. Light at (202) 254-5093.

SUPPLEMENTARY INFORMATION: Section 9 of the Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. 628, grants the Commission broad authority to promulgate interpretive guidelines and legislative regulations on both procedural and substantive matters. Section 9 also authorizes the Commission "to establish such reasonable exemptions to or from any or all provisions of [the ADEA] as [it] may find necessary and proper in the public interest." The Commission has decided to promulgate an administrative exemption and legislative regulation under Section 9 of the ADEA and 29 CFR 1627.15, allowing for waivers and releases of private rights under the ADEA, 29 U.S.C. 621 *et seq.*

Courts have consistently recognized that Congress has expressed a strong preference for voluntary settlements of employment discrimination claims and that Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, has provided that employers and employees may settle disputes as long as the waiver of rights and release of potential liability is voluntary and knowing. *Alexander v. Gardner-Denver Co.*, 415 U.S. 36, 44, 52 n. 15 (1974); *Carson v. American Brands, Inc.*, 450 U.S. 79, 88 n. 14 (1981). There is a similar preference for voluntary resolution of disputes under the ADEA. See 29 U.S.C. 626(d). The Supreme Court has noted that Title VII and the ADEA share a common purpose and that similar provisions should be similarly interpreted. *Oscar Mayer & Co. v. Evans*, 441 U.S. 750, 756 (1979).

Section 2(b) of the Act firmly establishes the goal of encouraging "employers and workers [to] find ways of meeting problems arising from the impact of age on employment." 29 U.S.C. 621(b). While Congress did not explicitly address the issue of voluntary settlements without government supervision when it enacted the ADEA, the framers of the Act were concerned that delay would prejudice the claims of older workers and one of their central goals was to insure expeditious

resolution of disputes. See 113 Cong. Rec. 7076 (Remarks of Sen. Javits); *Burns v. Equitable Life Assurance Society*, 696 F.2d 21, 24 n. 2 (2d Cir. 1982).

Section 7(b) of the ADEA, 29 U.S.C. 626(b), however, incorporates the enforcement provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201, et seq. In *Lorillard v. Pons*, 434 U.S. 575 (1978), the Supreme Court held that not only the FLSA enforcement provisions but also pre-ADEA case law dealing with enforcement of FLSA rights were incorporated into ADEA section 7(b). The case law dealing with contractual waivers of FLSA rights does not permit waivers without government supervision. *Brooklyn Savings Bank v. O'Neil*, 324 U.S. 697 (1945); *Schulte, Inc. v. Gangi*, 328 U.S. 108 (1946). Application of FLSA enforcement provisions to the ADEA may be interpreted to mean that individuals may not waive their rights or release potential liability even if the action is voluntary and knowing, except under EEOC supervision. See 29 U.S.C. 216(c).

The policy that requires government supervision of releases and waivers is at odds with one that encourages expeditious resolution of disputes. Clearly, the blanket prohibition against non-government supervised ADEA settlements thus frustrates the interests of both employees and employers.

The need for an administrative exemption has been highlighted by the decision in *Runyan v. National Cash Register Corp.* 759 F. 2d 1253 (6th Cir., April 22, 1985), rehearing en banc granted (June 17, 1985), which reversed a district court decision upholding an ADEA waiver based on well established Title VII standards. See 573 F. Supp. 1454 (S.D. Ohio, 1983). In *Runyan*, a divided panel of the Sixth Circuit "h[e]ld that ADEA rights cannot be waived by a private unsupervised release." 759 F. 2d at 1254.

The Commission believes that the remedial purposes of the Act will be better served by allowing agreements to resolve claims whenever employees and employers perceive them to serve their mutual interests, provided that any waivers of ADEA rights in such agreements are voluntary and knowing. The enforcement provisions of the FLSA that are incorporated into the ADEA must be viewed in the context of the different policy considerations underlying the two acts. Although under the FLSA there is an absolute presumption that any waivers of minimum wage rights would necessarily be based upon unequal bargaining power and duress, (see *Brooklyn Savings Bank v. O'Neil*, supra), this reasoning does not apply to the ADEA.

As earlier noted, one purpose of the ADEA is to encourage the voluntary and expeditious resolution of disputes. Thus, the ADEA is analogous to Title VII in this respect, and accordingly the standards governing Title VII waivers should govern waivers under the ADEA.

The Commission hereby provides notice of its intention to adopt a rule allowing non-EEOC supervised waivers and releases of private rights as an exemption to the provisions of section 7 of the ADEA for any waiver of rights or release from liability by an employee or job applicant under the Act that is voluntary and knowing.

The Commission expects that the same standards that are applicable to Title VII waivers under current case law will apply to ADEA waivers. Under Title VII, waivers are deemed to be knowing and voluntary if they clearly provide actual notice of the nature of the rights that are waived and are freely negotiated without fraud or duress. See *Pilon v. University of Minnesota*, 710 F.2d 466 (8th Cir. 1983); *Lyght v. Ford Motor Co.*, 643 F.2d 435 (6th Cir. 1981); *EEOC v. T.I.M.E.—D.C. Freight Inc.*, 659 F.2d 690 (5th Cir. 1981); *Cox v. Allied Chemical Corp.*, 538 F.2d 1094 (5th Cir. 1976), cert. denied, 434 U.S. 1051 (1978); *Watkins v. Scott Paper Co.*, 530 F.2d 1159 (5th Cir. 1975).

The Commission hereby solicits comment on the appended proposed rule allowing unsupervised waivers and releases of private rights under the ADEA so long as they are knowing and voluntary. The Commission recognizes that existing Title VII law may not address unique issues that may arise in the context of ADEA waivers, and thus specifically requests comment on whether it is necessary to develop particular standards to determine whether ADEA waivers are "knowing and voluntary" and, if so, what those standards should be.

Impact Analysis—Classification—Executive Order 12291

The proposed rule in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, no regulatory impact analysis is required.

Similarly, the Commission certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this amendment will not result in a significant impact on a substantial number of small employers.

List of Subjects in 29 CFR Part 1627

Aged, Equal employment opportunity.

Accordingly, the Commission proposes to amend 29 CFR 1627.16 as follows:

PART 1627—[AMENDED]

1. The authority citation for 29 CFR Part 1627 would be revised to read as follows:

Authority: Sec. 7, 81 Stat. 604; 29 U.S.C. 626; Sec. 9, 81 Stat. 605; 29 U.S.C. 628; sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.

2. By adding a new paragraph (c) to read as follows:

§ 1627.16 Specific exemptions.

(c) Pursuant to the authority contained in section 9 of the Act and in accordance with the procedure provided therein and in § 1627.15(b) of this part, it has been found necessary and proper in the public interest to permit waivers or releases of claims under the Act without the Commission's supervision or approval, provided that such waivers or releases are knowing and voluntary. No such waivers or releases, however, shall affect the Commission's rights and responsibilities to enforce the Act.

Signed on 17th day of September 1985 at Washington, D.C.

For the Commission.

Clarence Thomas,
Chairman, Equal Employment Opportunity Commission.

[FR Doc. 85-23610 Filed 10-4-85; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8-85-07]

Drawbridge Operation Regulations; Blackwater River, FL

AGENCY: Coast Guard, DOT.

ACTION: Cancellation of rulemaking.

SUMMARY: This document cancels a proceeding after publication of a notice

of proposed rulemaking. At the request of the Seaboard System Railroad, the Coast Guard was considering a change in the regulation governing the operation of the swing span railroad bridge over the Blackwater River, mile 2.8 near Milton, Santa Rosa County, Florida, to require that at least eight hours advance notice be given for opening the draw between 5 p.m. and 9 a.m. Presently, the draw is required to open on eight hours advance notice from 8 p.m. to 4 a.m. and to open on signal from 4 a.m. to 8 p.m. The proposed change was made because of infrequent requests to open the draw during the proposed advance notice period. However, comments received in response to the notice indicated that the change would not serve the needs of prospective navigation.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, Eighth Coast Guard District, 500 Camp Street, New Orleans, LA 70130-3396, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On April 8, 1985, the Coast Guard published a notice of proposed rulemaking in the Federal Register for the proposed regulation (40 FR 13835). Interested persons were requested to submit comments and 23 comments were received.

Drafting Information

The drafters of this cancellation document are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Comments

Two comments were received from Federal agencies and offered no objections. The remaining comments were from elected officials, civic organizations, private companies and individuals, all of whom expressed strong opposition to the proposal. A compromise offer by the applicant to reduce the advance notice time from eight hours to four hours, while retaining the proposed advance notice period of 5 p.m. to 9 a.m., was rejected by the opponents, each of whom stated that the bridge needs to be manned 24 hours per day for the benefit of existing and future vessel traffic. In support of this position, several commentors advised of the recent allocation of \$389,000 in state funds for a planned waterfront development project in Milton (located upstream of the bridge), and on-going surveys for restoration of the downtown and riverfront areas at an expenditure of up to \$5 million. According to the

commentors, these projects are designed in part to attract maritime interests to the area and significantly increase vessel use of the waterway. In light of this information, it has been determined that the requested change in the drawbridge regulations, if approved, would adversely impact the already planned and partially funded development projects and the navigational activity that the projects are expected to generate. For these reasons, the proposed rulemaking is hereby cancelled. However, since no undue navigational problems have been reported as a result of the existing operating regulation for the bridge, and because the riverfront development projects are not expected to produce a significant increase in vessel traffic in the immediate future, no action will be taken at this time to amend the existing drawbridge regulation.

Dated: September 25, 1985.

E.B. Acklin,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.

[FR Doc. 85-23908 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. AMO63 MD; A-3-FRL-2907-7]

Proposed Approval of Revision to the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Maryland Air Management Administration (MAMA) has submitted to EPA a proposed revision to the Maryland State Implementation Plan (SIP) in the form of a Secretarial Order (by Consent) for Monarch Manufacturing, Inc. (the Company). The Order provides the Company with interim standards for volatile organic compound (VOC) emissions until a source-specific regulation is developed for the Company's types of installations. EPA is proposing to approve this SIP revision based on the fact that it meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements Preparation, Adoption and Submittal of State Implementation Plans.

DATE: EPA must receive any comments on or before November 6, 1985.

ADDRESSES: Copies of documents relating to this proposed action are

available for review during normal business hours at the following addresses:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Philadelphia, PA 19107. Attn: Ms. Patricia Gaughan
Maryland Department of Health and Mental Hygiene, Air Management Administration, 201 West Preston Street, Baltimore, MD 21201. Attn: Mr. Donald Andrew

Written comments should be sent to Mr. David L. Arnold, Chief, Delmarva/DC Section at the EPA address indicated above. Please reference the EPA docket number found in the heading of this Notice in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Pine, 3AM13, at the EPA address indicated above or telephone 215/597-4554.

SUPPLEMENTARY INFORMATION: The Monarch Manufacturing Company has constructed a new plant in Belcamp, Maryland which coats plastic automobile components for use by the General Motors Corporation. This area is designated an extension/nonattainment area for ozone and is scheduled to attain the ozone standard by 1987. The installations at the plant consist of two spray booths, two adhesive applicator booths, and a plastic welding assembly booth, all of which cause the discharge of volatile organic compound (VOC) emissions.

Since the plant is located in a nonattainment area but will emit less than 50 tons per year, it is not subject to Maryland's "New Source Impacting on a Non-Attainment Area" regulations (COMAR 10.18.06.11). Normally, the installations would be covered under the coating regulations of the Code of Maryland Regulations (COMAR) 10.18.21, Volatile Organic Compounds from Specific Processes. These installations, however, cannot be categorized within the definition of automobile and light-duty truck coating under this regulation because they do not meet this definition. Therefore the Company's installations are subject to the non-specific VOC regulation under COMAR 10.18.06.06 which requires installations that discharge in excess of 20 pounds per day to reduce emissions by 85 percent. Two of the Company's installations will exceed the 20 pounds per day limit and the present design does not include the control equipment which would be necessary to reduce emissions to the level required by the non-specific regulation. EPA and Maryland agree with the Company's

statement that there are no substitute low VOC adhesives currently available for the adhesive applicator installations.

Generally, adhesives with high VOC content are widely used in a variety of industries including plastic, paper, vinyl, leather and wood applications. The intent of Maryland in developing its VOC regulations was to remove certain source types from the general application of COMAR 10.18.06.06 as it develops source-specific regulations that represent reasonable available control technology (RACT) for the source type. EPA and Maryland believe that adhesive application is a source type that should have source-specific regulations. Maryland, therefore, believes it would be inappropriate at present, to apply the general requirement under COMAR 10.18.06.06 to the proposed source. Instead, Maryland has decided to establish source-specific emission standards for adhesive application. A study to determine RACT for this source type, based on a complete analysis of the quality of available adhesives, has been completed with final regulations to be developed by the end of the 1985 calendar year. Until the new regulations become effective, the Company is to comply with the interim RACT Standards as specified in the Order.

Description of Interim RACT

The Company may not cause or allow VOC emissions to exceed 4.1 and 6.2 pounds of VOC per day for the two paint spray booths nor exceed 52.6 and 65.4 pounds of VOC per day for the two adhesive applicator booths. This corresponds with a maximum VOC content of 39 percent for both water based acrylic paints and 73 and 16 percent, respectively, for the two adhesives that may be used. The plastic welding assembly booth may not exceed the emission limit of 1.4 pounds of VOC per day with a maximum VOC content of 38 percent for methylene chloride.

The Company shall maintain records for each day's operation which will include the quantity of each coating and adhesive used, and the estimated emissions for each separate installation. This information will be recorded and maintained for review by the MAMA. Each day on which the maximum VOC content for any coating or adhesive is exceeded or on which the maximum allowable VOC emission is exceeded from any installation shall constitute a separate violation.

During the interim, the Company shall investigate the quality of the adhesive it

uses and make use of adhesives with the lowest known VOC content. The Company shall also continue to investigate new coatings or control methods that may be developed so that emissions are minimized. When final RACT standards are adopted, these standards shall supersede these interim standards and the Company shall achieve compliance with the new standards within six months after they become effective.

EPA Evaluation

EPA has reviewed this Secretarial Order and finds that the proposed interim emissions limits are acceptable and will not jeopardize attainment of the ozone standard by 1987.

One of the assumptions made in developing the 1980 and the 1987 SIP emissions inventory provided that emissions from new minor sources would be offset by shutdown of other sources that were included in the 1980 baseline. In other words, relative to the total emissions inventory between 1980 and 1987, the production fluctuations of existing sources will balance one another and new minor sources will be balanced by shutdown of existing sources. Based on this assumption, it can be anticipated that reasonable further progress, as predicted in the State's Ozone SIP, will be maintained.

Under the Company's previous operating procedures, emissions from the Company would have been in excess of 300 pounds per day but will be reduced to 131 pounds per day for the entire plant when it is in compliance with the interim standards. This is being achieved by the Company's converting certain coatings to water based coatings and by substituting methylene chloride for other solvents. Although the emission reduction calculations were not based on a solids applied basis, as is typically done, the conversion to a solids basis has no significance in this case. The replacement of some of the VOC in the adhesive with an exempt solvent and the conversion to water based coatings does not increase the volume of the coating. Since each gallon of coating, whether or not it contains exempt solvent, still contains the same volume percent solids, VOC emissions are being reduced. Hence the reduction from 335 pounds per day to 131 pounds per day is a real reduction based on the actual percent of VOC in the coating.

The proposed interim standards, also expressed as percent VOC by weight, will provide an enforceable reduction in VOC emissions by placing a daily emissions cap of 131 pounds per day for

the plant. As indicated in the Order, the coating standard was developed with a maximum emission rate in terms of pounds per day that was established using the design capacity of the equipment and is a never-to-be exceeded standard. EPA agrees with the State of Maryland that the interim RACT requirements based on percent VOC by weight will adequately limit emissions from Monarch Manufacturing's operations until the final RACT regulations become effective. The final RACT regulations for adhesives, however, will be similar to the previous source-specific regulations developed by the State of Maryland and will be based on a solids applied basis.

Based on our review of this Secretarial Order, EPA is today proposing to approve it as a SIP revision. The State of Maryland has certified that, after adequate public notice, a public hearing was held on June 28, 1984 with respect to his SIP revision in Baltimore, Maryland. On August 1, 1984 the Order was submitted to EPA as a SIP revision.

Conclusion

EPA's decision to propose approval of the Order is based on a determination that the SIP revision meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The public is invited to submit, to the EPA address stated above, comments on whether the proposed revision to Maryland's SIP should be approved.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

Air Pollution Control, Ozone, Hydrocarbons, Reporting and recordkeeping requirements.

(42 U.S.C. 7401-7642)

Dated: July 23, 1985.

Stanley Laskowski,

Acting Regional Administrator.

[FR Doc. 85-23887 Filed 10-4-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 716

[OPTS-84020; FRL-2907-9]

Submission of Lists and Copies of Health and Safety Studies on Certain Substances Subject to the 1984 RCRA Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to add 33 chemical substances to the list of chemical substances and mixtures (henceforth referred to as substances) in the Health and Safety Data Reporting Rule under 40 CFR Part 716. Once EPA adds these substances to the Health and Safety Data Reporting Rule, past, current, and prospective manufacturers, importers, and processors of these substances would be required to provide EPA with lists and copies of unpublished health and safety studies on these substances. EPA will use this information to support a detailed assessment of the health and environmental risks of these substances, and to determine appropriate treatment standards which must be met prior to land disposal of hazardous wastes containing these substances, as required by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Because 7 of these 33 substances are not on the TSCA inventory, EPA is also proposing to revise the exemption to the section 8(d) reporting requirements for substances not on the inventory. 85T-833.

DATE: Written comments on this proposed rule should be submitted by November 6, 1985.

ADDRESS: Comments should bear the docket control number OPTS-84020 and should be submitted to: TSCA Public Information Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M Street, SW., Washington, D.C. 20460. All written comments on this proposed rule will be available for public inspection in Rm. E-107 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M Street, SW., Washington, D.C. 20460. Toll free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number: 2070-0004.

I. Summary of This Rule

A. Background

The HSWA establish a statutory presumption against land disposal of hazardous wastes. They further provide that statutory bans on land disposal will go into effect on specific dates unless EPA determines, on a case-by-case basis, that land disposal is "protective" of human health and the environment, or, prior to land disposal, wastes have been treated to a level or by a method such that threats to human health or the environment are "minimized."

In order to make such a determination, EPA is developing, for chemical constituents of wastes, health-based acceptable concentration levels, such that wastes exceeding those levels would be prohibited from land disposal, unless the appropriate treatment standards had been complied with. To develop these health-based standards, EPA requires information on the toxicological and ecological effects of the chemical substances contained in wastes subject to regulation under RCRA.

In order to collect data on the subject substances, EPA has conducted an exhaustive search of both the published literature and data bases throughout all EPA program offices. EPA has also contacted other Federal agencies for relevant information.

For the majority of substances subject to the HSWA, EPA found sufficient data on which to base standards. However, for the substances listed in this proposal, either insufficient information is available to establish standards, or, while there may be sufficient information to establish standards, confirmatory or supporting information is needed to verify any assumptions the Agency may have made in developing these standards.

EPA is therefore proposing to add these 33 substances to the list of substances for which lists and copies of unpublished health and safety studies are required to be submitted under section 8(d) of TSCA. This proposed rule would require past, current, and prospective manufacturers, importers, and processors of the listed substances to submit to EPA lists and copies of unpublished health and safety studies on these substances.

B. Substances To Be Added to the Rule

This proposed rule would add the following chemical substances to the list of substances in 40 CFR 716.17:

CAS No.	Name
591-08-2	Acetamide, N-(aminothioxomethyl)-
698-28-6	Asine, dichlorophenyl-
692-42-2	Arsine, diethyl-
95-53-4	Benzenamine, 2-methyl-
106-49-0	Benzenamine, 4-methyl-
122-09-8	Benzenesulfonamide, alpha, alpha-dimethyl-
98-09-9	Benzenesulfonyl chloride
105-68-5	Benzenethiol
4170-30-3	2-Butanal
86-74-8	9H-Carbazole
357-57-3	2,3-Dimethoxystrychnidin-10-one
111-91-1	Ethane, 1-(1-methylethoxy)bis(2-chloro-
110-75-8	Ethane, (2-chloroethoxy-
62-74-8	Fluoroacetic acid, sodium salt
80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-
2763-96-4	3(2-Thioxazolinone, 5-(aminomethyl)-
3298-66-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
107-10-8	1-Propanamine
142-84-7	1-Propanamine, N-propyl-
78-99-9	Propane, 1,1-dichloro-
142-26-9	Propane, 1,3-dichloro-
584-20-7	Propane, 2,2-dichloro-
109-77-3	Propanedinitrile
75-85-5	Propenenitrile, 2-hydroxy-2-methyl-
619-23-9	1-Propanol, 2,3-dichloro-
78-83-1	1-Propanol, 2-methyl-
598-21-2	2-Propanone, 1-bromo-
563-58-6	1-Propene, 1,1-dichloro-
563-54-2	1-Propene, 1,2-dichloro-
1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
107-19-7	2-Propyn-1-ol
757-58-4	Tetraphosphoric acid, hexaethyl ester
5344-82-1	Thiourea, (2-chlorophenyl)-

C. EXEMPTION FROM GENERAL PROVISIONS

The general provisions of the model health and safety data rule include reporting exemptions at 40 CFR 716.11. Section 716.11(e) specifically exempts "... studies of chemical substances which are not on the TSCA Chemical Substance Inventory. . . ." Of the 33 chemical substances listed in this proposed rule, 7 substances are not identified on the TSCA Chemical Substance Inventory. These substances are: 1-bromo-2-propanone, hexaethyl tetraphosphoric acid, O,O-diethyl S-methyl phosphorodithioic acid, 1,1-dichloropropane, 1,1-dichloropropene, 1,2-dichloropropene, and diethyl arsine. Because these substances were not reported for the inventory, they either have not been manufactured or imported for commercial purposes since 1977, or the manufacturer, importer, or processor met one of the exemptions for reporting these substances to the inventory. Exemptions from inventory reporting can be found in the inventory reporting regulations at 40 CFR Part 710.

A discussion of the Agency's rationale for exempting persons who manufacture, import, or process non-inventory chemicals from reporting on those chemicals can be found in the preamble to the final section 8(d) model rule, published in the *Federal Register* of September 2, 1982 (47 FR 38780). EPA included this exemption in order to reduce the reporting burden on persons who manufactured, imported, or processed a non-inventory substance

solely for research and development (R&D) purposes.

In developing the section 8(d) model rule, EPA did not envision ever needing health and safety data for a substance not listed on the initial inventory other than in cases where a premanufacture notice was submitted on a new substance. This situation has changed. Seven of the chemical substances regulated by the HSWA will be banned from land disposal unless the Agency develops health-based standards for those substances. In order to collect the health and safety information necessary to develop accurate health-based standards, EPA considers it necessary to develop an exclusion from the exemption provisions of § 716.11(e).

The Agency is therefore proposing to add a new paragraph to § 716.17. Section 716.17 list substances and mixtures subject to 40 CFR Part 716. This new paragraph would be designated § 716.17(c) *Substances not on the TSCA Chemical Substance Inventory*, and would exclude persons manufacturing, importing, or processing substances listed in that paragraph from the provisions of § 716.11(e). Chemical substances listed in this paragraph would be limited to substances not on the TSCA inventory for which EPA required unpublished health and safety data. Persons who manufacture, import, or process the chemical substances listed in this paragraph, and who otherwise meet the general provisions of Part 716, would be required to submit lists and copies of unpublished health and safety studies on the listed chemicals.

EPA is also proposing to revise the language of the exemption at § 716.11(e). As it now reads, the codified language at § 716.11(e) exempts studies on chemical substances not on the TSCA Chemical Substance Inventory. The new language would exempt studies of chemical substances which are not on the TSCA Chemical Substance Inventory, with the exception of substances listed at § 716.17(c).

II. Reporting Requirements

Pursuant to section 8(d) of TSCA, EPA promulgated a model Health and Safety Data Reporting Rule under 40 CFR Part 716. The section 8(d) model rule requires manufacturers, importers, and processors of listed chemical substances and mixtures to submit to EPA copies and lists of unpublished health and safety studies on the listed substances that they manufacture, import, or process.

Detailed guidance for reporting unpublished health and safety data is provided in 40 CFR Part 716. Also found

in Part 716 are reporting exemptions. Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date a substance is listed, either had proposed to manufacture, import, or process, or had manufactured, imported, or processed, the listed substance must submit to EPA a copy of each health and safety study which is in their possession at the time the substances is listed.

2. Persons who, at the time the substance is listed, propose to manufacture, import, or process, or are manufacturing, importing, or processing the listed substance must submit the following information to EPA:

a. A copy of each health and safety study which is in their possession at the time the substance is listed.

b. A list of health and safety studies known to them but not in their possession at the time the substance is listed.

c. A list of health and safety studies that are ongoing at the time the substance is listed and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the date the substance is listed and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of completion date.

3. Persons who, after the time the substance is listed, propose to manufacture, import, or process the listed substance must submit the following information to EPA:

a. A copy of each health and safety study which is in their possession at the time they propose to manufacture, import, or process the listed substance.

b. A list of health and safety studies known to them but not in their possession at the time they propose to manufacture, import, or process the listed substance.

c. A list of health and safety studies that are ongoing at the time they propose to manufacture, import, or process the listed substance, and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the time they propose to manufacture, import, or process the listed substance, and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of the completion date.

III. Economic Impact

EPA estimates that the establishment of section 8(d) reporting requirements for the chemicals listed in Unit I.B will cost the chemical industry approximately \$157,400.

EPA considers the cost of this rule to be low in comparison with its potential benefits. Health and safety studies concerning the subject chemicals would improve EPA's ability to identify potential public health and environmental problems with regard to these chemicals and to establish important health-based standards. The Agency therefore would be better able to determine what further regulatory action, if any, would be appropriate.

The costs for reporting are broken down as follows:

Initial corporate review (183 firms) ...	\$27,816
File search (86 firms).....	57,534
Title listing (86 firms).....	1,634
Photocopying (86 firms).....	7,477
Managerial review (86 firms).....	55,176
Ongoing reporting (17 firms).....	7,752
Total.....	157,389

IV. Public Record

All documents, including the index to this public record, are available to the public in the OTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. E-107, 401 M St., SW., Washington, D.C. The public record includes basic information considered by the Agency in developing this proposed rule under docket control number OPTS-84020.

V. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a regulatory impact analysis. The Agency has determined that this rule is not "major" because it does not have an effect of \$100 million or more on the economy. EPA also anticipates that this rule will not have a significant effect on competition, costs, or prices.

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

B. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities. In a study of submitters reporting under the

section 8(d) model rule, EPA found that only 1 of 69 submitters had less than \$100 million in sales. EPA does not expect this proposed amendment to affect this distribution. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 95-354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB Control Number 2070-0004. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety
Environmental protection, Hazardous substances, Recordkeeping and reporting requirements.

Dated: September 30, 1985.

Susan F. Vogt,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 716 be amended as follows:

PART 716—[AMENDED]

1. The authority citation for Part 716 continues to read as follows:

Authority: 15 U.S.C. 2607(d).

2. By revising § 716.11(e) to read as follows:

§ 716.11 Exemptions to reporting requirements.

(e) Studies of chemical substances which are not on the TSCA Chemical Substance Inventory, except that this exemption does not apply to those substances listed at § 716.17(c).

3. By adding § 716.17(a)(13) and (c)(1) to read as follows:

§ 716.17 Substances and listed mixtures to which this subpart applies.

(a) * * *

(13) As of the date 44 days after date of publication of the final rule in the Federal Register, the following chemical substances are subject to this Subpart A:

CAS No.	Name
591-08-2	Acetamide, N-(aminothioxy)methyl-
696-28-6	Arsine, dichlorophenyl-
95-53-4	Benzaniline, 2-methyl-
108-49-0	Benzaniline, 4-methyl-
122-09-8	Benzeneethanamine, alpha, alpha-dimethyl-
98-09-9	Benzonesulfonyl chloride
108-98-5	Benzonitrol
4170-30-3	2-Butenal
86-74-8	8H-Carbazole
357-57-3	2,3-Dimethoxystrychnidin-10-one
111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
110-75-8	Ethene, (2-chloroethoxy)-
82-74-0	Fluoroacetic acid, sodium salt
80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-
2763-96-4	3(2H) Isoxazolon, 5-(aminomethyl)-
107-10-8	1-Propanamine
142-84-7	1-Propanamine, N-propyl-
142-28-9	Propane, 1,3-dichloro-
594-20-7	Propane, 2,2-dichloro-
109-77-3	Propanedinitrile
75-86-5	Propanenitrile, 2-hydroxy, 2-methyl-
616-23-9	1-Propanol, 2,3-dichloro-
78-83-1	1-Propanol, 2-methyl-
1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
107-19-7	2-Propyn-1-ol
5344-82-1	Thiourea, (2-chlorophenyl)-

(c)(1) Substances not on the TSCA Chemical Substance Inventory. As of the date 44 days after the date of publication of the final rule in the Federal Register, the following chemical substances are subject to this Subpart A. The provisions of § 716.11(e) do not apply to these substances.

Name	CAS No.
692-42-2	Arsine, diethyl-
3298-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
598-31-2	2-Propanone, 1-bromo-
78-99-9	Propane, 1,1-dichloro-
563-58-6	1-Propene, 1,1-dichloro-
563-54-2	1-Propene, 1,2-dichloro-
757-58-4	Tetraphosphoric acid, hexaethyl ester

(2) [Reserved]

[FR Doc. 85-23891 Filed 10-4-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 281

[Docket No. R-100]

Elimination of Restrictions on Non-Subsidized Voyages by Subsidized Liner Companies

AGENCY: Maritime Administration, DOT.
ACTION: Notice of proposed rulemaking.

SUMMARY: The Maritime Administration (MARAD) proposes to eliminate restrictions on non-subsidized voyages by subsidized liner operators by amending 46 CFR Part 281 to revoke sections 281.11 through 281.17, "Non-Subsidized Voyages." These regulations

govern procedures for approving non-subsidized voyages by a subsidized liner operator or by a related company. MARAD believes that these regulations constitute an obstacle to greater operating flexibility for the subsidized liner operator and should be rescinded.

DATE: Comment Date: MARAD will consider all comments received by November 21, 1985.

ADDRESS: Send original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments will be made available for inspection during normal business hours at this address. Commenters wishing MARAD to acknowledge receipt should enclose a self-addressed and stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Edmond J. Fitzgerald, Director, Office of Trade Studies and Subsidy Contracts, Maritime Administration, Department of Transportation, Washington, DC 20590. Telephone: (202) 382-0374.

SUPPLEMENTARY INFORMATION: This proposed rulemaking would amend 46 CFR Part 281 by revoking §§ 281.11 through 281.17, which set out procedures for reviewing non-subsidized voyages by a subsidized liner operator or by a related company with subsidized or non-subsidized vessels.¹ After revocation, existing and future ODS contractors would not require such approvals for non-subsidized voyages.

The existing regulations require that a subsidized operator obtain approval by MARAD before it or a related company undertakes a non-subsidized voyage. A detailed application describing the service, the cargo to be carried, sailing schedules and financial results is required. The criteria for approval by MARAD are two-fold: service, *i.e.*, need for the voyage and no adverse impact on the applicant's regular sailings; and financial results, *i.e.*, expectation of reasonable profit. 46 CFR 281.15. If the

¹ A subsidized vessel refers to a vessel that is already covered by the operating-differential subsidy (ODS) contract and is eligible for subsidy. The existing regulations do not apply to any non-subsidized voyage by the subsidized operator expressly authorized by the ODS contract; nor to voyages by vessels of related companies of the subsidized operator in services not declared essential under section 211 of the 1936 Act, 46 U.S.C. 1121, (46 CFR 281.11(b)). The Maritime Administrator is authorized by delegation from the Secretary to determine the ocean services, routes, and lines from U.S. ports to foreign markets which the Administrator determines to be essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States (46 U.S.C. 1121).

proposed voyage is to be made on a route served by U.S.-flag berth operators on which the subsidized operator does not maintain a berth operation, the subsidized operator may be required to obtain the consent of any competing U.S.-flag berth operators (except as otherwise determined by the Maritime Administrator [46 CFR 281.11(d)]). The term "U.S.-flag berth operator," as used in the existing regulations refers to a subsidized or non-subsidized operator rendering exclusively U.S.-flag service, maintaining a definitely advertised schedule and giving relatively frequent service in the area on which the subsidized operator has filed an application. Generally, the test as to whether competition exists between the proposed non-subsidized voyage and voyages of other U.S.-flag berth operators is whether the proposed non-subsidized voyage will provide a service of the type which would be competitive under the considerations of section 605(c) of the Merchant Marine Act of 1936, as amended (Act). 46 CFR 281.11(d).²

The regulations provide for a number of exceptions and differing treatment for different types of operations. For example, operations authorized by the ODS contract are altogether outside the purview of the rule. An exception to the requirements of the regulations was made on September 19, 1981, when pursuant to § 281.11(d) of the regulations, the Maritime Administrator determined that a subsidized operator may make a non-subsidized voyage without consent of competing U.S.-flag berth operators in two situations:

(1) Where the operator is carrying a full shipload of bulk or bagged agricultural commodities or fertilizers subject to the cargo preference laws of the United States; or (2) where the operator is carrying any full cargo of other commodities on a route when there is only a single shipper (i.e., shipping company), and the vessel is not operated as a common carrier. The Maritime Administrator also determined that prior approval of MARAD would continue to be required if a subsidized vessel is used for the voyage. If the voyage is made by a non-subsidized vessel, MARAD's approval is not needed.

² Determinations of whether services are competitive are to be based on factors such as type, size, and speed of vessel involved, whether passenger or cargo, the ports of ranges between which they run, and the character of cargo carried (46 U.S.C. 1175).

Background

Prior to the promulgation of the existing rule in 1957, MARAD considered applications for individual non-subsidized voyages by subsidized operators on the basis of the merits of each application. At that time, each ODS contract contained a provision (Article II-16) requiring express approval from MARAD for subsidized operators to operate non-subsidized vessels in competition with any other service route or line. Article II-16 of each ODS contract also specified that subsidized operators seeking to conduct non-subsidized voyages had to comply with such regulations that the agency might adopt. With the increase of Article II-16 applications during the 1950's, MARAD was prompted to promulgate regulations to assure "uniform and equitable administration of this competition clause of the contracts."

The intent of the regulations is reflected in § 281.15, which delineates the standards for the Maritime Administrator to apply in approving applications for non-subsidized voyages. The Administrator is authorized to approve applications demonstrating that a "definite need" exists for the non-subsidized service, that such service will not be adversely affect the applicant's regular sailings, and that each voyage is expected to yield a profit. Competitive impact is not established as a predominant factor. However, allowing competitors to oppose a subsidized operator's application to enter the competitor's route on a non-subsidized basis effectively assures that consideration of competitive impact will be a factor in the disposition of applications.

The purpose in promulgation of §§ 281.11 to 281.17 was "to ensure that the continuity and quality of subsidized operations will not adversely affect, . . . to safeguard against improper competitive practices[,] and to prevent operations prejudicial to the purposes and policy of the Act." 46 FR 48198 (October 1, 1981), consistent with MARAD's general concern with the efficiency of subsidized operators. However, MARAD noted that the regulations might be changed in the future.

For several years MARAD has intended to revise its regulation on unsubsidized deviations and voyages by subsidized operators now set out at 46 CFR Part 281 and has so advised the public. See e.g., 47 FR 48677, October 28, 1982; 40 FR 17611, 17613, April 29, 1985. The rule has given rise to administrative and judicial disputes since at least 1979.

See *Sea-Land Services, Inc. v. Dole*, 723 F.2d 975 (D.C. Cir. 1983), cert. denied, 83 L.Ed 2d 47 (1984). More recently, a district court decision in *Farrell Lines, Inc. v. Dole*, No. 84-3294 (D.D.C. August 1, 1985) focused on the requirements of the rule, among other things, and remanded certain matters to the agency for entry of a new decision. In the light of the District Court's insistence on dispatch in the remand proceeding, agency disposition on remand will be given a high priority and should issue promptly. Regardless of the outcome of this rulemaking proceeding, the agency will comply with the Court's remand of August 1, 1985 in *Farrell Lines*. Since any revision or elimination of the rule will take an extended period of time, the decision in the remand will issue long before any revision of the rule is in place.

Statutory Authority

A notice of proposed rulemaking was published at 22 FR 1040 on February 20, 1957, and a final rule was published at 22 FR 2911 on April 25, 1957. While there was no explanation of the rule in either the preamble to the notice or the final rule, the authority citation in the final rule stated that "281.11 to 281.17 [is] issued under sec. 204, . . . 46 U.S.C. 1114. Interpret or apply sec. 606, . . . 46 U.S.C. 1176." Section 204 of the Act authorizes the responsible agency head to issue rules under the Act. In 1957, section 606(5) provided for recapture of certain profits with respect to capital investment necessarily employed in the service or route, see, e.g., *Pacific Far East Line, Inc. v. United States*, 394 F.2d 990, 993 (Ct. Cl. 1968), and section 606(6) required operations to be conducted in "the most economical and efficient manner." 49 Stat. 20004. In the 1970 amendments to the Act, Pub. L. 91-469, the recapture provision was dropped, hence, rendering the recapture features of the regulations superfluous.

Promulgation of the regulations was a discretionary policy decision based on the industry environment at that time. No statute mandated consideration of the competitive impact on other operators, or the level of existing service by the subsidized operator. MARAD exercised its discretionary authority to articulate its policy through a rulemaking on the provision of the ODS contracts regarding non-subsidized voyages.

Reasons for Rescinding the Existing Regulations

Revision of the rule to account for the repeal of recapture (and its related concern with capital necessarily

employed) is long overdue. In addition, for the past several years, MARAD has been re-evaluating the entire ODS program in order to determine how to improve the ability of U.S.-flag operators to compete with foreign-flag operators. For example, a recent MARAD study concluded that a major factor that would encourage competitiveness would be to allow U.S. liner operators greater operating flexibility. Currently, most subsidized operators are locked into serving certain specified essential trade routes by contract, and generally may not deviate from these routes without meeting regulatory and/or statutory requirements. A subsidized operator wishing to enter another trade route outside its ODS contract on a *subsidized* basis must prove inadequacy of existing U.S.-flag service on the route in an often costly and time-consuming section 605(c) hearing under the Act (46 U.S.C. 1175). A subsidized operator wishing to enter another trade route outside its ODS contract on a *non-subsidized* basis must obtain prior approval from MARAD, and sometimes from competitors on that route under the existing regulations described above. While MARAD has received relatively few applications in recent years for non-subsidized voyages under these regulations, some operators may be deterred from undertaking non-subsidized voyages for fear that competitors would resist their efforts under § 281.11(d). Thus, instead of venturing out on profitable non-subsidized voyages, subsidized operators may be leaving their vessels idle or underutilized if cargo is not available on their contractually specified route.

In sum, the cost of retaining the existing regulations would be to hinder operating flexibility and consequently competitiveness with foreign-flag operators of subsidized operators. Further, the government suffers by paying ODS for vessels that could be better used on a non-subsidized basis. Elimination of the existing regulations could result in budgetary savings of approximately \$8.6 million in ODS that MARAD would not have to pay for non-subsidized liner operations. (This figure is based on MARAD's assumption that liner operators would spend three percent of their time in non-subsidized operations. The \$8.6 million represents three percent of the \$287 million of liner ODS authorized for 1986.) In addition, MARAD believes that rescinding these regulations would encourage subsidized operators to make the transition completely to unsubsidized operation, once they have established themselves

in the non-subsidized service. The ultimate savings in ODS obviously could be much greater than the \$8.6 million.

Initially, it was anticipated that elimination of the existing regulations could result in budgetary savings of approximately \$11.5 million in ODS that MARAD would not have to pay for non-subsidized liner operations. (This figure was based on MARAD's assumption that liner operators would spend 3 percent of their time in non-subsidized operations. The \$11.5 million represented 3 percent of the estimated liner ODS for 1986.) However, the number of subsidized vessels has been altered significantly since the original estimate was done. For example, most of one operator's vessels are not now projected for subsidized service and another operator has disposed of 13 of its vessels.

Competitive Impact

MARAD anticipates that commenters, in particular competitors to applicants under these regulations, will argue that rescinding the existing regulations would have a negative competitive impact on their operations. The existing regulations allow competitors to oppose applications for non-subsidized voyages ("except as otherwise determined by the Administrator"), thus effectively making competitive impact of such voyages a consideration. 46 CFR 281.11(d). However, the Act does not make competitive impact determinative. The above noted exception permits modification of 46 CFR 281.11(d). The only other provision in the regulations that could be construed to address competitive impact is § 281.13, which allows MARAD to hold an informal public hearing on a request for non-subsidized service. At such optional proceeding, MARAD may review "evidence respecting adequacy or inadequacy or service and *such other evidence as the Maritime Administrator determines is pertinent to the proceedings under the Merchant Marine Act, 1936, as amended.*" (emphasis added). The hearing is to be "for advisory purposes only." 46 CFR 281.13(a); see *Sea-Land Service, Inc. v. Dole*, 723 F.2d 975, 979 (D.C. Cir. 1983), cert. denied, 83 L. Ed. 2d 47 (1984).

MARAD may consider evidence of competitive impact under section 281.13 to safeguard against unfair competitive practices. 46 FR 48198 (Oct. 1, 1981). However, MARAD has no statutory obligation to do so and has done so only as a policy matter. Moreover, no incident in recent memory has occurred where MARAD has believed itself constrained to exercise this authority.

A recent amendment to the Act indicates that competitive impact need not be considered in allowing non-subsidized operations. The so-called Snyder Amendment, section 614 of the Act, (46 U.S.C. 1184), allows a subsidized operator to suspend its ODS for not less than a year to operate its vessels in foreign trade without restrictions and thereafter return to subsidized operations. Consideration of competitive impact is not contemplated by this Amendment. Thus, the Snyder Amendment to the Act strongly suggests that unrestricted non-subsidized operations by vessels otherwise covered by an ODS contract are consistent with the Act.

Moreover, the Act does not contemplate rigorous protection of U.S. competitors from non-subsidized U.S. competition. The Act is designed to expand the U.S. merchant marine fleet through financial aids. MARAD's role in insulating U.S. operators from competition is limited at most to the decision to grant subsidy (*S-132, APL, Ltd.*, 1 MA 143, 153 (MSB 1963)). The Act cannot properly be interpreted to limit U.S. competition by deterring the expansion of non-subsidized operations, even by subsidized operators. MARAD believes that rescinding the privilege of U.S. competitors to oppose non-subsidized voyages by applicants is more compatible with the current industry environment and the tenor of the Act. Further, MARAD has the discretion to rescind the competitive impact provisions of the rule since granting competitors this privilege was a totally discretionary act.

Further, rescission of the existing rule would serve to increase fair competition for all operators, without resulting in unfair competition to non-subsidized operators. The payment of ODS is intended to offset the cost disadvantage of expense items between U.S. and foreign-flag operators. Although ODS is available to cover crew wages, maintenance and repair expenses, and insurance, in accordance with section 603(b) of the Act (46 U.S.C. 1173), some liner operators have agreed to forego the payment of ODS on certain of these items in their ODS contracts. In addition, ODS is not paid for certain items, such as fuel, and subsistence for cargo vessels. Thus, while ODS is intended to provide cost parity with foreign-flag operators, full parity is not achieved in reality since subsidy is not paid on many individual expenses.

The subsidized operator operating on a non-subsidized voyage would not have an unfair competitive advantage over a non-subsidized operator, since subsidy

is designed to offset only the cost differential that the U.S. operator suffers vis-a-vis its major foreign competitors while operating on the subsidized trade route. In effect, it would be operating on those voyages in the same financial position as a non-subsidized operator.

Adequacy of Service

MARAD anticipates that some commenters may argue that rescinding these regulations will remove assurances that subsidized operators will meet their minimum required sailings under their ODS contracts and thus not provide adequate service to the essential trade routes. Presently, the criteria for approval of non-subsidized voyages include a provision that an application must show "[t]hat approval of the voyage will not adversely affect applicant's regular sailings." 46 CFR 281.15(a). However, the existing regulations do not require any precise assessment of the level of U.S.-flag service, much less a determination based solely on adequacy. Since adequacy of existing service was obviously not a major concern in the development of the existing regulations, MARAD believes that rescinding the regulations would not have an adverse impact on such service. The Snyder Amendment contains no provision for assessment of the impact of the non-subsidized sailings on the subsidized routes and so indicates the statutory support for MARAD's position.

In any case, assuring that subsidized operators will provide adequate service to the essential trade routes is the province of the ODS contract. If subsidized operators prejudice their obligations under the ODS contract by reason of non-subsidized sailings, MARAD may invoke contractual remedies as appropriate. MARAD believes that maintaining the existing restrictions on *non-subsidized* service is not the proper method of assuring adequate *subsidized* service.

Financial Soundness

The Act's requirement in section 606(5) that a subsidized operator conducts its essential service operations "in an economical and efficient manner" also bears on the existing regulations. The Act does not contain such a requirement for non-subsidized operations. MARAD believes that the ODS contract contains sufficient conditions to ensure economical and efficient operation.

In addition, one of the main reasons for rescinding these regulations is to encourage subsidized operators to meet foreign-flag competition more effectively. Allowing subsidized

operators to compete without restriction on a non-subsidized basis should increase their operating efficiency, and encourage them to make a complete transition to non-subsidized operations. The fostering of effective competition is a central goal of the Act. MARAD believes that rescinding the existing regulations would encourage competition and make subsidized operations more efficient by allowing greater operating flexibility.

Alternatives Considered

MARAD considered modifying the existing rule as an alternative to the proposed total rescission of the rule. The modification considered was to delete the MARAD prior approval requirement for all non-subsidized voyages except for those voyages on a route on which U.S.-flag berth service is maintained, but on which the operator proposing the voyages does not itself maintain a berth service. This alternative would loosen the restrictions on non-subsidized voyages, while allowing berth U.S.-flag operators to contest applications for berth service by subsidized operators. Military Sealift Command charters would be the primary beneficiaries of this alternative since prior MARAD approval would no longer be required.

MARAD considered this alternative because it anticipated that some non-subsidized and smaller subsidized U.S.-flag operators would be concerned that non-subsidized voyages by subsidized operators could have an adverse effect on their operations. MARAD believes, however, that such effects would be minimal, and that only rescission of the existing rule in its entirety would provide the subsidized operators with the needed operating flexibility to meet effectively foreign-flag competition. Further, by foregoing subsidy to operate on a non-subsidized route, the subsidized operator is at an operating cost disadvantage vis-a-vis foreign-flag and other subsidized operators.

In addition, MARAD considered this alternative in anticipation of comments by non-subsidized operators that a subsidized operator engaging in non-subsidized voyages would have the overall advantage of subsidy which it could apply to a non-subsidized route. MARAD does not believe that a subsidized operator on a non-subsidized voyage would have an advantage over a non-subsidized operator already on the same route. That an operator is subsidized on one route should not provide it with a cost advantage on another non-subsidized route. The role of subsidy is not to guarantee profits, but to provide for the recovery of that portion of certain operating expenses for

which the operator is at a competitive disadvantage with respect to its principal foreign competition on that route. Effectively, the subsidized operator would be operating on a non-subsidized voyage under the same conditions as a non-subsidized operator on the same route.

Comments

Any interested party that believes that the proposed rulemaking would have an effect on its operations should include in its comments specific examples of anticipated effects on cargoes and revenue resulting from possible non-subsidized operations by subsidized operators.

E.O. 12291, Statutory and DOT Requirements

The Maritime Administrator has determined that this proposed regulation is non-major under E.O. 12291, and thus a regulatory impact analysis is unnecessary. This notice of proposed rulemaking is considered to be significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A draft regulatory evaluation has been prepared on the proposed rule and will be placed in the public docket. The Maritime Administrator certifies that this proposed rulemaking, if finalized, will not exert a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 501 *et seq.*). This rulemaking would affect only U.S.-flag liner operators in the foreign trade, none of which is a small entity under the applicable criteria. The proposed rulemaking includes no proposed reporting requirements for the collection of information within the scope of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Part 281

Administrative practice and procedure, Grant programs—transportation, Maritime carriers, Reporting requirements.

PART 281—[AMENDED]

§§ 281.11 through 281.17 [Removed]

Accordingly, 46 CFR Part 281 of the Code of Federal Regulations is amended by removing §§ 281.11 through 281.17 and the undesignated center heading "Non-Subsidized Voyages."

Dated: October 1, 1985.

By Order of the Maritime Administrator
 Georgia P. Stamas,
 Secretary, Maritime Administration.
 [FR Doc. 85-23906 Filed 10-4-85; 8:45 am]
 BILLING CODE 4910-61-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen Docket No. 85-245; FCC 85-471]

Proposed Modification to the Table of Frequency Allocations

AGENCY: Federal Communications
 Commission.

ACTION: Notice of proposed rule making.

SUMMARY: The Federal Communications
 Commission proposes amendment of its
 Rules to provide a secondary mobile
 allocation in the 18168-18780 kHz band.
 This will make available a full
 complement of HF frequencies for
 mobile operations.

EFFECTIVE DATE: Comments are due
 November 4, 1985, Reply Comments are
 due November 19, 1985.

ADDRESS: Federal Communications
 Commission, 1919 "M" Street, NW.,
 Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
 Mr. Fred Thomas, Office of Science and
 Technology, 1919 "M" Street, NW.,
 Washington, D.C. 20554, (202) 653-8162.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 2

Frequency allocations, Radio
 broadcasting.

Proposed Rule Making

In the matter of amendment of Part 2 to
 allocate the 18168-18790 kHz band on a
 secondary basis to the Mobile Service; Gen
 Docket No. 85-245, FCC 85-471.

Adopted: August 12, 1985.
 Released: August 22, 1985.

By the Commission:

1. This proceeding proposes to provide
 a secondary mobile allocation in the
 18168-18780 kHz band for government
 and nongovernment use. This will help
 meet future requirements for mobile
 communications in the HF spectrum.

2. The U.S. Coast Guard identified a
 requirement for a full complement of
 frequencies in the HF spectrum for
 mobile communications to provide
 communications with aircraft and sea
 vessels. A complement of HF
 frequencies consists of assignments
 from different bands in the HF spectrum.
 It is necessary to have access to a full
 complement of HF frequencies to insure
 reliable communication at all times with

the mobile units. The ability of any one
 band to provide communications
 depends on the propagation conditions,
 which vary with the time of day and the
 weather. Therefore, some bands are
 able to provide satisfactory
 communications at times when others
 are not able to, while the reverse is true
 at other times.

3. Most of this requirement was met
 by HF mobile allocations made in
 Docket 80-739, Implementation of the
 1979 World Administrative Radio
 Conference.¹ However, the complement
 of frequencies was incomplete, as no
 allocation was made for such use
 between 14990 and 20010 kHz.
 Therefore, the Coast Guard, through the
 Interdepartment Radio Advisory
 Committee (IRAC), has request the
 Commission to initiate a proceeding to
 amend the Table of Frequency
 Allocations to include a secondary
 mobile allocation in the 18168-18780
 kHz band. This band is allocated on a
 primary basis to the fixed service for
 both government and nongovernment
 use. The main nongovernment
 application is for long haul common
 carrier circuits. However, it should be
 noted that because of the availability of
 higher quality circuits through satellites
 or cables, these circuits are infrequently
 used.

4. The Commission believes that this
 request from the IRAC has merit.
 Further, we believe that the allocation
 should be shared by the nongovernment
 sector, as are the other allocations in
 this complement of frequencies, to
 satisfy nongovernment mobile
 requirements as well. Therefore, we are
 proposing that § 2.106, the Table of
 Frequency Allocations, be amended by
 adding a secondary mobile allocation in
 the 18168-18780 kHz band. As this will
 be a secondary allocation, we believe
 there will be little or no impact on the
 primary fixed use of this band either
 domestically or internationally. If
 interference is caused, the secondary
 mobile operation involved will be
 require to make any and all
 adjustments, including terminating
 operation, to eliminate the interference.

5. The proposed rules are attached in
 the Appendix. Comments related to this
 proposal are invited.

Regulatory Flexibility Analysis

6. Pursuant to the Regulatory
 Flexibility Act of 1980, the Commission
 finds as follows:

¹ See Second Report and Order in General Docket
 No. 80-739, FCC 83-511, 49 FR 2357 (adopted
 November 8, 1983).

I. Reason for Action

This proposal would allocate
 additional frequencies for mobile
 operations in the HF spectrum. This
 action would make available a full
 complement of frequencies for this
 purpose.

II. Objective

The Commission is advancing this
 proposal to meet the future needs of
 mobile operations in the HF spectrum.

III. Legal Basis

The proposed action is authorized
 under sections 4(i) and 303(r) of the
 Communications Act of 1934, as
 amended, which authorize the
 Commission to make such rule and
 regulations as may be necessary to
 improve the efficiency of spectrum use.

IV. Description, Potential Impact, and Number of Small Entities Affected

This proposal will provide
 opportunities for mobile operators as
 well as market opportunities for radio
 manufacturers, some of which may be
 small businesses. Beyond this we are
 unable to quantify the potential effects
 on small entities. We, therefore, invite
 specific comments on this point by
 interested parties.

V. Reporting, Recordkeeping and Other Compliance Requirements:

No new requirement will be imposed
 upon the Commission's licensees.

IV. Federal Rules Which Overlap, Duplicate or Conflict with This Rule:

None.

VII. Significant Alternatives

There are no significant alternatives
 which would accomplish our stated
 objective of providing sufficient
 additional spectrum for mobile
 operations.

7. For purposes of this non-restricted
 notice and comment rule making,
 members of the public are advised that
ex parte contacts are permitted from the
 time the Commission adopts a notice of
 proposed rule making until the time a
 public notice is issued stating that a
 substantive disposition of the matter is
 to be considered at a forthcoming
 meeting or until a final order disposing
 of the matter is adopted by the
 Commission, whichever is earlier. In
 general, an *ex parte* presentation is any
 written or oral communication (other
 than formal written comments/
 pleadings and formal oral arguments)
 between a person outside the
 Commission and a Commissioner or a
 member of the Commission's staff which

addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

8. This action is taken pursuant to sections 4(i), and 303(r), of the Communications Act of 1934, as amended. Interested persons may file comments on his proposal on or before November 4, 1985, and reply comments on or before November 19, 1985. All

relevant and timely comments filed in accordance with §§ 1.415 and 1.419 of our rules and regulations (47 CFR 1.415 and 1.419) will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the Commission's reliance on such information is noted in its final decision.

9. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other material. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their comments without regard to form (as long as the docket number is clearly stated in the heading). All documents will be available for public inspection

during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

10. For further information concerning this rule making contact Fred Thomas at (202) 653-8162, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554.

Federal Communications Commission.

William J. Tricarico

Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

The authority citation in the Part 2 continues to read:

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

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Section 2.106 is amended by adding a secondary mobile allocation at columns 4 and 5 in the 18168-18780 kHz band.

§ 2.106 Table of frequency allocations.

UNITED STATES TABLE

Government	Non-Government	FCC use Designators	
Allocation kHz	Allocation kHz	Rule Part(s)	Special-use frequencies
(4)	(5)	(6)	(7)
18168-18780	18168-18780	Aviation (87)	
Fixed	Fixed	International	
Mobile	Mobile	Fixed public (23)	

[FR Doc. 85-23860 Filed 10-4-85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 50, No. 194

Monday, October 7, 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

Commodity Credit Corporation

1985 Crop Effective Price Support Level and Rates—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of determination of adjusted price support level and grade loan rates—1985 crop flue-cured tobacco.

SUMMARY: The purpose of this notice is to affirm the determinations announced on July 23 and 26, 1985, with respect to the level of price support for certain grades of the 1985 crop of flue-cured tobacco. These determinations are made in accordance with section 106(g) of the Agricultural Act of 1949 (the "Act") and effectively reduce the level of price support for the 1985 crop of flue-cured tobacco from 169.9 cents per pound to 165.0 cents per pound.

EFFECTIVE DATE: July 23, 1985.

ADDRESS: Dr. Howard C. Williams, Director, Commodity Analysis Division, Room 3741 South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-3391.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Robison, Agricultural Economist, Commodity Analysis Division, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5188 or Russell Levering, Marketing Specialist, Tobacco and Peanut Division, Room 5750, South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-3517. The final regulatory impact analysis describing the impact of implementing section 106(g) of the Act is being prepared and will be available from the above named individuals.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures established in accordance with

Executive Order 12291 and Departmental Regulation 1512-1 and has been classified "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the federal assistance program to which this notice applies are: Title—Commodity Loans and Purchases; Number-10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR Part 3015, Subpart V, published June 24, 1983 at 48 FR 29115.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

On April 17, 1985, the level of price support for the 1985 crop of flue-cured tobacco was established at 169.9 cents per pound (50 FR 15202). Subsequently, the board of directors of the Flue-cured Tobacco Cooperative Stabilization Corporation ("Stabilization") requested that the level of price support for certain grade of the 1985 crop of flue-cured tobacco be reduced in accordance with section 106(g)(1) of the Act. Section 106(g)(1) of the Act authorizes the Secretary of Agriculture, if requested by the board of directors of the association through which price support for flue-cured tobacco is made available to producers, to (1) designate for any crop

certain grades of flue-cured tobacco that are eligible for price support (but representing in the aggregate not more than 25 percent of the total quantity of the flue-cured tobacco crop that the Secretary estimates will be produced) that the Secretary determines are of such quantity or quality as to impair their marketability, and (2) without regard to the weighted average of the support rates for eligible grades of flue-cured tobacco determined under the proviso to the first sentence of section 106(d) of the Act, further reduce the support rates for such grades to the extent the Secretary deems necessary to reflect their market value, but in no event by more than 12 percent of the respective support rates that would otherwise be established under section 106.

On June 30, 1985, the stocks of all grades of flue-cured held by Stabilization totaled 839 million pounds, farm-sales weight, a record high amount in relation to prospective utilization. Projections for the 1985-86 marketing year indicated a further increase in Stabilization stocks. After reviewing supply and demand conditions, it was determined that the demand for 18 selected grades in the 1983 and 1984 market season was weak to moderate.

A press release was issued on July 23, 1985, which announced that, under the provisions of section 106(g)(1) of the Act, the level of price support for these grades of the 1985 crop of flue-cured tobacco would be reduced. In addition, a press release was issued on July 26, 1985, which set forth the loan rates for all eligible grades of tobacco.

Since the only purpose of this notice is to affirm announcements made on July 23 and 26, 1985, with respect to the reduced levels of price support for certain grades of flue-cured tobacco, it has been determined that no further public rulemaking is required.

Determination

In accordance with section 106(g)(1) of the Agricultural Act of 1949, it has been determined that the level of price support for the following grades of flue-cured tobacco, which represent 24.165 percent of estimated production of the 1985 crop of flue-cured tobacco, shall be reduced by 2.7 to 11.2 percent from the previously established level for such grades: B4KL, B5KL, B6KL, B4KF, B5KF, B6KF, B4KV, B5KV, B6KV, C4KM, C4S,

X4L, X5L, X4F, X5F, X4KV, M4KM, and M4GK. The reduction in the rates of price support for these 18 grades should make these grades more price competitive and thereby increase the marketability of such grades of flue-cured tobacco. The reduction in the rates of tobacco price support for these grades of flue-cured tobacco will effectively reduce the 1985 flue-cured tobacco price support level from 169.9 cents per pound to 165.0 cents per pound. Price support for the 1985 crop of flue-cured tobacco, by grade, shall be as follows:

1985-CROP FLUE-CURED TOBACCO, TYPES 11-14, SUPPORT SCHEDULE

[Dollars per pound farm sales weight]

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
A1F	2.16	B3KR	1.87	B4G	1.61
A1L	2.16	B4KR	1.80	B5G	1.50
		B5KR	1.72	B6G	1.38
B1L	2.07				
B2L	2.03	B3V	1.86	B4GK	1.51
B3L	2.00	B4V	1.79	B5GK	1.47
B4L	1.96	B5V	1.70	B6GK	1.38
B5L	1.87				
B6L	1.81	B3KM	1.78	B5GR	1.40
		B4KM	1.73		
		B5KM	1.67	B5GG	1.22
		B6KM	1.56		
B1F	2.07				
B2F	2.03			H3L	2.03
B3F	2.00				
B4F	1.96	B3S	1.76	H4L	2.00
B5F	1.87	B4S	1.71	H5L	1.92
B6F	1.81	B5S	1.67	H6L	1.87
B1FR	2.05	B3KL	1.71		
B2FR	2.01	B4KL	1.67		
B3FR	1.98	B5KL	1.61	H3F	2.03
B4FR	1.95	B6KL	1.51	H4F	2.00
B5FR	1.86			H5F	1.92
B6FR	1.79	B3KF	1.71	H6F	1.87
		B4KF	1.67		
		B5KF	1.61	H4FR	1.96
B5R	1.59	B6KF	1.51	H5FR	1.88
				H6FR	1.81
B3K	1.89	B4KV	1.66		
B4K	1.81	B5KV	1.54	H4K	1.85
B5K	1.76	B6KV	1.42	H5KK	1.79
B6K	1.68			H6K	1.71
		B3KD	1.67		
		B4KD	1.62		
		B5KD	1.52		
		B6KD	1.41		
C1L	2.09	X1F	2.05	P2F	1.48
C2L	2.06	X2F	1.98	P3F	1.42
C3L	2.03	X3F	1.90	P4F	1.29
C4L	2.00	X4F	1.69		
C5L	1.90	X5F	1.53	P4G	1.17
C1F	2.09	X3KR	1.75	M4F	1.58
C2F	2.06	X4KR	1.67	M5F	1.54
C3F	2.03				
C4F	2.00	X3V	1.75	M4KR	1.55
C5F	1.90	X4V	1.66		
				M4KM	1.52
C4KR	1.85	X3KM	1.64	M5KM	1.41
		X4KM	1.57		
C4V	1.83	X3S	1.64	M4GK	1.45
		X4S	1.56	M5GK	1.36
C3KM	1.86	X4KL	1.52	N1K	1.27
C4KM	1.80	X4KF	1.52		
C4S	1.80				
C4KL	1.75	X4LL	1.51	N1GF	1.17
C4KF	1.75	X4KV	1.49	N1R	1.17
C4LL	1.71				
				N1KV	1.16

1985-CROP FLUE-CURED TOBACCO, TYPES 11-14, SUPPORT SCHEDULE—Continued

[Dollars per pound farm sales weight]

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
C4G	1.63	X4G	1.48	N1GR	1.11
C4GK	1.57	X5G	1.45		
C5LP	1.49	X4GK	1.47	N1BO	1.09
C5FP	1.49			N1GG	1.08
		P2L	1.48		
		P3L	1.42		
		P4L	1.29		
X1L	2.05				
X2L	1.98				
X3L	1.90				
X4L	1.69				
X5L	1.53				

Authority: Secs. 106, 403; 74 Stat. 6, as amended, 63 Stat. 1054, as amended (7 U.S.C. 1445, 1423).

Signed at Washington, D.C., on October 2, 1985.

John R. Block,

Secretary.

[FR Doc. 23899 Filed 10-4-85; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Mulberry Creek Watershed, Tennessee; Intent to Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Mulberry Creek Watershed Project, Moore and Lincoln Counties, Tennessee.

FOR FURTHER INFORMATION CONTACT: Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, Tennessee 37203, telephone (615) 251-5471.

SUPPLEMENTARY INFORMATION: A determination has been made by Donald C. Bivens that the proposed works of improvement for the Mulberry Creek Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Donald C. Bivens, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the Federal Register.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

Dated: September 30, 1985.

Donald C. Bivens,

State Conservationist.

[FR Doc. 85-23916 Filed 10-4-85; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration

Title: Public Works Application and Preapplication

Form Number: Agency—ED-101A, ED101P; OMB—0610-0011

Type of Request: Revision of a currently approved collection

Burden: 200 respondents; 17,000 reporting hours

Needs and Uses: These forms are used by State and local governments and eligible nonprofit organizations to apply for public works grants under the Public Works and Economic Development Act. The information is needed to assure that applicants meet statutory and program requirements and for program administration

Affected Public: State or local governments and non-profit institutions

Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer,

Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: October 2, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85-23901 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-CW-M

Foreign-Trade Zones Board

[Docket No. 33-85]

Foreign-Trade Zone 49, Newark/Elizabeth, NJ; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port Authority of New York and New Jersey, grantee of Foreign-Trade Zone 49, requesting authority to expand its zone to include a new site at a marine terminal on Upper New York Bay in Jersey City/Bayonne, New Jersey, within the New York Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 23, 1985.

On April 6, 1979, the Port Authority received authority from the Board to establish a foreign-trade zone within the Port Newark/Elizabeth Port Authority Marine Terminal on Newark Bay (Board Order 146, 44 FR 22502, 4/16/79). In May 1983, the zone was expanded to include the entire 2200-acre terminal complex (Board Order 211, 49 FR 24958, 6/3/83).

This proposal would add 41 acres within a nearby, private marine terminal complex on Upper New York Bay in Jersey City and Bayonne, New Jersey, some 4 miles from the Narrows. The facility is owned and operated by Global Terminal and Container Services, Inc.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Max G. Willis, Area Director, U.S. Customs Service, New York Region, Airport International Plaza, Room 210A, Newark, NJ 07114; and Colonel F.H. Griffis, District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, NY 10007.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be

addressed to the Board's Executive Secretary at the address below and postmarked on or before November 8, 1985.

A copy of the application is available for public inspection at each of the following locations:

Area Director's Office, U.S. Customs Service, Airport International Plaza, Room 210A, Newark, NJ 07114.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania NW., Washington, DC. 20230.

Dated: October 2, 1985.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85-23904 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 34-85]

Proposed Foreign-Trade Zone, Chattanooga, TN; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Partners for Economic Progress, Inc., a Tennessee non-profit economic development corporation, requesting authority to establish a general-purpose foreign-trade zone in Chattanooga, Tennessee, within the Chattanooga Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 25, 1985. The applicant is authorized to make this proposal under section 7-85-103, Tennessee Code Annotated.

The proposed foreign-trade zone will involve 2 sites covering 233 acres in Chattanooga. Site 1 is a 3.2-acre public warehouse facility at 3318 Amnicola Highway, owned and operated by Cherokee Warehouses, Inc. Site 2 is a 230-acre parcel owned by Hamilton County at Amnicola Highway and Stuart Street located on the Tennessee River at river mile 467. It is the site of a future port/industrial park complex.

The application contains evidence on the need for zone services in the Chattanooga area. A number of firms have indicated an interest in warehousing products such as industrial and construction equipment, tufting machines, electrical equipment, chemicals, saddles, apparel and soft drinks. No specific manufacturing approvals are being sought at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Joel Mish, District Director, U.S. Customs Service, South Central Region, 423 Canal St., New Orleans, LA 70130; and Colonel William Kirkpatrick, District Engineer, U.S. Army Engineer District Nashville, P.O. Box 1070, Nashville, TN 37202.

As part of its investigation, the examiners committee will hold a public hearing on October 29, 1985, beginning at 1:30 p.m., in the Public Conference Room, Civic Forum, 101 Market Street, Chattanooga.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by October 24. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through December 2, 1985.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 900 Georgia Avenue, Room 209, P.O. Box 887, Chattanooga, TN 37401

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: October 2, 1985.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85-23905 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Computer Systems Technical Advisory Committee; Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held October 31, 1985, 9:30 a.m., the Herbert C. Hoover Building, Room 5230, 14th Street and Constitution Avenue NW, Washington, DC. The Committee advises the Office of Export Administration with respect to technical

questions which affect the level of export controls applicable to computer systems or technology.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce. Telephone: 202-377-4217.

For further information contact Margaret A. Cornejo, 202-377-2583.

Dated: October 2, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-23902 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-DT-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held October 30, 1985, 9:30 a.m., the Herbert C. Hoover Building, Room 1851, 14th Street and Constitution Avenue NW., Washington, DC. The Hardware Subcommittee was formed to focus on manufacturing and performance characteristics of main frames and other computer hardware.

The Subcommittee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The assistant Secretary for Administration, with the concurrence of

the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217. For further information contact Margaret A. Cornejo, 202-377-2583.

Dated: October 2, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85-23903 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-DT-M

Carbon Steel Wire Rod From South Africa; Final Results of Changed Circumstances; Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances; Administrative Review and Revocation of Countervailing Duty Order.

SUMMARY: On June 20, 1985, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from South Africa and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment. After considering all of the comments received, we determine that domestic interested parties are no longer interested in continuation of the order, and we are revoking the order. In accordance with petitioners' notifications, the revocation will apply

to all carbon steel wire rod exported on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Philip Otterness 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 June 20, 1985, the Department of Commerce ("the Department") published in the *Federal Register* (50 FR 25615) the preliminary results of its changed circumstances administrative review of the countervailing duty order on carbon steel wire rod from South Africa (47 FR 42396, September 27, 1982). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of South African wire rod. Such merchandise is currently classifiable under item 607.1700 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received written comments from the petitioners: Georgetown Steel Corp., North Star Steel Texas, Inc., Continental Steel Corp., Raritan River Steel Co., and Atlantic Steel Co.

Comment 1: The petitioners claim that our notice of preliminary results does not adequately describe the conditions of their support for the revocation of the countervailing duty order. In that notice, we stated that the petitioners had advised the Department that they (the petitioners) were "no longer interested in" the countervailing duty order. However, the petitioners maintain they have no objection to the initiation of proceedings to review and revoke the countervailing duty order only so long as the conditions in their May 9, 1985 letter are satisfied.

Department's Position: Our understanding is that the petitioners are no longer interested, i.e., have no objection to our review and revocation of the countervailing duty order as long as the conditions of the letter are met. We are meeting the conditions of the letter.

Comment 2: The petitioners claim that there is a discrepancy in the wording between our notice of preliminary results and the terms of the Arrangement Concerning Trade in Steel Products between South Africa and the United States ("the Arrangement"). The Arrangement provides that *shipments* of South African carbon steel wire rod on or after October 1, 1984, will be subject to export ceilings. Our notice provided that "the revocation will apply to all carbon steel wire rod *entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.*"

The petitioners argue that we should adhere to the Arrangement by making the revocation applicable only to shipments made on or after October 1, 1984.

Department's Position: Since the petitioners' lack of interest in continuation of the countervailing duty order is the basis of the revocation, and since the petitioners have unambiguously stated that their lack of interest in continuation applies only to shipments made on or after October 1, 1984, we are revoking this order with respect to shipments of South African wire rod exported on or after October 1, 1984. Exports prior to October 1, 1984, that are entered, or withdrawn from warehouse, for consumption after that date continue to be subject to the countervailing duty order.

If an interested party chooses to request, in accordance with the interim-final/final rule (50 FR 32556, August 13, 1985), an administrative review for the period immediately preceding October 1, 1984, we will consider arguments that the revocation should affect exports (shipments) prior to October 1 that were entered after October 1.

Comment 3: The petitioners requested that the Department conduct an administrative review of the period prior to revocation.

Department's Position: The Department published on August 13, 1985, the inter-final/final rule itemizing when interested parties may request reviews.

Final Results of the Review and Revocation

After review of the comments received, we determine that the domestic interested parties are no longer interested in continuation of the countervailing duty order on carbon steel wire rod from South Africa and that the order should be revoked on this basis.

Therefore, we are revoking the order on carbon steel wire rod from South Africa effective October 1, 1984. We will

instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after October 1, 1984 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries.

This notice does not cover unliquidated entries of carbon steel wire rod from South Africa which were exported before October 1, 1984. The Department will cover any entries not covered in a prior administrative review and exported before October 1, 1984, in a separate review, if one is requested.

This administrative review, revocation, 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: September 30, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-23852 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-05-M

[C-428-027]

Float Glass From the Federal Republic of Germany; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: As a result of a request by the Government of the Federal Republic of Germany, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on float glass from the Federal Republic of Germany would not cause, or threaten to cause, material injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise on or after December 29, 1982, will be liquidated without regard to countervailing duties.

EFFECTIVE DATE: October 7, 1985.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Barbara Williams, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On December 27, 1982, the Department of Commerce published in the **Federal Register** a countervailing duty order on

float glass from the Federal Republic of Germany (47 FR 57449).

On December 29, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Government of the Federal Republic of Germany had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). It was not necessary for the Department, upon notification from the ITC, to suspend liquidation of entries of the merchandise pursuant to that section of the TAA since previous suspensions remained in effect.

On June 18, 1985, the ITC notified the Department of its determination (50 FR 26060, June 24, 1985) that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of such an industry be materially retarded, by reason of imports of float glass from the Federal Republic of Germany if the order were revoked.

As a result, the Department is revoking the countervailing duty order concerning float glass from the Federal Republic of Germany with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after December 29, 1982, the date the ITC notified the Department of the request for an injury determination.

The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after December 29, 1982, without regard to countervailing duties, and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: September 30, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-23853 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-05-M

Minority Business Development Agency

Financial Assistance Applications Announcements; California

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$905,882 for the project performance period of March 1, 1986 to February 28, 1987. The MBDC will operate in the San Francisco Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$770,000 in Federal funds and a minimum of \$135,882 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I. D. Number of this project will be 09-10-86003-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time:

Minority Business Development Agency,
U.S. Department of Commerce, 450
Golden Gate Avenue, Room 15018,
San Francisco, California 94102,
October 23, 1985 at 10:00 A.M.

Proposals Are To Be Mailed to the Following Address:

Minority Business Development Agency,
U.S. Department of Commerce, San
Francisco Regional Office, 450 Golden
Gate Avenue, Box 36114, San
Francisco, California 94102, 415/556-
8734

Closing date: The closing date for applications is November 15, 1985. Applications must be postmarked on or before 5:00 P.M.—November 15, 1985.

FOR FURTHER INFORMATION CONTACT:
Dr. Xavier Mena, Regional Director, San
Francisco Regional Office.

SUPPLEMENTARY INFORMATION:
Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11,800 Minority Business Development
(Catalog of Federal Domestic Assistance))

Xavier Mena,

Regional Director, San Francisco Regional
Office.

October 1, 1985.

[FR Doc. 85-23857 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; Connyland

On August 12, 1985, notice was published in the *Federal Register* (50 FR 32467) that an application had been filed by Connyland, Mr. Conny Gasser, CH-8557 Lipperswil, Switzerland for a permit to take Atlantic bottlenose dolphins for the purpose of public display.

Notice is hereby given that on September 26, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, Southeast

Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: September 30, 1985

Joseph W. Angelovic,

Deputy Assistant Administrator for Science & Technology, National Marine Fisheries Service.

[FR Doc. 85-23926 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Singapore Zoological Gardens

On March 28, 1985, notice was published in the *Federal Register* 50 FR 12354) that an application had been filed by the Singapore Zoological Gardens, 80 Mandai Lake Road, Singapore 2572, for a permit to obtain six (6) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on September 26, 1985, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802;

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, MA 01930-3799;

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, WA 98115;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

Dated: September 30, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 85-23925 Filed 10-4-85; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Interagency Committee on Cigarette and Little Cigar Fire Safety; Technical Study Group Meeting

AGENCY: Interagency Committee on Cigarette and Little Cigar Fire Safety, CPSC.

ACTION: Notice of meeting.

SUMMARY: The Technical Study Group on Cigarette and Little Cigar Fire Safety will meet on October 21 and 22, 1985, in Gaithersburg, Maryland. The purpose of this meeting is to (1) review testing of certain commercially available cigarettes and experimental cigarettes by the National Bureau of Standards; and (2) to determine data needs and methods of obtaining information needed for an analysis of costs and benefits associated with modifying cigarettes to reduce their propensity to ignite upholstered furniture and mattresses.

DATES: The meeting will be on October 21 and 22, 1985, beginning at 9:30 a.m. and concluding at 5:00 p.m. both days.

ADDRESS: On October 21, 1985, the meeting will be in Lecture Room D, Administrative Building, National Bureau of Standards, Gaithersburg, Maryland. On October 22, 1985, the meeting will resume in room B119, Building 224, National Bureau of Standards, Gaithersburg, Maryland.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Hylton, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6554.

SUPPLEMENTARY INFORMATION: The Cigarette Safety Act of 1984 (Pub. L. 98-567, 98 Stat. 2925, October 30, 1984) created the Technical Study Group on Cigarette and Little Cigar Fire Safety to prepare a final technical report to Congress within 30 months concerning the technical and commercial feasibility of developing cigarettes and little cigars with minimum propensity to ignite upholstered furniture and mattresses. That legislation also specifies that the final technical report must include an analysis of costs and benefits associated with modifying cigarettes to reduce their propensity to ignite upholstered furniture and mattresses.

The Technical Study Group will meet on October 21 and 22, 1985, to review the status of a cigarette testing program conducted by the National Bureau of Standards. The purpose of this program is to evaluate certain varieties of cigarettes currently offered for sale to consumers and other experimental

cigarettes produced exclusively for testing as sources of ignition on small-scale constructions of materials typically used to manufacture upholstered furniture.

The Technical Study Group will also discuss the types of information needed to make the analysis of costs and benefits required by the Cigarette Safety Act, and methods of obtaining that information.

The meeting will be open to observation by members of the public but only members of the Technical Study Group may participate in the discussion.

Dated: September 30, 1985.

Colin B. Church,

Federal Employee Designated by the Interagency Committee on Cigarette and Little Cigar Fire Safety.

[FR Doc. 85-23927 Filed 10-4-85; 8:45 am]

BILLING CODE 6355-01-M

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a compliance survey of the mattress industry with a requested expiration date of September 30, 1986.

The purpose of this survey is to determine the level of compliance by mattress manufacturers with provisions of the Standard for the Flammability of Mattresses (and Mattress Pads), 16 CFR Part 1632. The standard requires pre-market testing and recordkeeping by manufacturers to assure that mattresses will resist cigarette ignition. The standard was recently amended to eliminate some test requirements and to modify procedures for substitution of some materials used to manufacture mattresses. The Commission has not surveyed mattress manufacturers since the amendments became effective on April 10, 1985.

Investigators from the Commission's field staff will conduct the investigation. They will inspect approximately 105 firms which manufacture mattresses, and approximately 10 firms which produce cotton batting used for manufacturing mattresses.

Details About the Proposed Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. 20207.

Title of information collection: FY 1986 Mattress Enforcement Program.

Type of request: Approval of new program.

Frequency of collection: One time.

General description of respondents: Manufacturers of mattresses and cotton batting used for production of mattresses.

Estimated number of respondents: 115.

Estimated number of hours for each respondent: 6.

Comments: Comments on this requested approval of a collection of information should be addressed to Andy Valez-Rivera, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone: (202) 395-4340. Copies of the request for approval of a collection of information are available from Francine Shacter, Office of Budget, Planning, and Program Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: October 2, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85-23928 Filed 10-4-85; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; Deletion of Defense Audiovisual Agency Systems of Records

AGENCY: Defense Audiovisual Agency, DOD.

ACTION: Notice of deletions of all defense audiovisual agency (DAVA) systems of records.

SUMMARY: The Office of the Secretary of Defense is deleting all nine (9) Defense Audiovisual Agency (DAVA) systems of records immediately because DAVA was disestablished effective September 30, 1985.

DATES: The deletion of these systems of records are effective October 1, 1985.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Records Management Division, Washington Headquarters Services, The Pentagon, Washington,

D.C. 20301-1155, telephone (202)-697-2501.

SUPPLEMENTARY INFORMATION: The Secretary of Defense has directed the disestablishment of DAVA effective September 30, 1985, after a recent review of the functions and responsibilities assigned to DAVA were determined to be better performed on a decentralized basis with policy guidance and central management coming from the Assistant Secretary of Defense for Public Affairs. The functions currently assigned to DAVA are transferred to the Military Departments. Responsibility for management of joint support audiovisual activities are assigned under the ASD (Public Affairs). As the existing DAVA systems of records are not needed by the Military Departments, they are therefore not being transferred, but deleted.

Patricia H. Means,
OSD Federal Register Liaison Officer,
Department of Defense,
October 2, 1985.

DELETIONS

PDAVA 102-03

System Name:

DAVA Office Personnel Locator Files (50 FR 22878) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 102-10

System Name:

DAVA Temporary Duty Travel Files (50 FR 22879) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 205-03

System Name:

DAVA Organizational History Files (50 FR 22880) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 209-01

System Name:

DAVA Privacy Act Case Files, FOIA Requests and Mandatory (50 FR 22880) May 29, 1985. Declassification Review Files.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 402-03

System Name:

DAVA High-Level Inquiries Correspondence Files (50 FR 22881) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 403-09

System Name:

DAVA Biography Files (50 FR 22882) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 501-03

System Name:

DAVA Security Files (50 FR 22882) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 609-03

System Name:

DAVA Expert and Consultant Data Files (50 FR 22883) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

PDAVA 613-02

System Name:

DAVA Appeal and Grievance Files (50 FR 22884) May 29, 1985.

Reason:

Disestablishment of the Defense Audiovisual Agency (DAVA).

[FR Doc. 85-23877 Filed 10-4-85; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of

the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Evaluation of the Integration of Military Occupational Training Data into Career Information Delivery Systems

Two questionnaires will ask site coordinators and users of military occupational and training data (MOTD) about their preception of the utility and ease of use of the information as it appears in career information delivery systems (CIDS). The present study is needed to insure the accuracy and usefulness of the military occupational information and to provide data to DOD and CIDS developers for their annual updating of the MOTD.

Responses 7,538

Burden hours 1,720.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD FM&P Room 3C800, Pentagon, Washington, DC 20301-4000, telephone (202) 695-0643.

Dated: October 2, 1985.

Patricia H. Means,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 85-23876 Filed 10-4-85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP85-866-000, et al.]

MIGC, Inc. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. MIGC, Inc.

[Docket No. CP85-866-000]
September 27, 1985.

Take notice that on September 9, 1985, MIGC, Inc. (MIGC), Suite 1600, 10880

Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP85-866-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Ecological Engineering Systems, Inc. (EES), and the construction and operation of a service tap, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MIGC proposes to transport and deliver up to 10,000 Mcf of natural gas per day to EES, under a gas transportation agreement (agreement) dated August 19, 1985. MIGC states that the agreement would remain in effect for the existing term under a five-year gas purchase and sales contract dated February 4, 1985, between EES and Woods Petroleum Corporation (Woods) or until February 1, 1990, whichever is the earliest.

MIGC indicates that Woods requires the subject natural gas for use in a pressure maintenance program at the Powell pressure maintenance unit in Converse County, Wyoming. MIGC further indicates that Woods has purchased natural gas from EES in Campbell County, Wyoming. MIGC states that EES would cause the transportation volumes to be delivered to MIGC at the existing interconnection of the pipeline facilities of MGTC, Inc., and MIGC in Campbell County, Wyoming. MIGC further states that the transportation volumes would be redelivered to EES at the proposed delivery tap located in Converse County, Wyoming, for further transportation and delivery to Woods.

MIGC estimates the cost of the proposed service tap and appurtenances necessary to effectuate delivery of the transportation volumes to EES to be \$50,000.

MIGC states that the initial transportation charge would be 63.42 cents per million Btu of natural gas received by MIGC, subject to refund, pending the outcome of the proceedings before the Commission in MIGC, Docket No. RP84-15-000, *et al.*

Comment date: October 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

2. MIGC, Inc.

[Docket No. CP85-854-000]
September 27, 1985.

Take notice that on September 4, 1985, MIGC, Inc. (MIGC), Suite 1600, 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP85-854-000 an application pursuant to

section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with MGPC, Inc. (MGPC), all as more fully set forth in the application on file with the Commission and open to public inspection.

MIGC states that it is currently purchasing natural gas processed at the Oedekoven gas plant (Oedekoven) located in Campbell County, Wyoming, from its affiliate MGPC, the owner and operator of the processing plant. MIGC further states that Oedekoven can no longer be operated economically. MGPC states that MGPC would discontinue the use of Oedekoven as a processing facility and instead would use the plant as a booster station in order to deliver natural gas presently processed at Oedekoven to the Gillette gas plant (Gillette), also located in Campbell County, Wyoming, which is owned in part and operated by Arco Oil and Gas Company (Arco).

MIGC proposes to deliver to MGPC up to 400 Mcf of natural gas per day of dry gas at Oedekoven for use in MGPC's compressor units and to meet its lease return obligations to producers in the field upstream of Oedekoven. It is explained that by exchange, MGPC would deliver to MIGC up to 400 Mcf of natural gas per day of dry gas at the tailgate of Gillette. MIGC states that approval of the transaction would allow MIGC to receive purchased gas volumes from MGPC, which it is presently receiving at Oedekoven, at Gillette, approximately 35 miles closer to MIGC's customers.

MIGC indicates that since the proposed gas exchange is mutually beneficial, neither MIGC or MGPC intends to charge a fee for the services performed.

Comment date: October 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

3. Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP85-886-000]
September 30, 1985.

Take notice that on September 18, 1985, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP85-886-000 an application pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap and related facilities for the delivery of gas to an end-user under the certificate issued in Docket No. CP82-384-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file

with the Commission and open to public inspection.

AER proposes to construct and operate a sales tap and related facilities for the delivery of gas to Alumax Mill Products, Inc. (Alumax), in Bowie County, Texas. AER states that the proposed sales tap and related facilities would be used to deliver up to 1,608,000 Mcf of natural gas annually to provide fuel for gas furnaces and incidental uses at Alumax's aluminum roller mill. AER also indicates that the estimated cost for the sales tap and related facilities would be \$59,917.

Comment date: November 14, 1985, in accordance with Standard Paragraph G at the end of this notice.

4. Colorado Interstate Gas Company

[Docket No. CP74-320-003]
September 30, 1985.

Take notice that on September 12, 1985, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP74-320-003 a petition to amend the order issued October 8, 1974, in Docket No. CP74-320, as amended on March 7, 1980, and October 22, 1981, pursuant to section 7(c) of the Natural Gas Act so as to authorize the conversion of two disposal wells into two observation wells, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

CIG proposes to convert two salt water disposal wells into two observation wells as part of the development of its Latigo storage field in Arapahoe County, Colorado. CIG states that the Commission's previous orders authorized CIG to construct and operate 26 storage wells, ten observation wells and two salt water disposal wells. Due to operational problems with the disposal wells and the construction of an evaporation point to dispose of waters produced in the storage operations, CIG states that the two disposal wells are not necessary. Rather than plugging and abandoning the disposal wells, CIG requests authorization to rework the disposal wells into two observation wells. CIG estimates the cost for reworking the disposal wells to be \$139,600.00.

Comment date: October 21, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. ANR Pipeline Company

[Docket No. CP85-828-000]
September 27, 1985.

Take notice that on August 27, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48234, filed in Docket No. CP85-828-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a best-efforts natural gas transportation service for certain high priority end-users, all as more fully set

forth in the application which is on file with the Commission and open to public inspection.

ANR proposes to provide transportation services for the end-users from November 1, 1985, to December 31, 1986. ANR intends to provide the described services for the end-users through October 31, 1985, pursuant to existing regulatory authority in section

157.209 of the Commission's Regulations. For such services, on and after November 1, 1985, ANR proposes to provide transportation on the same terms and conditions as currently in effect for the authorized services, pursuant to authority sought in this application, under the terms and conditions set forth in the Appendix hereto.

Appendix

Shipper, contract date, and current docket No.	Receipt point(s)	Delivery point(s)	Rate per Mcf (cents)	Retained fuel percentage
Allied Chemical (Northern Natural Gas Co., Agent), 1/18/84, ST84-604.	From United at Centerville, LA.	To Acadian Pt. in St. Mary Parish, LA.	4.25	0.5
Archer Daniels Midland Co., 4/3/84, ST84-880	Northern at Janesville, WI. From ANR Gathering at various points in OK, TX, and KS.	LRC in Grand Chenier, LA. To NGPC in Woodstock or Joliet, IL. IPC in Henry City, IL.	9.2 36.5 35.6 30.4	0.0 3.0 3.0 3.0
Beatrice Cheese Co., 10/14/83, ST84-184	From Producer's in Caddo City, OK. ProdCo in Roger Mills City, OK.	To NIF&L in Stueben, IN.	41.3	3.0
Galesburg Cottage Hospital, 3/22/84, ST84-872	From Delta Gas in Woods City or Transok in Custer City, OK.	To IPC in Henry City, IL.	30.4	3.0
Kelly Food Products, Inc., 11/29/84, ST85-523	From ANR Gathering at various points in OK, TX and KS.	To NGPL in Joliet, N. Woodstock and/or S. Woodstock, IL.	35.6 37.0 36.5	3.0 3.0 3.0
Knox College, 3/21/84, ST84-828	From Petro Source in Custer City, OK.	To IPC in Henry City, IL.	30.4	3.0
Mead Paperboard, 3/15/85, ST84-863	From ANR Gathering at various points in OK, TX and KS.	To MGU in Ostego, MI.	42.5	3.0
Monmouth College, 1/1/85, ST85-599	From Petro Source in Custer City, OK.	To IPC in Henry City, IL.	30.4	3.0
Sohio Chemical, 4/5/84, ST84-731	From ONG in Custer City, OK. ANR Gathering at various points in TX, LA and OK. Sohio in Elmore, OK.	To Sohio in Haviland, Ohio or Columbia Gas in Paulding, Ohio.	39.8	3.0
Staley, A.E., 4/3/84, ST84-879	From ANR Gathering at various points in TX, LA and OK.	To NGPL in Woodstock, and/or Joliet, IL. IPC in Henry City, IL.	36.5 35.6 30.4	3.0 3.0 3.0

* The rates set forth herein have been derived pursuant to the offer of settlement in ANR's Docket No. RP84-1-001.

Comment date: October 18, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Columbia Gas Transmission Corporation; Columbia Gulf Transmission Company

[Docket No. CP85-901-000]
September 30, 1985.

Take notice that on September 24, 1985, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, hereinafter referred to jointly as Applicants, filed in Docket No. CP85-901-000 an application pursuant to section 7(b) of the Natural Gas Act, on behalf of themselves and certain producer-suppliers currently selling natural gas to Columbia Transmission for blanket permission and approval to abandon certain certificated sales of natural gas reserves with a maximum lawful price (MLP) in excess of the MLP under section 109 of the Natural Gas Policy Act of 1978 (NGPA) and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a self-

implementing transportation service for the producer-suppliers of such released gas and other released gas in excess of the section 109 MLP, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request blanket authority, on behalf of themselves and eligible producer-suppliers, for the abandonment of certain certificated sales to Columbia Transmission and for the sale of such released gas to third parties. Applicants request, further, authority to provide the producer-suppliers with self-implementing transportation service for the gas released and abandoned under such blanket authority, as well as all other gas with a maximum lawful price in excess of section 109 of NGPA.

It is said that gas reserves currently dedicated by contract to Columbia Transmission provide deliverability which is greater than the present system requirements of Columbia Transmission's customers. It is further said that these circumstances have led to significant take-or-pay exposure and expense on Columbia Transmission's part.

Applicants, it is said, have been forced to take innovative steps to deal with the difficulties created by the

current natural gas market structure and to reduce and stabilize their wholesale natural gas rates and sales to their customers.

It is said that Columbia Transmission's wholesale rates still exceed the market-clearing rate in some markets and its dedicated gas supplies still exceed present market requirements. It is further said that as a part of its continuing effort to manage its wholesale supply and once again become a viable competitor in its market areas, Columbia Transmission has instituted a plan where it is offering producers up to \$800 million to renegotiate the pricing and take provisions in their contracts with Columbia Transmission. Applicants state that in connection with these negotiations, some producers have requested that Applicants provide ready access to alternative markets for quantities of gas in excess of the reduced take-or-pay and minimum-take provisions or in the event Columbia Transmission reduces the price under the price redetermination provisions. In order to facilitate the negotiation process, Applicants request the Commission to provide automatic abandonment and certificate sales authority to any of Columbia

Transmission's producer-suppliers which agree to renegotiate their contracts either to achieve more favorable pricing and take provisions or release Columbia Transmission from its obligations to purchase gas under the contract. It is stated that the blanket authority sought by Applicants would give such producer-suppliers the right, upon the execution of a valid release agreement, to abandon sales to Columbia Transmission under mutually agreed terms. It is stated further that the authority requested would also provide the producer-supplier with the ability immediately to market such released gas to other interested purchasers.

In addition to the blanket abandonment authority, Applicants request authority to provide the producer-suppliers with self-implementing transportation service for released gas. Applicants propose to provide service to end-users under Rate Schedules TS-1 or TS-2 for Columbia Transmission and Rate Schedules T-2 and T-3 for Columbia Gulf, whichever are appropriate, and to others at rates pursuant to section 284 of the Commission's Regulations. The transportation authority is requested for any producer-supplier which renegotiates its contract and executes a release agreement with Columbia Transmission pursuant to the blanket authority requested and which also executes a gas transportation agreement with Applicants to transport the gas released.

This transportation service by Applicants would be undertaken on a best-efforts interruptible basis utilizing Applicants' owned facilities and/or capacity contracted for by Applicants in third-party pipelines, thus Applicants also request blanket authority for all third parties to transport such released gas. In each instance, Applicants would receive the released gas at the same receipt point that is designated in the original gas purchase contract, and would deliver such gas at a redelivery point that is set forth in the transportation agreement between Applicants and the producer-suppliers. The term of service would in each case be established contractually by the parties. Applicants' transportation policies, it is said, pursuant to this request would be evaluated and, where necessary, modified in accordance with the Commission's interstate pipeline transportation regulations which would result from the proceeding in Docket No. RM85-1.

Applicants state that the proposal would assist Columbia Transmission in its effort to align more closely its system

supply quantities and prices with market demand factors and provide its producer-suppliers with the blanket regulatory authorization to terminate sales of natural gas which are not currently needed by Columbia Transmission and to seek alternative markets for the gas so released. It is further stated that as a result of this authority, Columbia Transmission and its customers would be released from high-cost purchase obligations, ultimately reducing the overall cost of gas to Columbia Transmission and to its customers. It is said that this authority would further enhance the Commission's goal of better communicating market signals from wellhead to burnertip by allowing additional gas supplies to be sold and transported to willing buyers at prices negotiated under market conditions.

Comment date: October 21, 1985, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-23895 Filed 10-4-85; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Renewal

In accordance with Title 41 of the Code of Federal Regulations, § 101-6.1015, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the DOE/NSF Nuclear Science Advisory Committee has been renewed for a 2-year period ending on September 23, 1987. Administrative responsibility for the Committee will be provided by the Department of Energy during this period. The Committee will continue to provide advice to the Secretary of Energy through the Director, Office of Energy Research and to the Director, National Science Foundation on long range planning and priorities in the national nuclear science program.

The renewal of the DOE/NSF Nuclear Science Advisory Committee has been determined to be essential to the conduct of the Department's business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act, Pub. L. 95-91, and the rules and regulations issued in implementation of those statutes.

Further information regarding this Committee may be obtained from Gloria Decker (202) 252-8990.

Issued in Washington, D.C., on September 30, 1985.

K. Dean Helms,

Advisory Committee, Management Officer.

[FR Doc. 85-23930 Filed 10-4-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-6-FRL-2908-2]

Final Agency Action on a PSD Permit for Southwestern Electric Power Co.

Notice is hereby given that on August 28, 1985, pursuant to 40 CFR 52.21, Region 6 of the Environmental Protection Agency (EPA) granted an extension of the Prevention of Significant Deterioration (PSD) permit, PSD-TX-340, to Southwestern Electric Power Company (SWEPCO) to a new expiration date of February 1, 1986. PSD-TX-340 was issued to SWEPCO on February 1, 1983, authorizing the construction of two lignite-fired steam generating units to be located approximately two miles southwest of State Route 247 and nine miles northwest of Huntsville, Walker County, Texas.

The PSD regulation at 40 CFR 52.21(r)(2) states that the Administrator may extend the 18-month period in which construction must commence if the company shows that an extension is justified. SWEPCO has not commenced construction due to a change in load growth projections which resulted in a schedule modification.

On April 26, 1985, EPA granted an extension to SWEPCO for permit PSD-TX-340. Due to a letter submitted during the comment period, EPA reanalyzed the background of the project and the basis for the extension. The extension was granted based on SWEPCO's decision to conduct preconstruction ambient monitoring, meeting the requirements of the August 7, 1980, PSD regulations.

In a letter dated May 8, 1985, Gary Edmondson, on behalf of the East Texas Quality of Life Coalition, requested a review of the extension. Because a petition for review was filed with the Administrator, the granting of the extension of the permit was no longer a final agency action, and the extension for SWEPCO was not effective. [See 40 CFR 124.15(b)(2)]. The petition for review was denied by the Administrator on August 12, 1985. Pursuant to 40 CFR 124.19(f)(1), a final extension decision on

PSD-TX-340 was issued by Region 6 on August 28, 1985.

Under section 307(b)(1) of the Clean Air Act, judicial review of PSD-TX-340 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit within 60 days of today.

Copies of all of the materials concerning PSD-TX-340 are available for public inspection upon request during regular hours at the following locations:

Environmental Protection Agency,
Region 6, Air and Waste Management
Division, Air Branch, InterFirst Two
Building, 1201 Elm Street, Dallas,
Texas 75270

Texas Air Control Board, 6330 Highway
290 East, Austin, Texas 78723.

Dated: September 27, 1985.

Frances Phillips,

Acting Regional Administrator, Region 6.

[FR Doc. 85-23883 Filed 10-4-85; 8:45 am]

BILLING CODE 6560-50-M

[OW-10-FRL-2907-5]

Revised Notice of Proposed Issuance of National Pollutant Discharge Elimination System (NPDES) Permits To Discharge To Waters of the United States; Revised Notice of State Certification; Revised Notice of State Determination of Consistency With the Alaska Coastal Zone Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Second Revision of Public Notice Expiration Dates for:

Public Notice No. AKG285000 (Cook Inlet/Gulf of Alaska)

Original Public Notice Expiration
Date: August 19, 1985.

First Revised Public Notice Expiration
Date: September 18, 1985.

Second Revised Public Notice
Expiration Date: November 18, 1985.

Public Notice No. AKG286000 (Bering Sea Area II)

Original Public Notice Expiration
Date: August 23, 1985.

First Revised Public Notice Expiration
Date: September 23, 1985.

Second Revised Public Notice
Expiration Date: November 18, 1985.

Public Comments

The public comment periods for the above permits have been extended approximately 60 additional days. Persons wishing to provide comments on the listed draft permits must ensure

that EPA, Region 10, receives the comments by 4 p.m. on November 18, 1985.

FOR FURTHER INFORMATION CONTACT:

Kerrie Schurr (regarding the Cook Inlet/Gulf of Alaska draft permit)
Telephone No. (206) 442-1774

or

Duane Karna (regarding the Bering Sea Area II draft permit) Telephone No.
[206] 442-1413

Ocean Programs Section, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101-3188.

Dated: September 16, 1985.

Ronald Kreizenbeck,

Acting Director, Water Division.

[FR Doc. 85-23886 Filed 10-4-85; 8:45 am]

BILLING CODE 6560-50-M

[SW-FRL-2907-3]

Pesticide Programs; Transfer of Data to Contractor; SAIC/JRB of McLean

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer to its contractor, SAIC/JRB of McLean, VA, information which has been, or will be, submitted to EPA under Section 3007 of the Resource Conservation and Recovery Act (RCRA). Some of the information may have a claim of business confidentiality. This firm is conducting data management and waste management assessment efforts, in support of the Hazardous Waste Listing Program, for the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing and chlorinated organics manufacturing industries.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than October 15, 1985.

ADDRESSES: Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste, Characterization and Assessment Division (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Dina Villari, Document Control Officer, Characterization and Assessment Division (WH-562B), Office of Solid

Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, (202) 475-8551. For technical information contact Ms. Francine Jacoff, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, (202) 475-8551.

SUPPLEMENTARY INFORMATION:

Transfer of Data

The U.S. Environmental Protection Agency is conducting a program to characterize waste and assess waste management practices within the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries. The Agency will use the results to identify and list hazardous waste under authority of Section 3001 of the Resource Conservation and Recovery Act (RCRA), and to develop appropriate waste management standards under Section 3004.

Under EPA Contract No. 68-01-703B, SAIC/JRB, of McLean, VA, will assist the Waste Identification Branch of the Office of Solid Waste in evaluating data from the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries.

The information being transferred to SAIC/JRB was previously managed by SAIC/JRB under Contract Numbers 68-01-6563 and 68-01-6912.

In accordance with 40 CFR 2.305(h), EPA has determined that SAIC/JRB employees may require access to confidential business information (CBI) submitted to EPA under Section 3007 of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under Section 3007 of RCRA that EPA may transfer to this firm, on a need-to-know basis, CBI specific to the organic chemicals, inorganic chemicals, petroleum refining, plastics, pesticides, dyes & pigments, coke by-products, wood preserving, rubber processing, and chlorinated organics manufacturing industries. Upon completing their review of materials submitted for these industries, SAIC/JRB will return all such materials to EPA.

SAIC/JRB has been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the

security plan of its contractors and will inspect the facility and approve it prior to RCRA CBI being transmitted to the contractors. Personnel from this firm will be required to sign a non-disclosure agreement and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contract Requirements Manual.

Dated: September 20, 1985.

Jack W. McGraw,

Acting Assistant Administrator.

[FR Doc. 85-23884 Filed 10-4-85; 8:45 am]

BILLING CODE 6560-50-M

[SW-FRL-2907-4]

Pesticide Programs; Transfer of Data to Contractor; Romar Consultants of Philadelphia

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer to its contractor, Dynamac Corporation of Rockville, MD, and their subcontractor Romar Consultants of Philadelphia, PA, information which has been, or will be, submitted to EPA under section 3007 of the Resource Conservation and Recovery Act (RCRA). Some of the information may have a claim of business confidentiality. These firms are evaluating the health and environmental effects data of chemical substances that occur in the waste streams from the dyes & pigments and chlorinated organics manufacturing industries, and will need access to this information.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than October 15, 1985.

ADDRESSES: Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste, Characterization and Assessment Division (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Dina Villari, Document Control Officer, Characterization and Assessment Division (WH-562B), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, (202) 475-8551. For technical information contact Ms. Francis Jacoff, Office of Solid Waste (WH-562B), U.S.

Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, (202) 475-8551.

SUPPLEMENTARY INFORMATION:

Transfer of Data

The U.S. Environmental Protection Agency is conducting a program to characterize waste and assess waste management practices within the dyes & pigments and chlorinated organics manufacturing industries. The Agency will use the results to identify and list hazardous waste under authority of section 3001 of the Resource Conservation and Recovery Act (RCRA), and to develop appropriate waste management standards under section 3004.

Under EPA Contract No. 68-01-6804, Dynamac Corporation of Rockville, MD, and their subcontractor Romar Consultants of Philadelphia, PA, will assist the Waste Identification Branch of the Office of Solid Waste in evaluating data from the dyes & pigments and chlorinated organics manufacturing industries.

In accordance with 40 CFR 2.305(h), EPA has determined that Dynamac and Romar employees may require access to confidential business information (CBI) submitted to EPA under Section 3007 of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under Section 3007 of RCRA that EPA may transfer to these firms, on a need-to-know basis, CBI specific to the dyes & pigments and chlorinated organics manufacturing industries. Upon completing their review of materials submitted for these industries, Dynamac and Romar will return all such materials to EPA.

Dynamac and Romar have been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of its contractors and will inspect the facilities and approve them prior to RCRA CBI being transmitted to the contractors. Personnel from these firms will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contract Requirements Manual.

Dated: September 20, 1985.

Jack W. McGraw,

Acting Assistant Administrator.

[FR Doc. 85-23885 Filed 10-4-85; 8:45 am]

BILLING CODE 6560-60-M

FEDERAL COMMUNICATIONS COMMISSION

Agency Form Under OMB Review

September 30, 1985.

The following information collection requirement has been approved by the Office of Management and Budget. For further information contact Doris Benz, FCC, (202) 632-7513.

OMB No.: 3060-0072

Title: Application for Individual Airborne Mobile Radio Telephone License in the Public Mobile Radio Service

Form No.: FCC 409

A revised application form FCC 409 has been approved for use through 9/30/88. The current edition will remain in use until revised forms are available. Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-23861 Filed 10-4-85; 8:45 am]

BILLING CODE 6712-01-M

[FCC 85-383]

Sunset of the Fee Refund Program

July 24, 1985.

The Commission has announced that effective October 31, 1985, it will terminate both Phase I and Phase II of its Fee Refund Program.

The Fee Refund Program is a two-phased program implemented to return a portion of the fees collected by the agency between August 1, 1970, and December 31, 1976. Phase I was limited to those fees which were more than \$20; Phase II to fees \$20 or less—CB licenses that cost \$4 (granted March 1, 1975, or later) do not qualify for a refund.

Ninety days notice is being provided to allow late filers to submit their requests for refunds.

Instruction booklets and forms for refunds may be obtained from local Federal Communications Commission Field Offices, or from the FCC Fee Refund Program Office, P.O. Box 19209, Washington, D.C. 20036. Applicants should specify whether they are seeking refunds under Phase I or Phase II.

Action by the Commission July 23, 1985. Commissioners Fowler (Chairman), Quello, Dawson, Rivera and Patrick.

For more information contact Richard Keller at (202) 632-7194.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-23862 Filed 10-4-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Meetings; Correction

This notice corrects a document that was published on September 26, 1985, in the Federal Register, Volume 50, Issue 187, Pages 39041-39046, as follows:

The Cognition, Emotion, and Personality Research Review Committee will meet on October 21, 1985 instead of on October 21-22, 1985. All other information about the meeting remains as originally published.

The Mental Health Behavioral Sciences Research Review Committee will meet on October 24-25, 1985 instead of on October 24-26, 1985. All other information about the meeting remains as originally published.

Dated: October 2, 1985.

Robin I. Kawazoe,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 85-23893 Filed 10-4-85; 8:45 am]

BILLING CODE 4160-20-M

Health Care Financing Administration

[BPO-047-FN]

Medicaid Program; Medicaid Management Information System Requirements for Physician and Supplier Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

SUMMARY: In this notice, we are informing Medicaid State agencies of two new system requirements for Medicaid Management Information Systems. These systems will be required to accept and use exclusively:

(a) A common claim form for physicians, durable medical equipment suppliers, laboratories, chiropractors, and podiatrists (the current version of the Health Insurance Claim Form, HCFA-1500); and

(b) A uniform procedure coding system (HCFA Common Procedure Coding System).

The purpose of these requirements is to improve the efficiency and effectiveness of the Medicaid program and to reduce the paperwork burden by implementing a single claim form for providers to bill multiple third party payers.

EFFECTIVE DATES: These requirements will have to be implemented by October 1, 1986. However, the implementation of the two system requirements contained in this notice involve recordkeeping and/or reporting requirements. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), we have submitted a copy of this notice for review of the reporting and/or recordkeeping provisions by the Office of Management and Budget (OMB). The reporting and/or recordkeeping requirements will not be effective until OMB approval has been obtained. We will publish information in the Federal Register when we receive the approval. Any comments regarding the recordkeeping and/or reporting requirements should be directed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington DC 20503, Attention Fay Iudicello, (202) 395-7316.

FOR FURTHER INFORMATION CONTACT: Guy Harriman (301) 594-4880.

SUPPLEMENTARY INFORMATION:

Background

Section 1903(a)(3) of the Social Security Act (the Act) authorizes Federal matching funds at 75 percent for the operation of approved mechanized claims processing and information retrieval systems. These systems, which we call Medicaid Management Information Systems (MMIS), are designed in accordance with basic Federal guidelines. The purpose of these systems is to provide for more efficient, economical, and effective administration of State Medicaid plans. Federal matching is available at 90 percent for expenditures for design, development, installation and improvement of an approved MMIS.

Each State Medicaid agency (with some exceptions) is required under section 1903(r) of the Act to have in place an operational and approved MMIS. In addition, section 1903(r) of the Act requires us to reduce Federal financial participation (FFP) to States whose Medicaid agencies fail to meet MMIS requirements for system reapproval. A reduction in FFP in State expenditures for operating an MMIS from a total of 75 percent to 50 percent is required, on an incremental basis, if a

State Medicaid agency fails to meet MMIS performance standards or system requirements. (Performance standards establish levels of achievement an MMIS must sustain in terms of accuracy, timeliness and cost. A system requirement governs the structure and composition of an MMIS system.) In these cases, the law requires us to reduce FFP by no less than 5 percentage points, and by no more than 25 percentage points. However, we may not reduce a State's FFP by more than 10 percentage points for any fiscal year. We are further required to review each State MMIS yearly to determine if it continues to meet MMIS performance standards and system requirements.

Current regulations at 42 CFR 433.115 require us to publish for public comment in the *Federal Register* any proposed changes in system requirements for systems eligible for funding at 90 and 75 percent.

On April 19, 1983 (48 FR 16750), we published a notice proposing five new system requirements, in accordance with § 433.115, and on February 1, 1985, we published in a final notice three of those system requirements as new system requirements (50 FR 4800). This notice responds to the comments we received on the April 19, 1983 notice concerning the two other proposed system requirement changes and sets forth the final requirements.

Both of these requirements must be implemented by October 1, 1986. However, until we have the results of the yearly MMIS reviews conducted in fiscal year 1987, failure to meet any of these new requirements will not result in reduction of enhanced FFP. Both 90 percent and 75 percent Federal matching are available now to meet the requirement of this notice, as long as the State Medicaid agency obtains advance approval.

If a State Medicaid agency, through no fault of its own, cannot implement a requirement by the above deadline, we will not reduce the FFP. The application of any reduction of FFP will depend upon the State Medicaid agency's effort and progress toward the implementation of all requirements.

Below we discuss the two additional system requirements, the comments we received and our responses to those comments.

Some comments included in the notice published February 1, 1985 that are of general interest to State Medicaid agencies are being repeated. Comments specifically related to the cost and savings of implementing the requirements are included in the Regulatory Impact statement section of this final notice.

System Requirement Change I: Common Physician Claim Form

A. Proposal

We proposed to add a new system requirement that would have required Medicaid State agencies in MMIS States to accept and use exclusively a common claim form for noninstitutional providers. The form was to be used by physicians and other noninstitutional providers that furnish services to Medicaid recipients.

The form we proposed to require Medicaid State agencies in MMIS States to accept and use exclusively is the Health Insurance Claim Form, Standard Form HCFA-1500. The revised version of this form, which does not contain substantial changes, was available for use by Medicare on January 1, 1984. It has replaced the old claim form HCFA-1490 for claims submitted by physicians and other noninstitutional providers and the HCFA-1554 for claims for institutional providers and hospital-based physicians. This new form was originally designed by a work group sponsored by the American Medical Association's (AMA) Council on Medical Services. This form is being used by both the Medicaid and Medicare programs in several States, and it has been adopted by the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), by the U.S. Department of Labor for the Federal worker's compensation program and the Black Lung program, and by several insurance companies in their private lines of business. We are already requiring its use in the Medicare program and are requesting all Medicaid State agencies without an MMIS to accept and use the form.

We issued instructions to all Medicare contractors in July 1983 and to our regional offices containing procedures to be used in converting to the use of the HCFA-1500; we also proposed to issue similar instructions to Medicaid State agencies in MMIS States if the proposal were adopted. Each Medicare contractor has negotiated with the MMIS State agency and other third party payers in the same locale concerning the printing and distribution of the form to the providers. In 25 States, these negotiations were completed by December 31, 1981, and resulted in adoption of the HCFA-1500. In some of these States, modifications were made to the standard form. We proposed that all MMIS State Medicaid agencies would use the standard version of the form, if the proposal were adopted.

We stated that the exclusive acceptance and use of a common form would provide several benefits.

Physicians and others using the form would have to stock only one form for at least three insurers. The uniformity of the placement of the various items on the form provides efficiency and thus cost reductions for the providers. (Some flexibility is permitted in specified areas on the claims form for adding unique elements that are necessary to meet local requirements.) Also, to the extent providers use one form, Federal program administration savings will result by facilitating the transfer of information among Federal programs. Although there is now a transfer of information in many States between Medicare and Medicaid, more Medicaid State agencies would accept and use the HCFA-1500 form under the new requirement and so more programs would be better able to exchange data.

B. Analysis and Response to Comments

We received comments from 18 commenters: Four of the commenters had neutral or favorable comments. We discuss the others below.

Comment: Nine commenters stated that the HCFA-1500 is clearly inappropriate for use by noninstitutional providers (particularly those providing dental, drug, HMO, optical, medical transportation and other services) because of the types of information needed. The requirement should apply specifically only to physicians.

Response: We agree in part with this comment; i.e., the form is not easily adapted to all providers' needs. Therefore, the HCFA-1500 need not be used exclusively by all noninstitutional providers except by providers for whom the form is suitable; i.e., physicians, durable medical equipment suppliers, laboratories, chiropractors, and podiatrists.

Comment: One commenter stated that the form is not compatible for Early and Periodic Screening, Diagnosis and Treatment or family planning services.

Response: We do not agree. Field 23B of the HCFA-1500 identifies claims for EPSDT and family planning. Field 24H may also be used to identify these claims on a line-by-line basis.

Comment: Seven commenters objected to having to use the form exclusively, as the exclusive use denies the option to the provider and State Medicaid agency to continue efficient existing systems.

Response: In order to achieve the commonality for which we are striving, all MMIS systems must accept the same forms and coding schemes. All physicians and other suppliers of services must use the form for Medicare; requiring its use for Medicaid will

reduce the paperwork burden on those providers that furnish services to both Medicaid and Medicare patients.

Comment: Three commenters objected that the form is designed for manual entry, yet a large portion of physicians claims are designed for optical character reader (OCR) entry.

Response: We will work with each State Medicaid agency using OCR to resolve problems and to develop a scannable form that resembles the standard form to the extent possible. The goal of the HCFA-1500 is to ease the burden on providers and to have the same data elements and layouts as the non-scannable form.

Comment: Four commenters stated that the notice indicated that the form was to be revised for use by January 1, 1984 but that copies were not available until after June 1983. This timeframe, they felt, did not allow sufficient time for comment by States.

Response: We have asked for State Medicaid agency comments. In the case of future revisions, we will ask for State input and will allow sufficient time for comments before the effective date (October 1, 1986) of the requirement that State Medicaid agencies use the form.

Comment: Four commenters stated that we should establish a mechanism to compensate State Medicaid agencies fairly for the cost of forms, since Medicare gets them free.

Response: With the development of forms that can be used by Medicare and other programs, we changed our policy on forms distribution so that all users of the forms share the costs. Consequently local printing and distribution facilities in many places are now distributing the HCFA-1500 to physicians furnishing services to Medicare beneficiaries and are charging for the form. State Medicaid agencies as well may require providers to pay for the form. HCFA published in the *Federal Register* (49 FR 35386) on September 7, 1984 an NPRM describing forms used for claiming payment and explaining the basis for charging for forms that can be used by various programs. The final rule is in preparation.

Comment: One commenter thought Item 10 Section B, relating to accidents, was unclear and should require a yes or no answer.

Response: If the condition was related to an accident, Section B will either have a check in "auto" or "other." If this section is left blank, the answer is assumed to be no.

Comment: One commenter felt that problems occur with Item 31 when processing for a clinic that has a number of different attending physicians; the

problem is knowing which number to enter.

Response: Item 30 and/or 33 will contain the identification number of the group. The individual physicians' identification numbers will be entered in Item 31.

Comment: One commenter stated that currently the provider is given a choice of placing the ICD-9-CM diagnosis code or a referenced code from Item 23 in Item 24. Instructions should not allow for two methods of coding diagnosis in Item 24.

Response: The referenced code is meant only to relate the procedure in Item 24 to the diagnosis in Item 23 when the physician uses a narrative rather than coded diagnosis. State Medicaid agencies should code the narrative and enter that into their system.

C. Summary

We are adopting as a new MMIS system requirement the exclusive acceptance and use of the HCFA-1500 for physicians, durable medical equipment suppliers, laboratories, chiropractors, and podiatrists. In addition, MMIS systems must accept and use the form, but not exclusively, for other noninstitutional providers.

System Requirement Change II: HCFA Common Procedure Coding

A. Proposal

We proposed to add a new system requirement that would have required a State Medicaid agency with an MMIS to accept and use exclusively a common procedure coding system. The system is the HCFA Common Procedure Coding System (HCPCS). This coding system is to be used for coding procedures that have been performed (for example, "closed reduction of ulna") and is basically used for determining reimbursement amounts.

HCFA developed the HCPCS in 1979 and 1980 by using the AMA's CPT-4 for physician services and adding HCFA-developed codes for some nonphysician services. In addition, we developed conversion techniques to prevent unwarranted payment escalation.

We tested HCPCS in the Medicare and Medicaid programs in South Carolina for 12 months beginning July 1, 1980. Analysis of operational and payment data shows a high degree of acceptance by physicians and other noninstitutional providers. The trend in program outlays was consistent before and after implementation. There was no adverse impact on claims processing operations.

Currently, about half of the State Medicaid agencies and all Medicare

carriers accept CPT-4 coding from their physicians. With the adoption of HCPCS by all State Medicaid agencies with MMIS, HCPCS will become the near-universal system for reporting physician services (the 1981 Blue Cross and Blue Shield Coding System is based on CPT-4, as well). Medicare carriers are converting to HCPCS.

To the extent that a single coding system is used within Medicare and Medicaid, there are three major benefits:

1. Use of a single system by many payers facilitates the use of electronic billing and the electronic exchange of paid claims data with complementary insurers and in Medicare-Medicaid crossover claims. Increased use of automated billing and data exchange reduces the burden and costs for physicians, other noninstitutional providers, and payers if all are using HCPCS.

2. Because HCFA, State Medicaid agencies, Medicare carriers, physicians, and other noninstitutional providers will be using the same precise terminology, there will be greater uniformity in the interpretation of coverage and reimbursement policy, and there will be improvements in utilization review. We believe this will result in improved management of the programs and reduced program outlays, and it will provide better payment control.

3. For Medicare-Medicaid crossover claims, the Medicaid program can apply proper controls to assure that any Medicaid payment will not result in total reimbursement under both programs exceeding what Medicaid would have paid if it had sole liability.

B. Analysis and Response to Comments

In addition to four neutral or favorable comments, we received comments from ten State Medicaid agencies, six associations and one provider. Below we discuss these comments and our responses to them.

Comment: Four commenters stated that HCFA should develop a cross reference from CPT-4 to HCPCS to assist in implementation.

Response: It is not necessary to develop a cross-reference since all of the CPT-4 is contained within HCPCS and is 100 percent compatible with the Blue Cross/Blue Shield coding system. We have added coding for nonphysician services.

Comment: One commenter stated that HCPCS adds an alpha character in the first portion of the American Dental Association (ADA) codes. He believed this to be an unnecessary disruption of an already widely recognized coding scheme.

Response: We agree with this commenter and we are currently negotiating with the AMA and the ADA to get their agreement to change the alpha prefix for dental procedures. Any change will have a future effective date.

Comment: Three commenters were concerned with HCFA's ability to maintain HCPCS and notify State Medicaid agencies promptly of changes.

Response: We will update the HCPCS annually, giving a future effective date. State Medicaid agencies may devise local codes in the interim if there is no suitable code for a given procedure. State Medicaid agencies should notify us of these local codes and, in our ongoing work with the AMA, the Blue Cross and Blue Shield Association, and the Health Insurance Association of America, we will add these codes to the HCPCS if they are useful to other States. The procedure for notifying HCFA is contained in the HCPCS Users Guide. Requests for the Guide should be addressed to: HCFA, BPO, G-C-7 Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207.

Comment: Three commenters stated that, in spite of advance notice, many providers continue to use old codes for years. They suggest that for non-CPT-4 coding State Medicaid agencies have the option of using their own codes and converting to CPT-4 for reporting purposes.

Response: We do not agree with this comment. Providers should be paid only if they are using the required code. The purpose of mandating HCPCS is to achieve uniformity within the health care field; to this end the Blue Cross and Blue Shield Association, the Health Insurance Association of America and HCFA all participate in the maintenance of HCPCS.

Comment: It was unclear to five commenters whether HCPCS or ICD-9-CM will be used in an acute hospital setting.

Response: HCPCS will be used outside of hospitals. We recommend ICD-9-CM, Volume 3 for coding inpatient hospital services.

C. Summary

We are adopting as proposed the system requirement that MMIS systems accept and use exclusively the HCPCS except that, if there is no suitable code for a given procedure, a State Medicaid agency may add a local code.

Regulatory Impact Statement

Background

Executive Order 12291 (E.O. 12291)

requires that a regulatory impact analysis be performed and made available on any major rule. A "major rule" is defined as one that would result in an annual effect on the national economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity or innovation.

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.) we prepare an initial regulatory flexibility analysis and make it available for each proposed rule unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities. Similarly, for a final rule that has such an impact, we prepare and make available a final regulatory flexibility analysis that responds to comments regarding the expected impact of the proposed rule on small entities.

Under the RFA, small entities include small businesses, nonprofit organizations, and governmental jurisdictions less than 50,000 in population. State Medicaid agencies are not small entities, but we treat all providers and suppliers of health care services, including individual practitioners, as small entities. Thus, a regulatory flexibility analysis is prepared if a substantial number of providers or suppliers would be significantly affected by a regulation.

Costs

In the proposed notice published April 19, 1983, we estimated that the one-time Federal costs for implementing the five proposed system requirements would be as follows:

	<i>Million</i>
1. Diagnosis coding.....	\$4.0
2. Common hospital billing form.....	5.0
3. Electronic billing format.....	2.5
4. Common physician claims form.....	3.0
5. HCFA common procedure coding.....	11.0
Total.....	25.5

We stated that the proposed notice did not meet the criteria for a major rule under E.O. 12291 and was not expected to result in a significant impact on a substantial number of small entities. Although we concluded that neither a preliminary regulatory impact analysis nor an initial regulatory flexibility analysis was appropriate, we invited comments on our cost estimates and expectations of the costs and burdens imposed by the proposed requirements.

In response, many commenters asserted their belief that the costs would be far greater than we had estimated. Some commenters gave specific

arguments why they believed that implementation of the five system requirements as proposed could result in costs in excess of \$100 million. Others gave detailed estimates of their costs of implementing particular requirements.

The comments on the proposed notice and our own subsequent analysis led us to agree that the original cost estimates understated the probable cost of some of the five proposed system requirements. This led us to reconsider the specific provisions of the proposed requirements, and to reexamine the practices of established State MMIS and the plans to which State Medicaid agencies were already committed.

In this final notice, we have made only one significant change to the requirements as proposed: we are requiring that the HCFA-1500 be used exclusively only for physicians, durable medical equipment suppliers, laboratories, chiropractors, and podiatrists, and not for other noninstitutional providers. In addition, we have carefully reviewed our previous cost estimates.

We now estimate that the implementation costs of these two requirements would be only about \$6 million, distributed as follows:

	<i>Million</i>
Common physician claim form (HCFA-1500).....	\$1
HCFA common procedure coding (HCPCS).....	5
Total.....	6

Both these estimates are smaller than those published in the proposed rule. For the most part, these costs will be incurred in FY 1986, in order to have these requirements implemented by October 1, 1986. Thereafter, we do not expect these requirements to result in significant additional ongoing operating costs.

These estimates are smaller than those published in the proposed notice because we have more recently assessed the number of State Medicaid agencies already using the HCFA-1500 and HCPCS, and the costs of conversion for those agencies that do not.

Twenty-six State Medicaid agencies have already adopted the HCFA-1500, leaving 19 of the total 45 MMIS States that will be required to convert to its usage. These States vary considerably in size and in the status and capability of their systems. Recognizing that these factors will substantially affect the cost for individual State Medicaid agencies, we believe that the average cost of converting to accept and use exclusively the HCFA-1500 would be around \$50,000

per State. Thus, we estimate that implementation will cost about \$1 million total for all State Medicaid agencies that do not already accept and use exclusively the common physician claims form.

There are 20 MMIS States that do not use HCPCS. Thirteen of these use CPT-4 (the American Medical Association's coding system), which is included in HCPCS. Thus, there are only seven State Medicaid agencies that will be required to make a major conversion to an entirely new procedure coding system.

Taking into account the differences between States, we believe that the 13 agencies that currently use CPT-4 will be able to convert at an average cost of about \$150,000. The seven agencies that will have to undertake major conversions will spend significantly more, averaging around \$400,000 each.

In any event, State Medicaid agencies will receive 90% FFP for making these MMIS system changes when the State Medicaid agency obtains advance approval.

Benefits

The principal benefits of the use of a common physician billing form will be reduced costs for the providers, although State Medicaid agencies will also realize savings in their bill processing. The use of the HCFA-1500 should result in somewhat lower workloads for State Medicaid agencies because of the increased uniformity of bill processing that will be possible. Dealing with a single format for most claims will also reduce error rates in claims submission. The use of the HCFA-1500 should also augment the trend towards paperless billing and more standard national data. Other benefits should be realized in the processing of crossover claims and the reduction of setup costs if workloads are subsequently transferred.

Most of the MMIS States already converted or converting to HCPCS have done so on the assumption that it was both cost-effective and necessary in view of Medicare conversions and pending regulations. Uniform use of HCPCS will make it easier to determine and compare both Medicare and Medicaid customary and prevailing charges. As a result, State Medicaid agencies are less likely to automatically decide to reimburse 100 percent of billed charges for services. We also expect use of a common procedure code to promote conversion to electronic media claims, which would afford State Medicaid agencies an opportunity to realize significant reductions of their claims processing costs.

We estimate that once these requirements are implemented the

affected State Medicaid agencies would realize annual savings of about \$4 million per year. Thus, the start-up costs of around \$6 million would be more than offset by the end of the second year of full operation. Of course, these savings would also benefit the Federal government since reduced expenditures by State Medicaid agencies would result in a corresponding reduction of Federal matching funds.

Conclusion

The above discussion, which is provided in response to the significant number of public comments concerning the potential impact of the proposed requirements, makes it clear that these requirements are not of a magnitude that would meet the criteria for identifying major rules under E.O. 12291. Therefore, a regulatory impact analysis is not required.

States and their agencies are not considered small entities under the Regulatory Flexibility Act. However, the providers who will be affected by the requirements to use the HCFA-1500 and HCPCS exclusively are small entities. The use of the common billing form will generally benefit providers. Providers that have to adjust to a new procedure coding system could be disadvantaged. However, since nearly all providers will have to use HCPCS for Medicare billing, the use of a common procedure code will also generally benefit providers. Therefore, we have determined, and the Secretary certifies, that these requirements will not have a significant effect on a substantial number of small entities, and that a regulatory flexibility analysis is not required.

(Secs. 1102, 1902(a)(4), 1903(a)(3), 1903(r)(6) and 1903(r)(8) of the Social Security Act (42 U.S.C. 1302, 1396a(a)(4), 1396b(a)(3), 1396b(r)(6) and 1396(r)(8)); 42 CFR 433.115) (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance)

Dated: September 6, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 85-23920 Filed 10-4-85; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14938-A]

Alaska Native Claims Selection; St. Michael Native Corp.

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 St. Michael Native Corporation for 2.34 acres. The lands involved are in the vicinity of Saint Michael, Alaska.

U.S. Survey No. 6001, Alaska.

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 November 6, 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.

Betty L. Sprott,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-23914 Filed 10-4-85; 8:45 am]

BILLING CODE 4310-JA-M

[F-14933-A]

Alaska Native Claims Selection; Swan Lake Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sections 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), 1621(j), will be issued to Swan Lake Corporation for approximately .323 acre. The lands involved are in the vicinity of Sheldon's Point, Alaska, within Sec. 9, T. 28 N., R. 84 W., Seward Meridian.

A notice of the decision will be published once a week for four (4) consecutive weeks in The Tundra Drums. 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 November 6, 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.

Ruth Stockie,

Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 85-23915 Filed 10-4-85; 8:45 am]

BILLING CODE 4310-JA-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: October 1, 1985.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperative intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the proprietary of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Farmers Union Cooperative
Transport, Inc.

(2) N. 983 Highway 13, Stetsonville, WI
54480

(3) N. 983 Highway 13, Stetsonville, WI
54480

(4) Roger Nicks, N. 983 Highway 13,
Stetsonville, WI 54480

James H. Bayne,

Secretary.

[FR Doc. 85-23872 Filed 10-4-85; 8:45am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-267)]

Burlington Northern Railroad Co.; Abandonment in Kittitas County, WA; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 5.98-mile rail line between Cle Elum (milepost 0.00) and Ronald (milepost 5.96) in Kittitas County, WA. 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. 85-23874 Filed 10-4-85; 8:45 am]

BILLING CODE 7035-01-M

[AB-6 (Sub.-258)]

Burlington Northern Railroad Co.; Abandonment Between Rosalia and Spring Valley, WA

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of rescission.

SUMMARY: On September 24, 1985, a notice was inadvertently published at 50 FR 38722. The notice stated that the Commission had issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 5.57 miles of railroad between Rosalia

(milepost 45.60) and Spring Valley, WA (milepost 40.00). The notice also called for the submission of financial assistance offers within 10 days of publication. The notice was published in error. The Commission has not issued a certificate to authorize the abandonment. The notice published on September 24, 1985 is rescinded and is without force or effect.

DATE: Effective October 7, 1985.

FOR FURTHER INFORMATION CONTACT:
Darlene Proctor, (202) 275-7233, Office
of the Secretary.

James H. Bayne,

Secretary.

[FR Doc. 85-23873 Filed 10-4-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances Application; Abbott Laboratories

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 19, 1985, Abbott Laboratories, 14th Street and Sheridan Road, Attention: Customer Service D-345, North Chicago, Illinois 60064, made application to the Drug enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	Schedule
Pentobarbital (2270).....	II
Bulk dextropropoxyphene {non-dosage forms} (9273) ..	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than November 29, 1985.

Dated: October 1, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of
Diversion Control, Drug Enforcement
Administration.

[FR Doc. 85-23896 Filed 10-4-85; 8:45 am]

BILLING CODE 4410-99-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 85-64]

NASA Advisory Council Internal Earth System Sciences Committee; meeting

AGENCY: National Aeronautics and
Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the
Federal Advisory Committee Act, Pub.
L. 92-463, as amended, the National
Aeronautics and Space Administration
announces a forthcoming meeting of the
NASA Advisory Council (NAC)
Informal Earth System Sciences
Committee (ESSC).

DATE AND TIME: October 13-14, 1984, 9
a.m. to 5 p.m. each day.

ADDRESS: Capital Gallery, 600 Maryland
Avenue SW, Suite 305 East,
Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT:
Mr. Ray J. Arnold, Code EE, National
Aeronautics and Space Administration,
Washington, DC 20546 (202) 453-1707.

SUPPLEMENTARY INFORMATION: The
NASA Advisory Council, Informal Earth
System Sciences Committee was formed
in October, 1983, to provide advice and
counsel to NASA on the future role,
responsibilities, and implementation
strategies for the Earth Science and
Applications program. This committee is
chaired by Dr. Francis L. Bretherton and
has a total of 17 members. The meeting
will be open to the public up to the
seating capacity of the room
(approximately 35 persons including
committee members and other
participants).

This meeting must be held at this time
in order to complete a draft report to be
submitted to the NASA Advisory
Council prior to its meeting on October
24-25, 1985.

Type of meeting: Open.

AGENDA

October 13, 1985

9 a.m.—Review draft Earth System
Sciences Report.

5 p.m.—Adjourn.

October 14, 1985

9 a.m.—Review draft Earth System
Sciences Report.

5 p.m.—Adjourn.

Richard L. Daniels,

Deputy Director, Logistics Management and
Information Programs Division, Office of
Management.

October 1, 1985.

[FR Doc. 85-23863 Filed 10-4-85; 8:45 am]

BILLING CODE 7510-01-M

[Notice No. 85-65]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and
Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the
Federal Advisory Committee Act, Pub.
L. 92-463, as amended, the National
Aeronautics and Space Administration
announces a forthcoming meeting of the
NASA Advisory Council.

DATE AND TIME: October 24, 1985, 9 a.m.
to 5 p.m., and October 25, 1985, 8:30 a.m.
to 12 noon.

ADDRESS: National Aeronautics and
Space Administration, Federal Building
6, 400 Maryland Avenue SW.,
Washington, DC 20546, Room 7002.

FOR FURTHER INFORMATION CONTACT:
Mr. Nathaniel B. Cohen, Code LB,
National Aeronautics and Space
Administration, Washington, DC 20546
(202) 453-8335).

SUPPLEMENTARY INFORMATION: The
NASA Advisory Council was
established as an interdisciplinary group
to advise senior management on the full
range of NASA's programs, policies, and
plans. The Council is chaired by Mr.
Daniel J. Fink and is composed of 25
members. Standing committees
containing additional members report to
the Council and provide advice in the
substantive areas of aeronautics, life
sciences, space applications, space and
earth science, space systems and
technology, and history, as they relate to
NASA's activities.

Because the Chairpersons' meeting
will consider, throughout its entirety,
membership issues including the
qualifications of individuals to serve on
the Council, its committees, and its
study task forces, that portion of the
meeting from 9 a.m. to noon, October 24,
1985, will be closed to the public. Such a
discussion would invade the privacy of
the candidates and other individuals
involved. Since this session will be
concerned with matters listed in 5 U.S.C.
552b(c)(6), it has been determined that
the meeting be closed to the public for
this period of time. The remainder of the
meeting will be open to the public up to
the seating capacity of the room, which

is approximately 60 persons including
Council members and other participants.
Visitors will be requested to sign a
visitor's register.

Type of Meeting: Open—except for a
closed session as noted in the agenda
below.

Agenda

October 24, 1985

9 a.m.—Chairpersons' meeting (Closed).

1 p.m.—Earth Systems Science
Committee Report.

3 p.m.—Standing Committees and Task
Force Reports.

5 p.m.—Adjourn.

October 25, 1985

8:30 a.m.—NASA University Program.

10 a.m.—Review of Chairpersons'
Meeting.

11 a.m.—New Business.

12 noon—Adjourn.

Richard L. Daniels,

Deputy Director, Logistics Management and
Information Programs Division, Office of
Management.

September 30, 1985.

[FR Doc. 85-23864 Filed 10-4-85; 8:45 am]

BILLING CODE 7510-01-M

[Notice 85-66]

NASA Advisory Council, Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and
Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the
Federal Advisory Committee Act, Pub.
L. 92-463, as amended, the National
Aeronautics and Space Administration
announces a forthcoming meeting of the
NASA Advisory Council, Aeronautics
Advisory Committee, Informal
Executive Subcommittee.

DATE AND TIME: October 29, 1985, 8:30
a.m. to 5:30 p.m.

ADDRESS: National Aeronautics and
Space Administration, 600
Independence Avenue SW., Room 625,
Washington, DC.

FOR FURTHER INFORMATION: Mr. John
Clark, Office of Aeronautics and Space
Technology; Telephone: Area Code 202/
453-2703.

SUPPLEMENTARY INFORMATION: The
Aeronautics Advisory Committee was
established to provide overall guidance
and direction to the aeronautics
research and technology activities in the
Office of Aeronautics and Space
Technology (OAST). The Committee,
chaired by Mr. Robert B. Ormsby, is

comprised of 13 members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and other participants).

Type of meeting: Open.

Agenda

October 29, 1985

- 8:30 a.m.—Chairperson's Remarks.
 9 a.m.—Aeronautics Advisory Committee and Aeronautics Research Technology Subcommittee Membership.
 9:30 a.m.—Proposal for Dynamic Systems Integration Study.
 10 a.m.—Laminar Flow Research.
 10:40 a.m.—Composite Materials Research.
 11:10 a.m.—Verification of Computational Aerodynamics.
 11:40 a.m.—Review of Technology Roadmaps for National Aeronautical Research & Development Goals.
 1 p.m.—Subsonic.
 1:30 p.m.—Rotorcraft.
 2 p.m.—Supersonic Cruise.
 2:30 p.m.—Hypersonics/Transatmospheric Vehicle.
 3:15 p.m.—General Discussion of Development Cost of New Aircraft.
 3:45 p.m.—FY 1986 AAC Ad Hoc Team Study Topics.
 4:15 p.m.—General Discussion.
 5 p.m.—Chairperson's Closing Comments.
 5:30 p.m.—Adjourn.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

October 1, 1985.

[FR Doc. 85-23865 Filed 10-4-85; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Humanities panel to review and assess the National Endowment for the Humanities's program in humanities, science and technology will be held in Washington, DC on Saturday, November 9, 1985 from 9:00 a.m. to 3:00 p.m. in Room 506 in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. This meeting will be open to the public.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory

Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85-23875 Filed 10-4-85; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Regulatory Policies and Practices; Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on October 16, 1985, Room 1046, 1717 H Streets, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, October 16, 1985—8:30 a.m. until 5:00 p.m.

The Subcommittee will discuss SECY-85-208 (Incident Investigation Program) and recommendations made by ASLBP and OPE related to the establishment of an Incident Investigation Organization within NRC.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to

the cognizant ACRS staff member, Mr. Anthony Cappucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: September 30, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-23932 Filed 10-4-85; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Consolidated Listing of Schedules A, B, and C Exceptions

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives a consolidated notice of all positions excepted under Schedules A, B, and C as of June 30, 1985, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

SUPPLEMENTARY INFORMATION: Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. Title 5, Code of Federal Regulations, Section 213.103(c), further requires that a consolidated listing, current as of June 30 of each year, shall be published annually as a notice in the Federal Register. That notice follows. OPM maintains continuing information on the status of all Schedule A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by contacting the Staffing Policy Analysis Division, Room 6504, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415, or by calling (202) 632-6617.

The following exceptions were current on June 30, 1985:

Schedule A

Section 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) [Reserved]

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions.

Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment that was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any nontemporary position the duties of which are part-time or intermittent in which the appointee will receive compensation during his/her service year that aggregates not more than 40 percent of the annual salary rate for the first step of grade GS-3. This limited compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority.

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of OPM, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) Positions filled by (1) appointment of persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) in positions at the same or equivalent grade level, or below, who are applying for or receiving an annuity

under the provisions of 5 U.S.C. 8337(h) by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment; or (2) reassignment, promotion or demotion within the same agency of former National Guard Technicians originally appointed under this authority.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of OPM where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (1) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, Interior, and Energy, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by OPM that this authority is applicable for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's

completion of requirements for the graduate degree.

(q) Positions at grade GS-7 and below when appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) bona fide high school science or mathematics teachers or (2) bona fide students at high schools or accredited colleges or universities who are pursuing courses related to the field in which employed. The appointment of any individual under this authority shall terminate upon the individual's ceasing to be enrolled in a qualifying educational program or to be employed as a teacher. No person shall be employed under this provision in (i) positions of a routine clerical type or (ii) positions in excess of 1040 working hours a year; except that the 1040 working-hours-a-year limitation shall not apply to positions at grade GS-4 and below which are established in connection with associate degree cooperative education programs. Students enrolled in bachelor's degree cooperative education programs as defined in § 213.3202(a) shall not be employed under this provision.

Appointments under this authority may be made only to positions for which qualification standards established under 5 CFR Part 302 are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(r)-(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between any agency and OPM. Provisions to be included in such agreements are specified in the Federal Personnel Manual. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(u) Positions when filled by severely physically handicapped persons who: (1) under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and

implementing regulations issued by OPM.

(v) Between May 13 and September 30 only, temporary Summer Aid positions the duties of which involve work of a routine nature not regularly covered under the General Schedule requiring no specific knowledge or skills, when filled by youths, either (1) appointed under economic needs standards prescribed by OPM or (2) who are mentally retarded or severely physically handicapped. Youths may not be appointed unless they have reached their 16th birthday. This paragraph shall apply only to positions for which pay is fixed at the highest Federal minimum wage rate established by the Fair Labor Standards Act of 1938, as amended.

(w) Part-time or intermittent positions, the duties of which involve routine work up to and including the GS-4 level of difficulty or equivalent under the Federal Wage System, when filled by bona fide students appointed under the Stay-in-School Program. Students may be appointed if they need the earnings from this employment to continue in school or if they are mentally retarded or severely physically handicapped, provided that the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment as a resident student in a secondary school (or other appropriate school for mentally retarded students) or an institution of higher learning not above the baccalaureate level, accredited by a recognized accrediting body;

(2) Employment does not exceed 20 hours in any calendar week except that students may work full time during any period in which their school is officially closed and during any school vacation period.

(3) While employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer;

(4) Appointees meet the economic criteria prescribed by OPM, except that this requirement does not apply to mentally retarded or severely physically handicapped students appointed under the authority; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authority may not extend beyond 1 year. However, such appointments may be made for additional periods of not to exceed 1 year each, if the conditions for initial appointments are still met. Students may not be appointed under this authority unless they have reached their 16th birthday. No new

appointments may be made between May 13 and August 31, inclusive.

(x) Positions for which a local recruiting shortage exists when filled by inmates of Federal, District of Columbia, and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1 year. An initial appointment may be extended for one or more periods not to exceed one additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1 year beyond the date of that person's release from custody.

(y) Positions at grade GS-2 and below for summer employment as defined in 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests.

(z) Not to exceed 30 positions of assistants to top-level Federal officials, when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS-11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of OPM except when the authority is specifically included in a delegated examining agreement with OPM.

(cc) Positions at GS-15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd)-(ee) [Reserved]

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs

administered by the Attorney General of the United States under Pub. L. 91-452 and related statutes. A person appointed under this authority may continue to be employed under it after he/she ceases to be in a qualifying program only as long as he/she remains in the same agency without a break in service.

(gg)-(hh) [Reserved]

(ii) Positions of Presidential Intern, GS-9 and 11, in the Presidential Management Intern Program. Initial appointment must be made at the GS-9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to one additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with requirements published in the Federal Personnel Manual.

(jj) Legal intern positions. Appointments under this paragraph shall be confined to bona fide students at recognized law schools who are candidates for J.D. or LL.B. degrees. Appointment under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions of appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's graduation from law school.

(kk) [Reserved]

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time, or intermittent basis.

Section 213.3103 Executive Office of the President

(a) *Office of Administration.* (1) Not to exceed 75 positions to provide administrative services and support to the White House office.

(b) *Office of Management and Budget.* (1) Not to exceed 10 positions at grades GS-9/15.

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS-13 through -15 on the staff of the Council

(d)-(f) [Reserved]

(g) *National Security Council.* (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy.* (1) Thirty positions of Senior Policy Analyst, GS-15; Policy Analysis, GS-11/14; and Policy Research Assistant, GS-9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

Section 213.3104 Department of State

(a) *Office of the Secretary.* (1) All positions, GS-15, and below, on the staff of the Family Liaison Office, Office of the Under Secretary for Management.

(2)-(5) [Reserved]

(b) *American Embassy, Paris, France.* (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gauge readers employed part-time or intermittently at isolated localities when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days within any one calendar year.

(e) *Bureau of Oceans and International Environmental and Scientific Affairs.* (1) Two Physical Science Administration Officer positions at GS-16.

(f) [Reserved]

(g) *Office of Refugee and Migration Affairs.* (1) Not to exceed 10 positions at grade 5 through 11 on the staff of the office.

(h) *Bureau of Administration.* (1) One Presidential Trip Specialist. No new appointments may be made under this authority after June 11, 1981.

Section 213.3105 Department of the Treasury.

(a) *Office of the Secretary.* (1) Not to exceed 20 positions at the equivalent of GS-13 through GS-17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS-9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more the 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at DS-9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his/her service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his/her service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7)-(8) [Reserved]

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(c) *Office of the Comptroller of the Currency.* (1) Not to exceed six positions filled under the Professional Accounting Fellow Program. Appointments under this authority may not exceed 2 years.

(d) [Reserved]

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) [Reserved]

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) One hundred positions of criminal investigator for special assignments.

(h) [Reserved]

(i) *Bureau of Government Financial Operations.* (1) Clerical positions at grades GS-5 and below established in Emergency Disbursing Offices to process emergency payments to victims of catastrophes or natural disasters requiring emergency disbursing services. Employment under this authority may not exceed 1 year.

Section 213.3106 Department of Defense

(a) *Office of the Secretary.* (1) Not to exceed 30 positions at grades GS-7/15 in the Defense Mobilization Systems Planning Activity, Office of the Deputy Assistant Secretary of Defense (Mobilization Planning and Requirements.) No new appointments may be made under this authority after March 31, 1985.

(2)-(5) [Reserved]

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force.)* (1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache 1 systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the U.S. Government residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor. Provided, that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to one additional year when the military department concerned finds the additional employment is in the interest of management.

(7) Fifteen secretarial and staff support positions at GS-12 or below on the White House Support Group.

(c) *Defense Contract Audit Agency.* (1) Not to exceed two positions of Accounting Fellow, Auditor, GM-511-14,

filled under the Accounting Fellowship Program. Appointments under this authority may not exceed 2 years.

(d) *General.* (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM, it is impracticable to examine. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities/Functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, or estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences.* (1) Positions of Dean, Associate Dean, Assistant Dean, faculty members, postdoctoral fellows, research associates, senior research associates, and visiting scientists.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University.* (1) Not to exceed 16 positions of senior policy analyst, GS-15, at the Strategic Concepts Development Center. Initial appointments to these positions may not exceed 6 years, but may be extended thereafter in 1-, 2-, or 3-year increments, indefinitely.

(g) *Defense Communications Agency.* (1) Not to exceed 10 positions at grades GS-10/15 to staff and support the Crisis Management Center at the White House.

Section 213.3107 Department of the Army

(a) *General.* (1) Not to exceed 30 positions on the faculty and staff which are classified in the GS-1700 occupational group and the GS-1410 Librarian series, located at the U.S.

Army Russian Institute, Garmisch Germany, and the U.S. Army Foreign Language Training Center Europe, Munich, Germany.

(2) Unskilled laborers and munitions handlers engaged in handling ordnance material, including ammunition, where temporary or intermittent employment is necessary.

(b) *Aviation Systems Command.* (1) One scientific and professional research position in the U.S. Army Research and Technology Laboratories, the duties of which require specific knowledge of aviation technology in non-allied nations.

(c) *Corps of Engineers.* (1) [Reserved]

(2) Nonsupervisory trades, crafts, and manual labor positions at grades WG-6 and below on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when OPM has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in OPM central office, regional, and branch office cities or in cities where there is a local OPM area office to service the employing establishment.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, chapel organist and choir-master, Director of intercollegiate Athletics, Associate Director of Intercollegiate Athletics, Facility Manager, Building Manager, Associate Director of Admissions for Plans and Programs, Deputy Director of Alumni Affairs; and librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a U.S. Military Academy graduate retired as a regular commissioned officer for disability.

(e)-(f) [Reserved]

(g) *Defense Language Institute.* (1) All positions of the faculty and staff which are classified in the GS-1700 occupational group, the GS-1040 Language Specialist series, and the GS-303 Bilingual Clerk series, that require either a proficiency in a foreign language or a knowledge of foreign language teaching methods.

(2)-(4) [Reserved]

(h) *Army War College, Carlisle Barracks, Pa.* (1) Five positions of Educational Specialist for employment of not to exceed 1 year: Provided, that

such employment may, with the prior approval of OPM, be extended for not to exceed one additional year.

(2) Nine senior policy analyst positions GS-14/15, at the Strategic Studies Institute, Army War College, with appointments to be made initially for up to 3 years and thereafter extended annually if needed.

(3) Five research oriented faculty positions, GS-14/15, with the U.S. Army War College, at Carlisle Barracks, Pennsylvania, with appointments to be made initially for up to 3 years and thereafter extended annually if needed.

(i) *Defense Systems Management School, Fort Belvoir, VA.* (1) The Deputy Commandant and professors in grades GS-13 through 15.

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head and Instructor.

Section 213.3108 Department of the Navy

(a) *General.* (1) [Reserved]

(2) Positions of Student Pharmacist for temporary, part-time, or intermittent employment in U.S. Naval Regional Medical Centers, hospitals, clinics and departments when filled by students who are enrolled in an approved pharmacy program in participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(3) [Reserved]

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospital, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount of more than 6 months for any person, and shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351-54.

(5) [Reserved]

(6) Positions of Student Operating Room Technician for temporary, part-time or intermittent employment in U.S. naval regional medical centers and hospitals, when filled by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional

medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided*, that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351-54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351-54.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351-54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(12) Positions of students speech pathologist at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(14) [Reserved]

(15) Marine positions assigned to a coastal or seagoing vessel operated by a

naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; the Director of Academic Planning, Naval Postgraduate School; and the librarian, organist-choirmaster, registrar, the dean of admissions and social counselors at the Naval Academy.

(c) [Reserved]

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e)-(f) [Reserved]

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientists, GS-13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of OPM, total employment under this authority may be for as long as 3 years.

Section 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) Sixty positions engaged in interdepartmental defense projects involving scientific and technical evaluations.

(c) Not to exceed 20 professional positions, GS-11 through GS-15, in Detachments 6 and 51, SM-ALC, Norton and McClellan Air Force Bases, California, which will provide logistic support management to specialized research and development projects.

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and Instructors in Music (choirmasters).

(e) Not to exceed five positions, GS-12 through GS-15, in the Specialized Management Office (WR-ALC/QL) at Robins Air Force Base, Georgia, which will provide logistic support management staff guidance for highly sensitive and high priority programs and

projects. Employment under this authority is not to exceed May 30, 1988.

(f) *Air Force Office of Special Investigations.* (1) Twenty-five positions of Criminal Investigator and Intelligence Research Specialist, GS-9 through GS-14, for indefinite employment on projects concerned with the security of national defense activities and materials.

(2) Not to exceed 25 positions of Criminal Investigators/Polygraph Examiners, GS-11 through GS-14, in the Air Force Office of Special Investigations, Polygraph Office, duty location nationwide, which will provide high level polygraph security screening for a highly classified, sensitive and compartmented special access program concerned with national defense activities and materials, for employment not to exceed April 30, 1987.

(g) Not to exceed 7 positions, GS-12 through 15, in Headquarters Air Force Logistics Command, DCS Materiel Management, Office of Special Activities, Wright Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects.

Section 213.311 Department of Justice

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) [Reserved]

(3) U.S. Marshal in the Virgin Islands.

(4) Staff positions, GS-15 and below, to assist in the resettlement of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1985. No new appointments may be made under the authority after September 30, 1984.

(5) Thirty positions of Field Representative and Field Representative Trainee, GS-5 through GS-14, in the Community Relations Service for temporary employment not to exceed 1 year. Employment under this authority may be extended for not to exceed one additional year.

(6) [Reserved]

(b) *Immigration and Naturalization Service.* (1) Not to exceed 1,500 positions at grades GS-15 and below engaged in planning for and implementing the processing of claims for resident status which may be submitted by aliens already in the United States as authorized by immigration control and reform legislation. Employment under this authority is not to exceed 4 years from the effective date of such legislation. New appointments under this authority may not be made after March 30, 1985

unless applicable authorizing legislation has been enacted.

(2) Not to exceed 500 positions of interpreters and language specialists, GS-1040-5/9.

(c) *Drug Enforcement Administration.*

(1) (Reserved)

(2) One hundred and fifty positions of Intelligence Research Agent and/or Intelligence Operation specialist in the GS-132 series, grades GS-9 through GS-15.

(d) *U.S. Marshals Service.* (1) Three hundred intermittent positions of guard for employment not to exceed 1,040 hours a year.

Section 213.3112 Department of the Interior

(a) *General.* (1) Technical, maintenance, and clerical positions at or below grades GS-7, WG-10, or equivalent in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessel operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS-7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, that an employee may work as many as 220 working days a year when employment beyond 180 working days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior

and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term "Indian."

(8) Temporary, intermittent, or seasonal positions at GS-7 or below in Alaska, as follows: Positions in non-professional mining activities, such as those of drillers, miners, caterpillar operators, and samplers. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum rate. Employment under this authority may not exceed 10 weeks.

(b) (Reserved)

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) (Reserved)

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* (1) (Reserved)

(2) Not to exceed 4 positions of Territorial Management Interns, grades GS-5, GS-7, or GS-9, when filled by territorial residents who are U.S. citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. citizens upon termination of the U.S. trusteeship. Employment under this authority may not exceed 6 months.

(3) (Reserved)

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional,

technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS-5, or GS-4 and those equivalent to grade GS-7 or GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Part Technician positions at salaries equivalent to GS-7 and GS-6 excepted under this paragraph and paragraph (f)(2) of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS-7: Two seasons at IGS-6 level.

(ii) For IGS-6: Two seasons at IGS-5 level.

(iii) For IGS-5: One season at IGS-4 level.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS-2 through GS-5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS-7 and GS-6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technician and Park Ranger positions at salaries equivalent to GS-7 and GS-6 excepted under this paragraph and paragraph (f)(1) of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or

Park Technician equivalent to the next lower grade:

(i) For IGS-7: Two seasons at IGS-6 level.

(ii) For IGS-6: Two seasons at IGS-5 level.

(iii) For IGS-5: One season at IGS-4 level.

(iv) For IGS-4: One season at IGS-3 level or its equivalent in experience.

(v) For IGS-3: One season at IGS-2 level or its equivalent in experience.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Pub. L. 95-250.

(4) One Special Representative of the Director.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided*, that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS-5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

Section 213.3113 Department of Agriculture

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not

applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2)-(4) [Reserved]

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS-7 and WG-10 in the following types of positions: Field assignments for subprofessional services; caretakers at temporarily closed camps or improved areas; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year:

Provided, that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of 213.3102.

(6) [Reserved]

(7) Not to exceed 30 Program Assistants, whose experience acquired in positions excepted from the competitive civil service in the administration of agricultural programs at the State level is needed by the Department for the more efficient administration of its programs. No new appointment may be made under this authority after December 31, 1985.

(b) [Reserved]

(c) *Forest Service.* (1) [Reserved]

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps on remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) Not to exceed 24 positions of Agricultural Program Specialist, GS-1145-7/12, engaged in conversion of ASCS' directives and information system to a completely

automated format. Appointments to these positions may be made initially at the GS-7/11 levels and may not exceed December 31, 1986.

(2) Members of State Committees: *Provided*, that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(3) [Reserved]

(e) *Farmers Home Administration.* (1) [Reserved]

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of natural disaster emergency loans pursuant to current statutes authorizing natural disaster emergency loans. Appointments under this provision shall not exceed 1 year unless extended for one additional period not to exceed 1 year, but may, with prior approval of OPM, be further extended for additional periods not to exceed 1 year each.

(4) [Reserved]

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior OPM approval for not to exceed one additional year.

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(7) Positions concerned with an economic emergency loan program authorized by the Agricultural Credit Act of 1978, for seasonal employment not to exceed August 31, 1982.

(f) *Agricultural Marketing Service.* (1) Positions of Cotton, Tobacco Dairy, and Poultry Agricultural Commodity Graders and Meat Acceptance Specialists, GS-11 and below, for employment not to exceed 1280 hours in a service year.

Agricultural Commodity Graders (Cotton), GS-5, may be employed as trainees for the first appointment for an initial period of 6 months for training without regard to the hour limitation. Positions of Agricultural Commodity Technicians, GS-5 through GS-7, Agricultural Commodity Aids, GS-2 through GS-5, Clerks, GS-4 and below, and laborers employed on a seasonal basis not to exceed 180 days or 1280 hours a year.

(2) Positions of Raisin Inspectors and Aids and Processed Fruit and Vegetable Graders and Aids, GS-9 and below, for employment not to exceed 180 days in a service year. In unforeseen situations such as bad weather or crop conditions, unanticipated plant demands, or increased imports, employees may work up to 240 days in a service year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(g)-(i) (Reserved)

(j) *Food and Nutrition Service.* (1) [Reserved]

(2) Three hundred and fifty positions of food assistance program specialist, GS-5/7, under the Child Nutrition Summer Feeding Program, for temporary employment not to begin before March 1 and not to exceed September 30 of each year, on a full-time, part-time, or intermittent basis.

(k) *Animal and Plant Health Inspection Service.* (1) [Reserved]

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock and plant diseases and emergency outbreaks of animal and plant pests. Persons appointed under the authority may Service for longer than 1 year under this authority, or under a combination of not be employed in these positions in the Animal and Plant Health Inspection this and any other authorities for excepted appointment that may be appropriate without prior approval of OPM. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock and plant industries of the country.

(1) *Food Safety and Inspection Service.* (1)-(2) (Reserved)

(3) Positions of meat and poultry inspectors (veterinarians at GS-11 and below and nonveterinarians at appropriate grades below GS-11) for employment on a temporary intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(m) *Federal Grain Inspection Service.*

(1) One hundred and fifty positions of Agricultural Commodity Aid (Grain), GS-2/4; 100 positions of Agricultural Commodity Technician (Grain), GS-4/7;

and 60 positions of Agricultural Commodity Grader (Grain), GS-5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,280 hours in a service year.

Section 213.3114 Department of Commerce

(a) *General.* (1)-(2) (Reserved)

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) One position of Administrative Assistant, GS-301-8, in the Office of Economic Affairs. New appointments may not be made after March 30, 1979.

(c) [Reserved]

(d) *Bureau of the Census.* (1) Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for temporary, part-time or intermittent employment in connection with major economic and demographic censuses or with surveys of a nonrecurring or noncyclical nature: *Provided*, that temporary, part-time employment will be for periods not to exceed 1 year; and that such appointments may be extended for additional periods of not to exceed 1 year each; but that prior OPM approval is required for extension of total service beyond 2 years.

(2) Current Program Interviewers employed on an intermittent or part-time basis in the field service.

(3) Not to exceed 20 professional and scientific positions at grades GS-9 through GS-12 filled by participants in the ASA research trainee program. Employment of any individual under this authority may not exceed 2 years.

(e)-(h) (Reserved)

(i) *Office of the Under Secretary for International Trade.* (1) Thirty positions at GS-12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS-12 through GS-15, to be filled by persons qualified as industrial or marketing specialists; who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters.

Appointments under this authority may be made for a period of not to exceed 2 years and may, with prior approval of OPM, be extended for an additional period of 2 years.

(j) *National Oceanic and Atmospheric Administration.* (1) Subject to prior approval of OPM, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethel, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Positions requiring temporary employment of persons to perform duties involving work associated with the inspection of fishery products. Appointment under this authority may be made for a period of 1 year (2,080 hours), with one extension not to exceed 2,080 hours. No person shall be employed under this authority in a supervisory position or in a position above grade GS-9, or equivalent. Positions filled under this authority may not exceed 20 percent of authorized fishery products inspection staff.

(3) All civilian positions on vessels operated by the National Ocean Survey.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(k) [Reserved]

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS-13 through GS-15.

(m) [Reserved]

Section 213.3115 Department of Labor

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and eight members, Benefits Review Board.

(b) *Bureau of Labor Statistics.* (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS-6 and below. Employment under this authority may not exceed 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1984.

(c) [Reserved]

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of supervisory manpower development specialist and manpower development specialist, GS-7/15, in the Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

Section 213.3116 Department of Health and Human Services

(a) *Saint Elizabeth's Hospital.* (1)-(4) [Reserved]

(5) Fifteen positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6)-(8) [Reserved]

(9) *Positions of Chaplain Residents:* *Provided*, that employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. 5351 and 5352.

(10) [Reserved]

(11) Ten positions of group dynamics and group psychotherapy trainees, including interns and residents in the Overholser Training and Research Division. Employment under this authority shall not exceed 2 years, and shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(12) Ten positions of Interns, Residents and Fellows for work in mental health and deafness. Employment under this authority may not exceed 1 year for any individual.

(13) Fifteen positions of Interns and Residents in Applied and Evaluative Research (Mental Health) Program. Employment under this authority may not exceed 2 years for any individual.

(b) *Public Health Service* (1) Not to exceed five positions a year of Medical Technologist Resident, GS-644-7/9, in

the Blood Bank Department, Clinical Center, of the National Institutes of Health. Appointments under this authority will not exceed 1 year.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in the Public Health Service Hospital, Carville, LA.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided*, that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further*, that appropriate exclusions of the positions under the authority of Pub. L. 80-330 have been approved by OPM.

(7) Not to exceed 50 positions associated with health screening programs for refugees.

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human Services is responsible for defining the term "Indian."

(9) Twelve positions of Therapeutic Radiologic Technician Trainee in the Radiation Oncology Branch, National Cancer Institute. Employment under this authority shall not exceed 1 year for any individual. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351-5356.

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11) Pharmacy Resident positions at GS-7 in the National Institutes of Health's Clinical Center, Pharmacy Department. Employment in these positions is confined to graduates of approved schools of pharmacy and is

limited to a period not to exceed 12 months pending licensure.

(12) Hospital Administration Resident positions at GS-9 in the National Institutes of Health's Clinical Center, Bethesda, Maryland. Employment in these positions is confined to graduates of approved hospital or health care administration programs and is limited to a period not to exceed 1 year.

(13) Not to exceed 30 positions of Cancer Control Science Associate in the Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, for assignments at a level of difficulty and responsibility at or equivalent to GS-11/13. No one may be employed under this authority for more than 3 years, and no more than 10 appointments will be made under the authority in any 1 year.

(14) Not to exceed 30 positions at grades GS-11/13 associated with the postdoctoral training program for interdisciplinary toxicologists in the National Institute of Environmental Health Sciences, National Institutes of Health, Research Triangle Park, North Carolina.

(c) [Reserved]

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaska Native blood (Eskimos, Indians, or Aleuts).

(4) Not to exceed 64 positions of the Refugee Program Staff.

(5) Eleven clerical and technical positions at grade GS-5 in the Social Security Administration that involve contact with recent Indochinese immigrants and that require a knowledge of Indochinese languages and an understanding of and sympathy for the problems faced by recent Indochinese immigrants.

(6) [Reserved]

(e) [Reserved]

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants. The President's Council on Physical Fitness.

(9)-(f) [Reserved].

(j) *Health Care Financing Administration.* (1) (Reserved)

(2) Not to exceed 10 professional positions, GS-9 through GS-15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(k) *Office of the Secretary.* (1) Not to exceed 75 positions providing direct services to Cuban and Haitian entrants.

(2) Not to exceed 10 positions at grades GS-9/14 in the Office of the Assistant Secretary for Planning and Evaluation filled under the Policy Research Associate Program. New appointments to these positions may be made only at grades GS-9/12. Employment of any individual under this authority may not exceed 2 years.

Section 213.3117 Department of Education

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

Section 213.3124 Board of Governors, Federal Reserve System

(a) All positions.

Section 213.3127 Veterans Administration

(a) *Construction Division.* (1)

Temporary construction workers paid from "purchased and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS-3 through GS-11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) [Reserved]

(d) Not to exceed 600 positions at grades GS-3 through GS-11, involved in the Veterans Administration Vietnam Era Veterans Readjustment Counseling Program. No one may serve under this authority after August 31, 1988.

Section 213.3128 U.S. Information Agency

(a) *Office of Congressional and Public Liaison.* (1) Two positions of Liaison Officer (Congressional), GS-14.

(b) Five positions of Supervisory International Exchange Officer (Reception Center Director), GS-13 and GS-14, located in USIA's field offices of

New Orleans, New York, Miami, San Francisco and Honolulu. Initial appointments will not exceed December 31 of the calendar year in which appointment is made with extensions permitted up to a maximum period of 4 years.

Section 213.3130 Securities and Exchange Commission

(a)-(b) [Reserved]

(c) Positions of accountant and auditor, GS-13 through 15, when filled by persons selected under SEC Accounting Fellow Program, as follows:

(1) Four positions, for employment of any one individual not to exceed 2 years; and

(2) Two additional identical positions, for employment of any one individual not to exceed 90 days, which may be used to provide a period of transition and orientation between Fellowship appointments. These additional identical positions must be filled by persons who either have completed a 2-year Fellowship or have been selected as replacement Fellows for a 2-year term. Appointments of outgoing Fellows under this authority must be made without a break in service of 1 workday following completion of their 2-year terms; incoming Fellows appointed under this provision must be appointed to 2-year Fellowships without a break in service of 1 workday following their 90-day appointments.

(d) Positions of Economist, GS-13 through 15, when filled by persons selected under the SEC Economic Fellow Program. No more than four positions may be filled under this authority at any one time. An employee may not serve under this authority longer than 2 years unless selected under provisions set forth in the Intergovernmental Personnel Act (IPA), 5 U.S.C. 3372(b)(2).

Section 213.3131 Department of Energy

(a) [Reserved].

(b) *Bonneville Power Administration.* (1) Five Area Managers.

Section 213.3132 Small Business Administration

(a) When the President under 42 U.S.C. 1855-1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time

limit may only be made with prior OPM approval. Appointments under this authority may be used to extend the 2-year service limit contained in paragraph (b) below. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855-1855g, or the Secretary of Agriculture under 7 U.S.C. 1961 or the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be disaster area, positions filled by a temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 8 months following such service before appointment under this authority. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(c) Positions of Community Economic Industrial Planner, GS-7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1977.

Section 213.3133 Federal Deposit Insurance Corporation

(a) All Liquidation Graded, temporary field positions concerned with the work of liquidating the assets of closed banks, of liquidating loans to banks, or of paying the depositors of closed insured banks. New appointments may be made under this authority only during the 5-year period following a bank closing and/or establishment of a consolidated liquidation site.

Section 213.3136 U.S. Soldiers' and Airmen's Home

(a) All positions.

Section 213.3137 General Services Administration

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, and surplus facilities of a similar nature pending disposition of such facilities.

(b) Not to exceed 25 positions at grades GS-14/15, in order to bring into the agency current industry expertise in various program areas. Appointments

under this authority may not exceed 2 years.

Section 213.3141 National Labor Relations Board

(a) Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor-Management Relations Act.

Section 213.3142 Export-Import Bank of the United States

(a) One Special Assistant to the Board of Directors, grade GS-14 and above.

Section 213.3146 Selective Service System

(a) State Directors.
(b)-(c) [Reserved]
(d) Executive Secretary, National Selective Service Appeal Board.

Section 213.3148 National Aeronautics and Space Administration

(a) One hundred and fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Not to exceed 40 positions of fully qualified pilot and mission specialists astronauts.

(c)-(e) [Reserved]
(f) Positions of Program Coordinator/Counselor at grades GS-7/9/11 for part-time and summer employment in connection with the High School Students Summer Research Apprenticeship Program.

Section 213.3152 U.S. Government Printing Office

(a) Not to exceed three positions of Research Associate at grades GS-15 and below, involved in the study and analysis of complex problems relating to the reduction of the Government's printing costs and to provision of more efficient service to customer agencies and the public. Appointments under this authority may not exceed 1 year, but may be extended for not to exceed one additional year.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the University of the District of Columbia.

Section 213.3154 Federal Home Loan Bank Board

(a) One Secretary, Federal Home Loan Bank Board.
(b) [Reserved]

(c) Positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom; and positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions. Appointments under this authority may not exceed 3 years.

Section 213.3156 Commission on Civil Rights

(a) Twenty-five positions at grade GS-11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88-352, as amended. No new appointments may be made under this authority after March 31, 1976.

Section 213.3174 Smithsonian Institution

(a) Not to exceed 25 positions at grades GS-11 and below that support planning and production of the Annual American Folklife Festival. Employment under this authority may not exceed 6 months in connection with any one Festival.

(b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

(c) One Russian Studies Program Administrator, one East Asian Studies Program Administrator, one International Security Studies Program Administrator, and one Latin American Program Administrator in the Woodrow Wilson International Center for Scholars.

Section 213.3182 National Foundation on the Arts and the Humanities

(a) *National Endowment for the Arts.*
(1) Until September 30, 1985, one position of Assistant Director, Artists-in-Education Programs, office for Partnership, GS-301-14.

(2) [Reserved]
(3) Until September 30, 1985, one position of Director of Literature Programs.

(4) Until September 30, 1985, one position of Assistant Director of Theatre Programs.

(5) Until September 30, 1985, one position of Director of Folk Arts Programs.

(6) Until September 30, 1985, one position of Director, Opera/Musical Theatre Programs.

(7) Until September 30, 1985, one position of Assistant Director of Opera/Musical Theatre Programs.

(8) Until September 30, 1985, one position of Assistant Director of Literature Programs.

(9) Until September 30, 1985, one position of Director of Locals Test Programs, Office of the Deputy to the Chairman for Public Partnership.

(10) Until September 30, 1985, one position of Deputy to the Chairman for Public Partnership.

(11) Until September 30, 1985, four Project Evaluators.

(12) Until September 30, 1985, one position of Director of Museum Programs.

(13) Until September 30, 1985, one position of Assistant Director of Folk Arts, Office of the Deputy Chairman for Programs.

(14) Until September 30, 1985, one position of Assistant Director of Music Programs.

(15) Until September 30, 1985, one position of Director of Expansion Arts Programs.

(16) Until September 30, 1985, one position of Director of Media Arts Programs.

(17) Until September 30, 1985, one position of Director, Challenge and Advancement Grant Program.

(18)-(19) [Reserved]
(20) Until September 30, 1985, one position of Director of Inter Arts Program.

(21) Until September 30, 1985, one position of Assistant Director of Expansion of Arts Programs.

(22) Until September 30, 1985, one position of Assistant Director of Media Arts Programs.

(23) Until September 30, 1985, one position of Assistant Director of Design Arts Program.

(24) Until September 30, 1985, one position of Assistant Director of Dance Programs.

(25) Until September 30, 1985, one position of Assistant Director of Visual Arts Programs.

(26) Until September 30, 1985, one position of Assistant Director of Museum Programs.

(27)-(29) [Reserved]
(30) Until September 30, 1985, one position of Director of Education Programs.

(31) Until September 30, 1985, one position of Director of Theater Programs.

(32) Until September 30, 1985, one position of Director of Music Programs.

(33) Until September 30, 1985, one position of Director of Dance Programs.

(34) Until September 30, 1985, one position of Director of Visual Arts Programs.

(35) Until September 30, 1985, one position of Director of Design Arts Program.

(36) [Reserved]

(37) Until September 30, 1985, one Director for State Programs.

(38) Until September 30, 1985, one Director for Artists-in-Education Programs.

Section 213.3184 Department of Housing and Urban Development

(a) One position of Special Advisor to the Regional Administrator, GS-301-14, in San Francisco. Employment under this authority may not exceed 2 years.

Section 213.3191 Office of Personnel Management

(a) Not to exceed 500 positions in Federal Job Information Centers, to be filled under the Community Outreach Information Network program. Appointments under this authority may not exceed 90 days, and no one may receive more than one appointment under the authority.

(b)-(c) [Reserved].

(d) Part-time and intermittent positions of test examiners at grades GS-8 and below.

Section 213.3194 Department of Transportation

(a) *U.S. Coast Guard.* (1) Not to exceed 25 positions of Marine Traffic Controller (Pilot), at grade GS-11 and below for temporary, intermittent or seasonal employment in the State of Louisiana. Temporary appointments may not exceed 1 year, and temporary appointees may be reappointed under this authority only after a break in service of at least 6 months. Intermittent or seasonal employment may not exceed 180 working days in a service year, except that this limitation for an individual employee may be extended to 220 days when necessitated by emergencies caused by unusual flooding conditions or high river stages.

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) [Reserved]

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Federal Highway Administration at grades not higher than GS-5 for subprofessional engineering aide work on the highway surveys and

constructions projects, for not to exceed 180 working days a year, when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) [Reserved]

(e) *Maritime Administration.* (1)-(2) [Reserved]

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)-(5) [Reserved]

(6) *U.S. Merchant Marine Academy,* positions of: Professors, Instructors, and Teachers; including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipment, the Assistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) *U.S. Merchant Marine Academy* positions of: Associate Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administration Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

Section 213.3195 Federal Emergency Management Agency

(a) Field positions at grades GS-15 and below, or equivalent, that are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Pub. L. 93-288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort.

(b) Not to exceed 30 positions at grades GS-15 and below in the Offices of Executive Administration, General Counsel, Inspector General, Comptroller, Public Affairs, Personnel, Acquisition Management, and the State and Local Program and Support Directorate that are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Pub. L. 93-288, as amended. Employment under this authority may not exceed 36 months on any single emergency, or for long-term duties or work not directly necessitated by the

emergency response effort. No one may be reappointed under this authority for service in connection with a different emergency unless at least 6 months have elapsed since the individual's latest appointment under this authority.

(c) Not to exceed 350 professional and technical positions at grades GS-5 through GS-15, or equivalent, in Mobile Emergency Response Support Detachments (MERS).

Section 213.3199 Temporary organizations.

(A) Positions at GS-15 and below on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. A temporary board or commission originally established for less than 4 years and subsequently extended may continue to fill its staff positions under this authority as long as its total life, including extension(s) does not exceed 4 years. No board or commission may use this authority for more than 4 years to make appointments and position changes unless prior approval of OPM is obtained.

(b) Positions at GS-15 and below on the staffs of temporary organizations established within continuing agencies when all of the following conditions are met: (1) The temporary organization is established by an authority outside the agency, usually by law or Executive order; (2) the temporary organization is established for an initial period of 4 years or less and, if subsequently extended, its total life including extension(s) will not exceed 4 years; (3) the work to be performed by the temporary organization is outside the agency's continuing responsibilities; and (4) the positions filled under this authority are those for which other staffing resources or authorities are not available within the agency. An agency may use this authority to fill positions in organizations which do not meet all of the above conditions or to make appointments and position changes in a single organization during a period longer than 4 years only with OPM's prior approval.

Schedule B

Section 213.3202 Entire executive civil service

The provisions established under paragraphs (a) through (i) are authorized under provisions of E.O. 12015 and support career-related work-study programs. OPM's requirements relating to appointment under paragraphs (a) through (i) will be published in the

Federal Personnel Manual. Further, appointments under paragraphs (a) through (i) are subject to all the requirements and conditions governing career or career-conditional appointments, including investigation by OPM to establish an appointee's qualifications and suitability. Appointments of participants may be converted to career or career-conditional at any time within a 120-day period after satisfactory completion of a career-related work-system program.

(a) Student positions established in connection with a bachelor's degree cooperative education program which provide for a formally arranged schedule of attendance at an institution of higher learning combined with at least 26 weeks, or 1040 hour, of study-related work in a Federal agency. The periods of work and study together must satisfy requirements for a bachelor's degree and must provide the experience necessary for a career or career-conditional appointment to administrative, professional or technical positions in the Federal career service upon the student's graduation.

(b) Student positions established in support of cooperative education programs for graduate students which provide for scheduled periods of attendance at a graduate school combined with a least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements for the graduate degree and provide experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(c) Student positions established in connection with associate degree cooperative education programs which provide for formally arranged schedules of attendance at a recognized 2-year educational institution combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study together must satisfy the requirements for graduation and must provide the experience necessary for career or career-conditional appointment in selected occupations in the Federal career service upon the student's graduation.

(d) Student positions established in connection with the Harry S. Truman Foundation Scholarship Program under the provisions of Pub. L. 93-642 to permit scheduled periods of attendance at institutions of higher education combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements of programs established by agreement between the

Harry S. Truman Scholarship Foundation and the employing agency and provide the experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(e) Positions at shipyards, air rework facilities and other major industrial activities in the Department of the Navy which prepare students at the high school level, upon satisfactory completion of a cooperative education program of at least 1,040 hours for employment in preapprentice positions or in helper positions at the WG-5 level as pipefitters, marine machinist, inside machinist, welder, sheet metal machanic, and such other occupations where the journeyman level is WG-9 or above as the Associate Director, Staffing Group, shall have approved, provided that: (1) Not more than 25 percent of the positions in covered occupations will be filled annually at any single installation through this conversion authority, and (2) the maximum time during which any student will be employed in the program is 18 months, and (3) except for conditions specified in this authority, students will be subject to instructions governing all other high school vocational education students in cooperative education programs, and (4) any student who completes a program without a diploma must have an authenticated certificate from the school indicating satisfactory completion in his/her personnel folder.

(f) Positions under the Federal Junior Fellowship Program, a career-related work-study program covered under the provisions of E.O. 12015.

(g)-(i) [Reserved]

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding three years for one individual.

(k) Positions at grades GS-15 and below when filled by individuals who: (1) are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specified position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the

positions to which they will be appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

(1) Professional and Administrative Career (PAC) positions at the GS-5 or GS-7 grade level which are subject to the decree entered on November 19, 1981, by the United States District Court for the District of Columbia in the civil action known as *Luevano v. Devine* and numbered as No. 79-271, which were not removed from coverage of the Professional and Administrative Career Examination (PACE) prior to the effective date of the consent decree, and which are to be filled, under the conditions described below, by appointment of individuals, other than those who at the time of such appointment already have competitive status in the Federal civil service. When a Federal agency needs to fill a PAC position that was not removed from PACE coverage before the consent decree became effective, and the agency has made maximum use of priority placement sources and has given appropriate consideration to available and qualified status applicants, then OPM may authorize the agency to make a new appointment under this paragraph. Such appointments shall be authorized and made pursuant to such Schedule B requirements for PAC positions as shall be prescribed in the Federal Personnel Manual. Terms of use of this appointment authority shall be established by an appointment authority agreement to be executed for each position excepted from the competitive service pursuant to this authority. An incumbent of a Schedule B PAC position may be appointed to a competitive position upon a demonstration that the employee has met qualifications on the basis of an examination of the employee's experience and such other measures as may be prescribed for such position in civil service laws, rules, and regulations, including the Federal Personnel Manual.

Section 213.3203 Executive Office of the President

(a) [Reserved]

(b) *Office of the Special Representative for Trade Negotiations.*
(1) Seventeen positions of economist at grades GS-12 through GS-15.

Section 213.3204 Department of State

(a)-(c) [Reserved]

(d) Eight positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) Four Physical Science Administration Officer positions at GS-11 and GS-12 under the Bureau of Oceans and International Environmental and Scientific Affairs' Science, Engineering and Diplomacy Fellowship Program. Employment under this authority is not to exceed 1 year.

(f) Scientific, professional, and technical positions at grades GS-12 to GS-15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

Section 213.3205 Department of the Treasury

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS-13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

Section 213.3206 Department of Defense

(a) *Office of the Secretary.* (1) [Reserved]

(2) Professional positions at GS-11 through GS-15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)-(4) [Reserved]

(5) Four Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(c) *National Defense University.* (1) Twenty-one positions of professor, GS-13/15, for employment of any one individual on an initial appointment not to exceed 3 years, which may be renewed in 1-, 2-, or 3-year increments indefinitely thereafter.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS-301-15, U.S. European Command.

Section 213.3207 Department of the Army

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education specialists. Total employment of any individual under this authority may not exceed 4 years.

(b) *Brooke Army Medical Center, Fort Sam Houston, Texas.* (1) Two Medical Officer (Surgery) positions, GS-12, in the Clinical Division, U.S. Army Institute of Surgical Research, whose incumbents are enrolled in medical school surgical residency programs. Employment under this authority shall not exceed 12 months.

Section 213.3208 Department of the Navy

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of oceanographer, grade GS-14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

Section 213.3209 Department of Air Force

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Employment of any one individual is not to exceed 1 year. Such employment may be extended for not to exceed one additional year. Total employment of any one individual under this authority may not exceed 2 years.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

(c) One Director of Instruction and 14 civilian instructors at the Defense

Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period which may be followed by an appointment of indefinite duration.

(d) Seven positions of professor or associate professor at the Air University, Maxwell Air Force Base, Ala., for employment of any one individual not to exceed 2 years. Such employment may be extended once for an additional period of 2 years. Total employment of any one individual under this authority may not exceed 4 years.

Section 213.3210 Department of Justice

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS-5 through 11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed between the Department and OPM.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

(c) Not to exceed 50 positions at grades GS-7 through 15 assigned to regional task forces established to conduct special investigations to combat drug trafficking and organized crime.

(d) Until September 30, 1986, positions, other than those providing routine clerical and administrative support, on the staff of the offices of United States Trustees. Terms of service under this authority shall be established in accordance with provisions of the Bankruptcy Reform Act of 1978 and subsequent applicable legislation.

Section 213.3213 Department of Agriculture

(a) *Office of International Cooperation and Development.* (1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 2 years on a single project for any individual. No more than 20 new appointments may be made under this authority in any 12-month period.

(b) *Agricultural Research Service.* (1) Temporary positions of professional Research Scientists, GS-15 or below, when such positions are established to support the ARS Research Associateship Program and are filled by persons having a doctoral degree in an

appropriate field of study for research activities of mutual interest to appointees and ARS. Appointments are limited to proposals approved by the Administrator and may not exceed 2 years. No more than 100 new appointments may be made under this authority during a calendar year.

Section 213.3214 Department of Commerce

(a) *Bureau of the Census.* (1) [Reserved]

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS-5 through GS-12.

(b) [Reserved]

(c) *Minority Business Development Agency.* (1) One position of minority business opportunity specialist at grades GS-9 through GS-15. This authority may not be used for new appointments after December 31, 1977.

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS-11 through 15. Employment under this authority may not exceed 2 years.

Section 213.3215 Department of Labor

(a) Positions of Chairman and Member, Wage Appeals Board.

(b) *Office of the Inspector General.* (1) Not to exceed 110 positions of Criminal Investigator (Special Agent), GS-1811-5/15, in the Office of Labor Racketeering.

Section 213.3216 Department of Health and Human Services.

(a) *Public Health Service.* (1) Not to exceed 68 positions at GS-11 and below on the Health and Nutrition Examination Survey teams of the National Center for Health Statistics.

(b)-(c) [Reserved]

(d) *National Library of Medicine.* (1) Ten positions of Librarian, GS-7, the incumbents of which will be trainees in the Library Associate Training Program in Medical Librarianship and Biomedical Communications. Employment under this authority is not to exceed 1 year.

Section 213.3217 Department of Education.

(a) Seventy-five positions, not in excess of GS-13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study

program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS-7 through GS-11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of OPM, be extended for an additional period of 1 year.

Section 213.3227 Veterans' Administration.

(a) Not to exceed 800 principal investigatory, scientific, professional and technical positions at grades GS-11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

Section 213.3228 U.S. Information Agency.

(a) *Voice of America.* (1) Not to exceed 150 positions at grades GS-15 and below in the Cuba Service. Appointments may not be made under this authority to administrative, clerical, and technical support positions.

(b) Positions of English Language Radio Broadcast Intern, GS-1001-5/7/9. Employment is not to exceed 2 years for any intern.

Section 213.3231 Department of Energy.

(a) Twenty Exceptions and Appeals Analyst positions at grades GS-7 through 11, when filled by persons selected under DOE's fellowship program in its Office of Hearings and Appeals, Washington, D.C. Appointments under this authority shall not exceed 3 years.

Section 213.3237 General Services Administration.

(a) One position of Deputy Director of Network Services.

Section 213.3242 Export-Import Bank of the U.S.

(a) One position of Food Service Worker WG-7804-3/4/5, in the Office of the President and Chairman.

Section 213.3248 National Aeronautics and Space Administration.

(a) Not to exceed 40 positions of Command Pilot, Pilot and Mission Specialist candidates at grades GS-7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

Section 213.3254 Federal Home Loan Bank Board.

(a) Positions of Accounting Policy Analyst, GS-13/14/15, in the Office of Examinations and Supervision filled in connection with a fellowship program. Appointments under this authority may not exceed 2 years. No more than two new appointments may be made under this authority during any consecutive 12-month period.

(b) Up to 73 positions at GS-15 and below in the Federal Home Loan Bank Board engaged in exploring methods to promote stability in the thrift industry, restore the industry to profitability, and protect individual savers.

Section 213.3257 National Credit Union Administration.

(a) *Central Liquidity Facility.* (1) All managerial and supervisory positions at pay levels greater than the equivalent of GS-13.

Section 213.3259 ACTION.

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25 positions of Program Specialist at grades GS-9 through GS-15.

(b) *Office of Voluntary Liaison.* (1) Three positions of Program Specialist at grades GS-7 through GS-15.

Section 213.3264 U.S. Arms Control and Disarmament Agency.

(a) Twenty-five scientific, professional, and technical positions at grades GS-12 through GS-15 when filled persons having special qualifications in the fields of foreign policy, foreign affairs, arms control, and related fields. Total employment under this authority may not exceed 4 years.

Section 213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed 18 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers and/or Pretrial Services Officers on active service in the U.S. Courts.

(b) [Reserved]

(c) Six positions of Clerks Liaison Officer in the Division of Clerks of Court.

Section 213.3274 Smithsonian Institution.

(a) *National Zoological Park.* (1) Four positions of veterinary Intern, GS-8/9/11. Employment under this authority is not to exceed 36 months.

(b) *Freer Gallery of Art.* (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS-9 through GS-15.

Section 213.3276 Appalachian Regional Commission.

- (a) Two Program Coordinators.

Section 213.3262 National Foundation on the Arts and the Humanities.

- (a) [Reserved]

(b) *National Endowment for the Humanities.* (1) Until September 30, 1985, Humanist Administrator, Reference Works Programs, Division of Research Programs.

(2) Until September 30, 1985, Humanist Administrator (Assistant Director), Central Disciplines in Undergraduate Education Program, Division of Education Programs.

(3) Until September 30, 1985, Deputy Director, Division of Education Programs.

(4) Until September 30, 1985, Director, Division of Research Grants.

(5) Until September 30, 1985, one position of Director, GS-1701-15, one position of Deputy Director, GS-1701-14, and six positions of Humanist Administrator, GS-1701-13, Division of State Programs.

(6) Until September 30, 1985, one Director and one Deputy Director, Division of Fellows and Seminars.

(7) Until September 30, 1985, one Humanist Administrator, Fellowships for College Teachers, Division of Fellowships.

(8) Until September 30, 1985, for positions of Humanist Administrator, Media Program, Division of General Programs.

(9) Until September 30, 1985, one position of Humanist Administrator (Assistant Director), Exemplary Projects, Nontraditional Learners, and Teaching Materials Program, Division of Education Programs.

(10) Until September 30, 1985, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1985, one position of Assistant Director for the Museums and Historical Organizations Program, Division of General Programs.

(12) Until September 30, 1985, one position of Humanist Administrator, Museums and Historical Organizations Program, Division of General Programs.

(13) Until September 30, 1985, one position of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(14) Until September 30, 1985, Director of General Programs.

(15) Until September 30, 1985, one Assistant to the Director, General Programs.

(16) Until September 30, 1985, one Humanist Administrator, Youth Programs, Division of General Programs.

(17) Until September 30, 1985, one Humanist Administrator, Humanities Programs for Adults, Division of General Programs.

(18) Until September 30, 1985, one position of Director, Division of Education Programs.

(19) Until September 30, 1985, one Special Assistant for Comparative Cultures, Office of the Chairman. Appointments under this authority may not exceed 4 years.

(20) Until September 30, 1985, one Humanist Administrator, Centers for Advanced Study, Division of Research Programs.

(21) Until September 30, 1985, one Challenge Grants Officer.

(22) Until September 30, 1985, one Assistant Director, Media Program, Division of General Programs.

(23) Until September 30, 1985, one position of Humanist Administrator, Publications Program, Division of Research Grants.

(24) Until September 30, 1985, one Deputy Director, Division of Research Grants.

(25) Until September 30, 1985, one Humanist Administrator, Summer Seminars for College Teachers, Division of Fellowships and Seminars.

(26) Until September 30, 1985, two positions of Humanist Administrator, Humanities Libraries Projects, Division of General Programs.

(27) Until September 30, 1985, one position of Humanist Administrator, GS-14, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment.

(28) Until September 30, 1985, one position of Humanist Administrator, Humanities Program for Adults, Division of General Programs, GS-14.

(29) Until September 30, 1985, one position of Humanist Administrator, GS-1701-14, in the Research Resources Programs and in the Basic Research Programs, Division of Research Programs.

(30) Until September 30, 1985, one Humanist Administrator, Office of Challenge Grants.

(31) [Reserved].

(32) Until September 30, 1985, one Humanist Administrator, Independent Study and Research Program, Division of Fellowships and Seminars.

(33) Until September 30, 1985, one Assistant Director, Special Projects Program, GM-1701-14, Division of General Programs.

(34) Until September 30, 1985, one Humanist Administrator, GS-1701-12, Central Disciplines in Undergraduate

Education Program, Division of Education Programs.

(35) Until September 30, 1985, two Humanist Administrators, Central Disciplines in Undergraduate Education Program, Division of Education Programs.

(36) Until September 30, 1985, three Humanist Administrators, Exemplary Projects, Nontraditional Learners, and Teaching Materials Program, Division of Education Programs.

(37) Until September 30, 1985, one Humanist Administrator, Summer Seminars for Secondary School Teachers, Division of Fellowships and Seminars.

(38) Until September 30, 1985, one Humanist Administrator, Summer Stipends, Division of Fellowships and Seminars.

(39) Until September 30, 1985, one Humanist Administrator, Travel to Collections, Division of Fellowships and Seminars.

(40) Until September 30, 1985, one Humanist Administrator, Translation Program, Reference Works Program, Division of Research Programs.

(41) Until September 30, 1985, one Humanist Administrator, Editions Program, Reference Works Program, Division of Research Programs.

(42) Until September 30, 1985, one Humanist Administrator, Humanities Projects in Museums and Historical Organizations, Division of General Programs. Employment under this authority may not exceed December 31, 1985.

(43) Until September 30, 1985, one Humanist Administrator, Bicentennial of the Constitution Program, Division of General Programs.

(44) Until September 30, 1985, one Humanist Administrator, Humanities Projects in Museums and Historical Organizations, Division of General Programs.

(45) Until September 30, 1985, two Humanist Administrators, Office of Preservation.

(46) Until September 30, 1985, one Director Office of Preservation.

(47) Until September 30, 1985, one Humanist Administrator, (Assistant Director), Research in Selected Areas/Regrant Programs, Division of Research Programs.

(48) Until September 30, 1985, one Director, Office of Planning and Budget.

Section 213.3285 Pennsylvania Avenue Development Corporation.

(a) One position of Civil Engineer (Construction Manager).

Section 213.3291 Office of Personnel Management

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS-13 and GS-14. Appointments may be made for any period up to 3 years, and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS-13 through 15, at the Federal Executive Institute. Individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration.

Section 213.3294 Department of Transportation

(a) *Federal Railroad Administration.*
(1) Regional Director of Railroad Safety, Forth Worth, Texas.

Schedule C

213.3303 Executive Office of the President

Council of Economic Advisors

CEA 4 Secretary to the Council Member.

CEA 5 Secretary to the Member, Office of the Chairman.

Council on Environmental Quality

CEQ 2 Executive Assistant to the Chairman.

Office of Management and Budget

OMB 1 Secretary to the Associate Director for Economics and Government.

OMB 5 Secretary to the Director.

OMB 8 Secretary to the Deputy Director.

OMB 10 Secretary to the Associate Director for Public Affairs.

OMB 11 Secretary to the Associate Director, National Security and International Affairs.

OMB 16 Secretary to the Associate Director for Management.

OMB 21 Confidential Assistant to the Director.

OMB 23 - Administrative Assistant to the Administrator, Information and Regulatory Affairs.

OMB 25 Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 27 Staff Assistant to the Associate Director.

OMB 31 Executive Secretary to the Executive Associate Director for Budget and Legislation.

OMB 33 Executive Assistant to the Deputy Director.

OMB 36 Public Affairs Specialist to the Assistant Director for Public Affairs.

OMB 37 Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 38 Confidential Secretary to the Counsel to the Director for Policy Analysis and Law.

OMB 41 Confidential Secretary to the Assistant Director for Legislative Affairs.

OMB 44 Secretary to the Deputy Director.

OMB 46 Clerk Legislative Affairs to the Assistant Director for Legislative Affairs.

OMB 47 Public Affairs Specialist to the Assistant Director for Public Affairs.

OMB 50 Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 51 Administrative Assistant to the Chief, Legislative and Budget Support Group.

OMB 53 Legislative Clerk to the Chief, Legislative and Budget Support Group.

Office of Science and Technology Policy

OSTP 1 Secretary to the Director.

President's Commission on Executive Exchange

PCEE 1 Confidential Assistant to the Executive Director.

PCEE 2 Confidential Assistant to the Executive Director.

PCEE 3 Staff Assistant to the Executive Director.

PCEE 4 Secretary (Typing) to the Executive Director.

PCEE 5 Public Information Office to the Executive Director.

PCEE 6 Public Affairs Assistant to the Executive Director.

Office of the United States Trade Representative

USTR 17 Public Affairs Specialist to the Director for Public and Intergovernmental Affairs.

USTR 21 Confidential Assistant to the Deputy United States Trade Representative.

USTR 23 Confidential Assistant to the Executive Assistant to the United States Trade Representative.

Section 213.3304 Department of State

ST 8 Secretary (Steno) to the Secretary.

ST 9 Secretarial Assistant (Steno) to the Secretary.

ST 38 Staff Assistant to the Under Secretary for Management.

ST 51 Secretary (Steno) to the Legal Advisor.

ST 59 Secretary (Steno) to the Under Secretary for Economic Affairs.

ST 67 Secretary (Steno) to the Director, Bureau of Political-Military Affairs.

ST 79 Special Assistant to the Ambassador-at-Large, Bureau of International Organizations.

ST 81 Secretary (Steno) to the Assistant Secretary, Bureau of Near Eastern and South Asian Affairs.

ST 83 Assistant Chief of Protocol to the Chief of Protocol.

ST 90 Foreign Affairs Officer to the Chief of Protocol.

ST 91 Secretary (Steno) to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.

ST 98 Secretary (Steno) to the Assistant Secretary, Legislative and Intergovernmental Affairs.

ST 99 Secretary (Steno) to the Ambassador.

ST 102 Special Assistant to the Under Secretary.

ST 105 Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs.

ST 106 Assistant to the Manager, President's Guest House.

ST 107 Secretary (Steno) to the Assistant Secretary, Bureau of Economic and Business Affairs.

ST 109 Secretary (Steno) to the Director, Management Operations.

ST 114 Coordinator for Caribbean Affairs to the Assistant Secretary, Bureau of International American Affairs.

ST 115 Public Information Specialist to the Ambassador-at-Large, Office of Refugee Affairs.

ST 116 Special Assistant to the Counselor.

ST 117 Confidential Clerk to the Secretary.

ST 119 Secretary (Steno) to the Assistant Secretary for Inter-American Affairs.

ST 120 Special Assistant to the Spokesman, Office of the Spokesman.

ST 122 Staff Assistant to the Under Secretary for Management.

ST 125 Secretary (Steno) to the Secretary.

ST 127 Secretary (Steno) to the Assistant Secretary for Human Rights and Humanitarian Affairs.

ST 128 Staff Assistant to the Assistant Secretary for Legislative and Intergovernmental Affairs.

ST 132 Staff Assistant to the Assistant Secretary for the Bureau of International Organizational Affairs.

- ST 134 Secretary (Steno) to the Deputy Secretary.
- ST 139 Protocol Officer (Visits) to the Chief of Protocol.
- ST 140 Secretary (Steno) to the Chief of Protocol.
- ST 142 Housekeeper, Presidential Guest House.
- ST 150 Staff Assistant to the Ambassador-at-Large/Special Advisor to the Secretary.
- ST 153 Special Assistant to the Assistant Secretary, Bureau of International Affairs.
- ST 155 Protocol Officer (Visits) to the Chief of Protocol.
- ST 156 Member, Policy Planning Staff to the Chairman, Policy Planning Council.
- ST 157 Member, Policy Planning Staff to the Chairman, Policy Planning Council.
- ST 159 Protocol Officer (Visits) to the Chief of Protocol.
- ST 161 Secretary (Steno) to the Under Secretary for Management.
- ST 163 Special Assistant to the Deputy Secretary of State.
- ST 167 Protocol Officer to the Chief of Protocol.
- ST 173 Special Assistant to the Under Secretary for Management.
- ST 174 Public Affairs Specialist to the Deputy Assistant Secretary for Public Affairs.
- ST 175 Congressional Relations Officer to the Principal Deputy Assistant Secretary for Congressional Relations.
- ST 176 Staff Assistant to the Under Secretary for Management.
- ST 177 Special Assistant to the Chairman, International Joint Commission.
- ST 179 Congressional Relations Officer to the Assistant Secretary, Office of Congressional Relations.
- ST 180 Policy and Program Officer to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
- ST 181 Director, Office of Intergovernmental and Public Liaison to the Assistant Secretary for Legislative and Governmental Affairs.
- ST 182 Special Assistant to the Assistant Secretary, Bureau of Consular Affairs.
- ST 183 Public Affairs Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
- ST 184 Special Assistant to the Assistant Secretary, Office of African Affairs.
- ST 186 Alternate Representative to the Ambassador, U.S. Permanent Representative to the Organization of American States.
- ST 187 Secretary (Steno) to the Chairman, International Joint Commission.
- ST 188 Staff Assistant to the Assistant Secretary for International Narcotics Matters.
- ST 190 Special Assistant to the Ambassador-at-Large and Special Advisor to the Secretary.
- ST 191 Secretary (Steno) to the Executive Assistant/Special Assistant to the Secretary.
- ST 192 Staff Assistant to the Deputy Secretary of State.
- ST 193 Assistant to the Under Secretary for Security Assistance, Science and Technology.
- ST 194 Special Negotiator to the Assistant Secretary, Bureau of Economic and Business Affairs.
- ST 195 Staff Assistant to the Assistant Secretary for Congressional Relations.
- ST 198 Special Assistant to the Deputy Secretary of State.
- ST 199 Executive Assistant to the Ambassador-at-Large.
- ST 200 Staff Assistant to the Deputy Secretary of State.
- ST 201 Staff Assistant to the Ambassador on Space and Defense Arms and Head of the U.S. Delegation to Geneva.
- ST 202 Special Assistant to the Ambassador-at-Large.
- ST 203 Special Assistant to the Counselor.
- ST 205 Secretary (Steno) to the Assistant Secretary for European Affairs.
- ST 206 Special Assistant to the Under Secretary for Security Assistance, Science and Technology.
- ST 209 Protocol Officer (Visits) to the Chief of Protocol.
- ST 210 Special Assistant to the Assistant Secretary for Oceans and International Environmental and Scientific Affairs.
- ST 213 Special Assistant to the Assistant Secretary for Human Rights and Humanitarian Affairs.
- ST 214 Staff Assistant to the Under Secretary for Political Affairs.
- ST 215 Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs.
- ST 216 Special Assistant to the Ambassador, U.S. Representative, Organization of American States.
- ST 221 Special Assistant to the Assistant Secretary for East Asian and Pacific Affairs.
- ST 222 Special Assistant to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.
- ST 223 Deputy Assistant Secretary for Interdepartmental Affairs to the Director of Intelligence and Research.
- ST 224 Special Assistant to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.
- ST 225 Deputy Assistant Secretary for Asylum and Humanitarian Affairs to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
- ST 226 Special Assistant to the Assistant Secretary, Bureau of Near Eastern and South Asian Affairs.
- ST 227 Special Assistant to the Deputy Assistant Secretary for Private Sector Initiatives, Bureau of International Organizational Affairs.
- ST 228 Foreign Affairs Officer to the Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs.
- ST 229 Special Assistant to the Coordinator for Public Diplomacy for Latin America and the Caribbean.
- ST 230 Special Assistant for Policy to the Under Secretary for Political Affairs.
- ST 231 Foreign Affairs Officer to the Assistant Secretary for European and Canadian Affairs.
- ST 232 Secretary (Typing) to the Ambassador and U.S. Negotiator on Strategic Nuclear Arms.
- ST 233 Staff Assistant to the Ambassador and U.S. Negotiator on Strategic Nuclear Arms.
- Section 213.3305 Department of the Treasury.*
- TREA 28 Special Assistant to the Director of the Mint.
- TREA 33 Special Assistant to the Assistant Secretary for Business and Consumer Affairs.
- TREA 39 Staff Assistant to the Assistant Secretary for Legislative Affairs.
- TREA 44 Confidential Assistant to the Assistant Secretary for Legislative Affairs.
- TREA 47 Special Assistant to the Assistant Secretary for Legislative Affairs.
- TREA 52 Special Assistant to the Assistant Secretary for Legislative Affairs.
- TREA 61 Special Assistant to the Assistant Secretary for Policy Planning and Communications.
- TREA 69 Staff Assistant to the Executive Secretary.
- TREA 72 Confidential Secretary to the Deputy Treasurer.

- TREA 74 Confidential Assistant to the Assistant Secretary for Policy Planning and Communications.
- TREA 79 Legislative Assistant to the Assistant Secretary for Legislative Affairs.
- TREA 81 Deputy Executive Secretary to the Executive Secretary.
- TREA 82 Staff Assistant to the Principal Deputy Assistant Secretary for International Affairs.
- TREA 89 Special Assistant to the Assistant Secretary for Legislative Affairs.
- TREA 90 Public Affairs Specialist to the Assistant Secretary for Policy Planning and Communications.
- TREA 92 Director, Consumer Affairs, to the Assistant Secretary for Business and Consumer Affairs.
- TREA 94 Executive Assistant to the Commissioner of Customs.
- TREA 99 Staff Assistant to the Director, Office of Revenue Sharing.
- TREA 101 Director, Office of Business Affairs, to the Assistant Secretary for Business and Consumer Affairs.
- TREA 103 Staff Assistant (Typing) to the Senior Deputy Comptroller for National Operations.
- TREA 112 Staff Assistant to the Director, Office of Revenue Sharing.
- TREA 113 Executive Assistant to the Special Assistant to the Commissioner.
- TREA 114 Staff Assistant to the Commissioner of Customs.
- TREA 115 Staff Assistant to the Deputy Assistant Secretary for Financial Systems.
- TREA 117 Special Assistant to the Assistant Secretary for Business and Consumer Affairs.
- TREA 120 Special Assistant to the Assistant Secretary for Policy Planning and Communications.
- TREA 121 Special Assistant to the Assistant Secretary for Policy Planning and Communications.
- TREA 122 Public Affairs Specialist to the Assistant Secretary for Policy Planning and Communications.
- TREA 123 Public Affairs Specialist to the Treasurer.
- TREA 125 Congressional Liaison Specialist to the Commissioner of Customs.
- TREA 126 Staff Assistant to the Director of the Mint.
- TREA 127 Special Assistant to the Assistant Secretary (Administration).
- TREA 128 Confidential Assistant to the Secretary.
- TREA 129 Staff Assistant to the Assistant Secretary (Administration).
- TREA 130 Deputy Assistant Secretary to the Assistant Secretary for Policy Planning and Communications.
- TREA 131 Special Assistant to the Deputy Assistant Secretary (Administration).
- TREA 132 Deputy Assistant Secretary to the Assistant Secretary for Business and Consumer Affairs.
- TREA 133 Confidential Assistant to the Assistant Secretary for Policy Planning and Communications.
- TREA 134 Staff Assistant to the Deputy Secretary.
- TREA 135 Staff Assistant to the Deputy Assistant Secretary (Administration).
- TREA 136 Staff Assistant to the General Counsel.
- Section 213.3306 Department of Defense.*
- DOD 3 Private Secretary to the Secretary of Defense.
- DOD 5 Private Secretary to the Deputy Secretary.
- DOD 6 Private Secretary to the Under Secretary for Research and Engineering.
- DOD 8 Private Secretary to the Deputy Under Secretary for Research and Engineering (Tactical Warfare Programs).
- DOD 9 Private Secretary to the Deputy Under Secretary of Defense for Research and Engineering (Strategic and Theater Nuclear Forces).
- DOD 10 Private Secretary to the Deputy Under Secretary of Defense for Research and Engineering (Research and Advanced Technology).
- DOD 14 Private Secretary to the Assistant Secretary of Defense for International Security Affairs.
- DOD 15 Private Secretary to the Assistant Secretary for Public Affairs.
- DOD 18 Private Secretary to the Assistant Secretary (Comptroller).
- DOD 19 Private Secretary to the Director, Program Analysis and Evaluation.
- DOD 20 Private Secretary to the General Counsel.
- DOD 22 Private Secretary to the Assistant to the Secretary of Defense for Atomic Energy.
- DOD 23 Private Secretary to the Military Assistant to the Secretary.
- DOD 30 Secretary (Steno) to the Defense Advisor to US NATO.
- DOD 31 Private Secretary to the Assistant Secretary of Defense for Legislative Affairs.
- DOD 32 Special Assistant to the Assistant Secretary of Defense for Legislative Affairs.
- DOD 33 Personal Secretary to the Deputy Secretary.
- DOD 34 Private Secretary to the Principal Deputy Assistant Secretary of Defense for International Security Affairs.
- DOD 35 Confidential Assistant to the Executive Secretary.
- DOD 37 Assistant to the Secretary for Personnel Security.
- DOD 51 Private Secretary to the Assistant Secretary of Defense for Reserve Affairs.
- DOD 54 Private Secretary to the Judge, U.S. Court of Military Appeals.
- DOD 55 Private Secretary to the Chief Judge, U.S. Court of Military Appeals.
- DOD 56 Private Secretary to the Judge, U.S. Court of Military Appeals.
- DOD 62 Administrative Services Specialist to the Chairman, President's Intelligence Oversight Board.
- DOD 66 Private Secretary to the Physician to the President, White House Support Group.
- DOD 73 Private Secretary to the Assistant Secretary of Defense for Health Affairs.
- DOD 75 Chauffeur to the Deputy Secretary.
- DOD 84 Private Secretary to the Principal Deputy Assistant Secretary for Manpower, Reserve Affairs and Logistics.
- DoD 89 Private Secretary to the Principal Deputy Assistant Secretary of Defense (Public Affairs).
- DOD 100 Private Secretary to the Director of Net Assessment.
- DOD 101 Personal and Confidential Assistant to the Director of Net Assessment.
- DOD 104 Special Projects Assistant to the Deputy Assistant Secretary of Defense for Equal Opportunity and Safety Policy.
- DOD 112 Special Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 119 Private Secretary to the Principal Deputy Director, Program Analysis and Evaluation.
- DOD 133 Special Assistant to the Principal Deputy Assistant Secretary of Defense (Public Affairs).
- DOD 152 Special Assistant to the Assistant General Counsel (Legal Counsel).
- DOD 156 Private Secretary to the Assistant Deputy Under Secretary of Defense (Policy).
- DOD 171 Special Assistant to the Deputy Assistant Secretary of

- Defense, Manpower, Reserve Affairs and Logistics.
- DOD 174 Private Secretary to the Under Secretary for Policy.
- DOD 178 Special Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 187 Special Assistant for African Affairs to the Deputy Assistant Secretary of Defense for International Security Affairs.
- DOD 194 Private Secretary to the Assistant Secretary of Defense for International Security Policy.
- DOD 196 Private Secretary to the Deputy Under Secretary of Defense, Research and Engineering (Acquisition Management).
- DOD 205 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
- DOD 209 White House Director of Television Services to the Assistant to the President/Director of Support Services.
- DOD 211 Special Assistant to the Principal Deputy Assistant Secretary for Public Affairs.
- DOD 212 Private Secretary to the Deputy Under Secretary, Research and Engineering (International Programs and Technology).
- DOD 213 Assistant to the Assistant Secretary of Defense (Reserve Affairs).
- DOD 216 Private Secretary to the Principal Deputy Assistant Secretary for International Security Policy.
- DOD 220 Assistant to the Director for Emergency Planning.
- DOD 222 Executive Assistant to the Assistant Secretary for Research and Technology/Director, DARPA.
- DOD 226 Special Assistant to the Assistance Secretary of Defense (Health Affairs).
- DOD 227 Private Secretary to the Assistant Secretary for Research and Technology/Director, DARPA.
- DOD 228 Private Secretary to the Director, Defense Testing and Evaluation.
- DOD 232 Special Assistant to the Assistant Secretary for International Security Policy.
- DOD 234 Deputy Assistant to the Secretary and Deputy Secretary of Defense.
- DOD 235 Special Assistant to the Deputy Assistant Secretary, Near Eastern, African and South Asian Affairs.
- DOD 236 Special Assistant to the Assistant Secretary for Public Affairs.
- DOD 238 Special Assistant to the Assistant Secretary for Legislative Affairs.
- DOD 241 Personal and Confidential Assistant to the Assistant Secretary for International Security Policy.
- DOD 245 Private Secretary to the Photographer to the President, White House Support Group.
- DOD 248 Special Projects Assistant to the Deputy Assistant Secretary for Equal Opportunity and Safety Policy.
- DOD 251 Assistant to the Deputy Assistant Secretary of Defense for East Asian and Pacific Affairs.
- DOD 252 Confidential Assistant to the Secretary.
- DOD 254 Special Assistant to the Director, Mobilization Planning and Requirements.
- DOD 255 Personal and Confidential Assistant to the Deputy Secretary.
- DOD 256 Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs and Logistics.
- DOD 257 Special Assistant for Technology Transfer Policy to the Deputy Assistant Secretary of Defense, International Economic, Trade and Security Policy.
- DOD 259 Staff Assistant to the Special Assistant to the President, White House Support Group.
- DOD 261 Special Assistant for European Security and Political Affairs to the Deputy Assistant Secretary (European and NATO Policy).
- DOD 263 Special Assistant to the Assistant Secretary of Defense for International Security Policy.
- DOD 265 Special Assistant to the Deputy Assistant Secretary of Defense for East Asian and Pacific Affairs.
- DOD 267 Joint Chiefs of Staff Representative to the Conference on Disarmament in Europe, to the Chairman, Joint Chiefs of Staff.
- DOD 268 Private Secretary to the Senior Judge, U.S. Court of Military Appeals.
- DOD 270 Private Secretary to the Director, Strategic Defense Initiative Organization.
- DOD 271 Private Secretary to the Principal Deputy Assistant Secretary (Reserve Affairs).
- DOD 272 Assistant for Policy Analysis to the Deputy Assistant Secretary (European and NATO Policy).
- DOD 273 Staff Advisor to the Assistant to the President, White House Support Group.
- DOD 274 Security Coordinator to the Assistant to the President, White House Support Group.
- DOD 275 Assistant for European Security Negotiations to the Deputy Assistant Secretary (Negotiations Policy).
- Section 213.3307 Department of the Army.*
- ARMY 1 Staff Assistant to the Secretary.
- ARMY 2 Secretary (Steno) to the Under Secretary.
- ARMY 3 Secretary (Steno) to the Assistant Secretary of the Army, Manpower and Reserve Affairs.
- ARMY 6 Secretary (Steno) to the Assistant Secretary, Research, Development and Acquisition.
- ARMY 21 Secretary (Steno) to the General Counsel.
- ARMY 30 Secretary (Typing) to the Principal Deputy Assistant Secretary, Installations, Logistics and Financial Management.
- ARMY 40 Staff Advisor to the Deputy Assistant to the President.
- ARMY 41 Assistant Director to the Chairman and Executive Director of the President's Foreign Intelligence Advisory Board.
- ARMY 44 Executive Director to the Deputy Assistant Secretary, Reserve Affairs.
- ARMY 51 Confidential Staff Assistant to the Deputy Director, Office of Private Sector Initiatives.
- ARMY 53 Staff Assistant to the Special Assistant to the President for Public Liaison.
- ARMY 54 Staff Assistant to the Deputy Assistant to the President for Presidential Personnel.
- Section 213.3308 Department of the Navy.*
- NAVY 2 Staff Assistant to the Secretary.
- NAVY 7 Private Secretary to the Assistant Secretary of Research and Engineering Systems.
- NAVY 20 Special Assistant to the Military Assistant to the President.
- NAVY 23 Special Assistant to the Military Assistant to the President.
- NAVY 24 Private Secretary to the Assistant Secretary (Manpower and Reserve Affairs).
- NAVY 25 Special Assistant to the Military Assistant to the President.
- NAVY 27 Special Assistant for Emergency Planning to the Military Assistant to the President.
- NAVY 31 Staff Assistant to the Under Secretary.
- NAVY 35 Staff Assistant to the Deputy Assistant Secretary (Logistics).
- NAVY 36 Staff Assistant to the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs).
- NAVY 38 Private Secretary to the Under Secretary.

- NAVY 40 Special Assistant to the Deputy Under Secretary (Policy).
- NAVY 41 Staff Assistant to the Under Secretary.
- Section 213.3309 Department of the Air Force*
- AF 2 Secretary (Steno) to the Under Secretary.
- AF 3 Secretary (Steno) to the Assistant Secretary for Manpower, Reserve Affairs and Installations.
- AF 5 Secretary (Steno) to the Assistant Secretary for Research, and Development Logistics.
- AF 6 Secretary (Steno) to the Assistant Secretary (Financial Management).
- AF 8 Secretary (Steno) to the General Counsel.
- AF 17 Administrative Officer to the Assistant to the Vice President for National Security Affairs.
- AF 18 Special Assistant to the Assistant to the Vice President for National Security Affairs.
- AF 20 Secretary (Steno) to the Military Assistant to the President.
- AF 21 Special Assistant to the Military Assistant to the President.
- AF 22 Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.
- AF 26 Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs and Installations.
- AF 28 Special Assistant to the General Counsel.
- AF 29 Staff Assistant to the Secretary.
- AF 30 Special Assistant to the Assistant to the President/Director of the White House Military Office.
- AF 31 Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.
- AF 32 Special Assistant to the Assistant Secretary (Financial Management).
- Section 213.3310 Department of Justice.*
- JUS 21 Confidential Assistant (Private Secretary) to the Assistant Attorney General, Antitrust Division.
- JUS 25 Confidential Assistant (Private Secretary) to the Assistant Attorney General, Criminal Division.
- JUS 26 Confidential Secretary (Private Secretary) to the Assistant Attorney General, Tax Division.
- JUS 27 Confidential Assistant (Private Secretary) to the Assistant Attorney General, Land and Natural Resources Division.
- JUS 35 Confidential Assistant (Private Secretary) to the Assistant Attorney General, Office of Legal Counsel.
- JUS 82 Special Assistant to the Assistant Attorney General, Office of Justice Assistance, Research and Statistics.
- JUS 70 Special Assistant to the Assistant Attorney General, Civil Rights Division.
- JUS 83 Confidential Assistant to the Attorney General.
- JUS 93 Secretary (Steno) to the Associate Attorney General.
- JUS 129 Special Assistant to the Assistant Attorney General, Antitrust Division.
- JUS 147 Attorney-Advisor to the Assistant Attorney General, Civil Division.
- JUS 152 Secretary and Confidential Assistant to the U.S. Attorney.
- JUS 153 Special Assistant to the Director, Office of Public Affairs.
- JUS 158 Secretary and Confidential Assistant to the U.S. Attorney.
- JUS 162 Special Assistant to the Assistant Attorney General, Civil Division.
- JUS 165 Special Assistant to the Associate Attorney General.
- JUS 166 Special Assistant to the Attorney General, Offices, Boards and Divisions.
- JUS 170 Special Assistant to the Attorney General.
- JUS 176 Associate Director of Public Affairs to the Director, Office of Public Affairs.
- JUS 182 Staff Assistant to the Assistant Attorney General, Office of Legal Policy.
- JUS 183 Attorney-Advisor (General) to the Assistant Attorney General, Land and Natural Resources Division.
- JUS 190 Staff Assistant to the Assistant Attorney General, Office of Legal Policy.
- JUS 200 Secretary and Confidential Assistant to the U.S. Attorney.
- JUS 204 Secretary (Steno) to the Assistant Attorney General, Legislative Affairs.
- JUS 207 Staff Assistant to the Deputy Director, Office of Public Affairs.
- JUS 209 Special Assistant to the Deputy Assistant Attorney General, Civil Rights Division.
- JUS 210 Secretary (Steno) to the Attorney General.
- JUS 213 Staff Assistant to the Counselor to the Attorney General.
- JUS 215 Deputy Assistant Attorney General to the Assistant Attorney General, Antitrust Division.
- JUS 216 Special Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
- JUS 217 Special Assistant to the Director, Bureau of Justice Statistics.
- JUS 220 Special Assistant to the Assistant Attorney General, Tax Division.
- JUS 221 Special Assistant to the Director, Bureau of Justice Statistics.
- JUS 225 Legal Aide to the Director, Regulatory and Legislative Affairs Staff.
- JUS 226 Staff Assistant to the General Counsel, Immigration and Naturalization Service.
- JUS 227 Staff Assistant to the Director, Community Relations Service.
- JUS 230 Staff Assistant to the Commissioner, Immigration and Naturalization Service.
- JUS 231 Attorney-Advisor to the Director, Regulatory and Legislative Affairs Staff.
- JUS 233 Attorney-Advisor to the Assistant Attorney General, Civil Rights Division.
- JUS 234 Confidential Assistant to the Assistant Attorney General for Justice Assistance.
- JUS 237 Secretary (Steno) to the Deputy Assistant Attorney General, Office of Justice Assistance, Research and Statistics.
- JUS 238 Attorney-Advisor (Tax) to the Deputy Assistant Attorney General, Tax Division.
- JUS 239 Secretary to the Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention.
- JUS 240 Special Assistant to the Deputy Assistant Attorney General, Civil Rights Division.
- JUS 241 Confidential Assistant and Private Secretary to the Chairman, Foreign Claims Settlement Commission.
- JUS 242 Special Assistant to the Assistant Attorney General, Civil Division.
- JUS 243 Staff Assistant to the Assistant Attorney General, Civil Rights Division.
- JUS 245 Attorney-Advisor to the Assistant Attorney General, Land and Natural Resources Division.
- JUS 246 Special Assistant to the Deputy Assistant Attorney General, Office of Justice Assistance, Research and Statistics.
- JUS 247 Special Assistant to the Commissioner, Immigration and Naturalization Services.
- JUS 248 Missing Children Program Coordinator to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
- JUS 249 Staff Assistant to the Attorney General.
- JUS 250 Special Assistant (Public Relations) to the Director, Civil Division.
- JUS 251 Confidential Assistant to the Special Assistant to the Attorney General for Cabinet Affairs.

- JUS 253 Special Assistant to the Director, Office of Public Affairs.
- JUS 254 Confidential Assistant to the Counselor to the Attorney General.
- Section 213.3311 Federal Judicial Center.*
- FJC 2 Secretary (Steno) to the Director.
- Section 213.3312 Department of the Interior.*
- INT 3 Special Assistant to the Assistant to the Secretary and Director, External Affairs.
- INT 18 Special Assistant to the Assistant Secretary, Water and Science.
- INT 25 Steward to the Secretary.
- INT 37 Confidential Assistant to the Deputy Solicitor.
- INT 73 Staff Assistant to the Executive Assistant to the Secretary.
- INT 103 Special Assistant to the Secretary.
- INT 152 Special Assistant to the Deputy Director, National Park Service.
- INT 157 Special Assistant to the Solicitor.
- INT 165 Special Assistant to the Director, Bureau of Land Management.
- INT 170 Special Assistant to the Deputy Director, National Park Service.
- INT 171 Public Information Officer to the Commissioner, Bureau of Reclamation.
- INT 177 Special Assistant to the Director, Office of Surface Mining.
- INT 191 Special Assistant to the Director, Bureau of Land Management.
- INT 193 Special Assistant to the Director, Office of Surface Mining and Reclamation.
- INT 194 Staff Assistant to the Counselor to the Secretary.
- INT 195 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 196 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 201 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 204 Staff Assistant to the Counselor to the Secretary.
- INT 205 Special Assistant to the Assistant Secretary, Indian Affairs.
- INT 208 Congressional Liaison Officer to the Director, Minerals Management Service.
- INT 215 Confidential Assistant to the Executive Assistant.
- INT 217 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 219 Staff Assistant to the Public Information Officer, Bureau of Reclamation.
- INT 220 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 222 Special Assistant to the Assistant Secretary, Fish and Wildlife Service.
- INT 228 Special Programs Liaison to the Associate Director, Bureau of Land Management.
- INT 232 Staff Assistant to the Assistant to the Secretary and Director, External Affairs.
- INT 235 Confidential Assistant to the Director, Fish and Wildlife Service.
- INT 238 Director, Office of Congressional and Legislative Affairs, to the Commissioner of Reclamation.
- INT 241 Congressional Affairs Officer, to the Director, Fish and Wildlife Service.
- INT 243 Confidential Assistant to the Secretary.
- INT 244 Special Assistant to the Assistant Secretary and Director, Office of Public Affairs.
- INT 248 Congressional Liaison Officer to the Director, Bureau of Mines.
- INT 250 Special Assistant to the Chief, Office of Congressional Liaison, Bureau of Mines.
- INT 252 Staff Assistant to the Associate Director, Offshore Minerals Management, Mineral Management Service.
- INT 253 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 254 Assistant to the Director, Minerals Management Service.
- INT 255 Special Assistant to the Deputy Director, National Park Service.
- INT 256 Staff Assistant to the Associate Director, Bureau of Land Management.
- INT 258 Confidential Assistant to the Special Assistant (Field Representative) to the Secretary.
- INT 259 Special Assistant to the Congressional Liaison Officer, Bureau of Mines.
- INT 260 Executive Assistant to the Under Secretary.
- INT 261 Congressional Affairs Officer to the Director, Bureau of Land Management.
- INT 262 Supervisory Public Affairs Specialist to the Director, Bureau of Land Management.
- INT 264 Confidential Assistant to the Special Assistant (Field Representative) to the Secretary.
- INT 265 Special Assistant to the Director, Bureau of Land Management.
- INT 266 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
- INT 268 Special Assistant to the Director, Office of Surface Mining.
- INT 269 Secretary (Typing) to the Secretary.
- INT 270 Special Assistant to the Director, Office of Policy Analysis.
- INT 271 Special Assistant to the Director, Office of Policy Analysis.
- Section 213.3313 Department of Agriculture.*
- AGR 1 Special Assistant to the Secretary.
- AGR 2 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 3 Confidential Assistant to the Secretary.
- AGR 4 Office Assistant to the Executive Assistant to the Secretary.
- AGR 6 Confidential Assistant to the Executive Assistant to the Secretary.
- AGR 8 Chauffeur to the Secretary.
- AGR 12 Private Secretary to the Under Secretary, International Affairs and Commodity Programs.
- AGR 13 Private Secretary to the Assistant Secretary for Food and Consumer Services.
- AGR 17 Secretary (Typing) to the Administrator, Rural Electrification Administration.
- AGR 21 Private Secretary to the Deputy Secretary.
- AGR 24 Confidential Assistant to the Administrator, Farmers Home Administration.
- AGR 25 Staff Assistant to the Administrator, Farmers Home Administration.
- AGR 27 Private Secretary to the Administrator, Farmers Home Administration.
- AGR 28 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 29 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 30 Private Secretary to the Manager, Federal Crop Insurance Corporation.
- AGR 31 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 32 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 33 Confidential Assistant to the Administrator, Agricultural

- Stabilization and Conservation Service.
- AGR 44 Private Secretary to the Assistant Secretary for Economics.
- AGR 48 Confidential Assistant to the Administrator, Food and Nutrition Service.
- AGR 56 Private Secretary to the Assistant Secretary for Governmental and Public Affairs.
- AGR 61 Private Secretary to the Assistant Secretary for Natural Resources and Environment.
- AGR 64 Confidential Assistant to the Under Secretary for Small Community and Rural Development.
- AGR 65 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 75 Private Secretary to the Deputy Under Secretary for Small Community and Rural Development.
- AGR 77 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 79 Confidential Assistant to the Administrator, Farmers Home Administration.
- AGR 80 Confidential Assistant to the Director, Rural Development Policy.
- AGR 95 Private Secretary to the Director, Rural Development Policy.
- AGR 96 Confidential Assistant to the Assistant Secretary for Natural Resources and Environment.
- AGR 97 Special Assistant to the Secretary.
- AGR 102 Special Assistant to the Assistant Secretary for Food and Consumer Services.
- AGR 103 Confidential Assistant to the Administrator, Foreign Agricultural.
- AGR 105 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 106 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 109 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 110 Confidential Assistant to the General Counsel.
- AGR 111 Confidential Assistant to the Deputy Secretary.
- AGR 114 Confidential Assistant to the Assistant Secretary, Governmental and Public Affairs.
- AGR 115 Confidential Assistant to the Assistant Secretary, Governmental and Public Affairs.
- AGR 117 Confidential Assistant to the Assistant Secretary, Governmental and Public Affairs.
- AGR 118 Confidential Assistant to the Assistant Secretary, Governmental and Public Affairs.
- AGR 120 Confidential Assistant to the Assistant Secretary, Governmental and Public Affairs.
- AGR 121 Confidential Assistant to the Assistant Secretary, Governmental and Public Affairs.
- AGR 129 Private Secretary to the Assistant Secretary for Marketing and Inspection Service.
- AGR 131 Private Secretary to the Deputy Assistant Secretary for Natural Resources and Environment.
- AGR 133 Confidential Assistant to the Assistant Secretary for Economics.
- AGR 136 Confidential Assistant to the Administrator for Food Safety and Inspection Service.
- AGR 139 Confidential Assistant to the Executive Assistant to the Secretary.
- AGR 141 Confidential Assistant to the Administrator for Food Safety and Inspection Service.
- AGR 144 Staff Assistant (Typing) to the Administrator, Agricultural Marketing Service.
- AGR 151 Confidential Assistant to the Administrator, Agricultural Marketing Service.
- AGR 154 Confidential Assistant to the Administrator, Food and Nutrition Service.
- AGR 156 Confidential Assistant to the Administrator, Federal Grain Inspection Service.
- AGR 157 Confidential Assistant to the Administrator, Foreign Agricultural Service.
- AGR 159 Special Representative to the Administrator, Foreign Agricultural Service.
- AGR 160 Confidential Assistant to the Administrator, Foreign Agricultural Service.
- AGR 164 Confidential Assistant to the Assistant Secretary for Science and Education.
- AGR 174 Confidential Assistant to the Director, Rural Development Policy.
- AGR 177 Special Assistant to the Director, Office of Transportation.
- AGR 182 Assistant to the Administrator, Rural Electrification Administration.
- AGR 183 Confidential Assistant to the Administrator, Food and Nutrition Service.
- AGR 185 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
- AGR 187 Confidential Assistant to the Assistant Secretary for Food and Consumer Services.
- AGR 188 Northeast Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 190 Midwest Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 191 Northwest Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 192 Southwest Area Director to the Deputy Administrator, Office of State and County Operations.
- AGR 193 Assistant to the Deputy Secretary.
- AGR 194 Confidential Assistant to the Under Secretary for Small Community and Rural Development.
- AGR 196 Confidential Assistant to the Administrator, International Cooperation and Development.
- AGR 199 Office Assistant (Receptionist) to the Executive Assistant.
- AGR 201 Confidential Assistant to the Executive Assistant to the Secretary.
- AGR 202 Confidential Assistant to the Administrator, Food Safety and Inspection Service.
- AGR 203 Staff Assistant to the Executive Assistant.
- AGR 204 Confidential Assistant to the Assistant Secretary for Science and Education.
- AGR 205 Confidential Assistant to the Administrator, Food and Nutrition Service.
- AGR 206 Director, Office of the Consumer Advisor to the Assistant Secretary for Food and Consumer Services.
- AGR 207 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 208 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
- AGR 209 Confidential Assistant to the Chief, Soil Conservation Service.
- AGR 210 Staff Assistant to the Administrator, International Cooperation and Development.
- AGR 212 Special Assistant to the Assistant Secretary for Administration.
- AGR 213 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 216 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
- AGR 217 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
- AGR 218 Special Assistant to the Deputy Assistant Secretary for Administration.
- AGR 220 Private Secretary to the Deputy Assistant Secretary for Administration.

- AGR 222 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
- AGR 224 Director, Congressional and Public Affairs Division, to the Manager, Federal Crop Insurance Corporation.
- AGR 226 Confidential Assistant to the Administrator, Food and Nutrition Service.
- AGR 227 Private Secretary to the Chief, Soil Conservation Service.
- AGR 228 Confidential Assistant to the Inspector General.
- AGR 230 Private Secretary to the Assistant Secretary for Administration.
- AGR 231 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 233 Private Secretary to the Executive Assistant to the Secretary.
- AGR 234 Confidential Assistant to the Administrator, Office of International Cooperation and Development.
- AGR 237 Private Secretary to the Administrator, Agricultural Marketing Service.
- AGR 238 Staff Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 241 Staff Assistant to the Assistant Secretary for Administration.
- AGR 242 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 243 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
- AGR 244 Confidential Assistant to the Chief, Soil Conservation Service.
- AGR 245 Confidential Assistant to the Administrator, Agricultural Marketing Service.
- AGR 246 Confidential Assistant to the Chief, Soil Conservation Service.
- AGR 247 Private Secretary to the Inspector General.
- AGR 249 Private Secretary to the Deputy Assistant Secretary for Science and Education.
- AGR 250 Private Secretary to the Deputy Under Secretary for International Affairs and Commodity Programs.
- AGR 252 Confidential Assistant to the Chief, Soil Conservation Service.
- AGR 256 Staff Assistant to the Assistant Secretary for Administration.
- Section 213.3314 Department of Commerce.*
- COM 1 Confidential Assistant to the Secretary.
- COM 4 Confidential Assistant to the Secretary.
- COM 5 Confidential Assistant to the Special Assistant to the Secretary.
- COM 12 Private Secretary to the Deputy Secretary.
- COM 19 Chauffeur to the Secretary.
- COM 20 Confidential Assistant to the Deputy Assistant Secretary for Administration.
- COM 22 Deputy Director to the Deputy Assistant Secretary for Congressional Affairs.
- COM 30 Special Assistant to the Director, Minority Business Development Agency.
- COM 70 Director, Office of Congressional Relations, to the Assistant Secretary, Economic Development Administration.
- COM 73 Congressional Liaison Officer to the Director, Economic Development Administration.
- COM 89 Special Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration.
- COM 100 Confidential Assistant to the Director, Minority Business Development Agency.
- COM 147 Confidential Assistant to the Special Assistant to the Deputy Secretary.
- COM 151 Private Secretary to the Deputy Secretary.
- COM 152 Congressional Liaison Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs.
- COM 156 Special Assistant to the Assistant Secretary, Economic Development Administration.
- COM 158 International Tourism Officer to the Deputy Under Secretary, Travel and Tourism Administration.
- COM 159 Deputy Director to the Director, Office of Public Affairs.
- COM 161 Confidential Assistant to the Under Secretary for International Trade.
- COM 173 Special Assistant to the Deputy Assistant Secretary, Economic Development Administration.
- COM 174 Private Secretary to the Deputy Assistant Secretary for Congressional Affairs.
- COM 181 Special Assistant to the Assistant Secretary for Communications and Information.
- COM 183 Confidential Assistant to the Assistant Secretary for Communications and Information.
- COM 184 Confidential Assistant to the Director, National Bureau of Standards.
- COM 189 Private Secretary and Confidential Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.
- COM 190 Director, Office of Congressional Affairs, to the Assistant Secretary for Communications and Information.
- COM 191 Confidential Assistant to the General Counsel.
- COM 192 Legislative Director to the Director, Office of Congressional Affairs.
- COM 194 Special Assistant to the Assistant Administrator, National Oceanic and Atmospheric Administration.
- COM 197 Congressional Liaison Officer to the Deputy Assistant Secretary for Congressional Affairs.
- COM 198 Congressional Liaison Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs.
- COM 200 Congressional Liaison Officer to the Assistant Secretary for Congressional Affairs.
- COM 204 Special Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.
- COM 205 Special Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration.
- COM 207 Deputy Director to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
- COM 217 Special Assistant to the Director, Office of Public Affairs.
- COM 220 Confidential Assistant to the Deputy Assistant Secretary for East Asia and the Pacific, International Trade Administration.
- COM 222 Private Secretary to the Inspector General.
- COM 236 Special Assistant to the Secretary.
- COM 237 Confidential Assistant to the Under Secretary, International Trade Administration.
- COM 246 Private Secretary to the Assistant Secretary for Trade Development, International Trade Administration.
- COM 247 Private Secretary to the Under Secretary for International Trade.
- COM 248 Special Assistant to the Deputy Secretary.
- COM 254 Supervisory Public Affairs Specialist to the Director for Minority Business Development Agency.
- COM 259 Confidential Assistant to the Deputy Under Secretary, International Trade Administration.

- COM 261 Confidential Assistant to the Assistant Secretary for Trade Development.
- COM 264 Special Assistant to the Deputy Assistant Secretary, Economic Development Administration.
- COM 265 Confidential Assistant to the Deputy Assistant Secretary for Export Administration.
- COM 270 Secretary (Typing) to the Special Assistant to the Secretary.
- COM 272 Confidential Assistant to the Assistant Secretary for International Trade Administration.
- COM 273 Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis.
- COM 274 Confidential Assistant to the Director, Office of Business Liaison.
- COM 275 Confidential Assistant to the Director, Office of Business Liaison.
- COM 278 Confidential Assistant to the Assistant Secretary for Trade Administration, International Trade Administration.
- COM 281 Special Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration.
- COM 282 Special Assistant to the Deputy Assistant Secretary for Congressional Affairs.
- COM 284 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.
- COM 285 Deputy Director, Office of Intergovernmental Affairs, to the Deputy Assistant Secretary for Intergovernmental Affairs.
- COM 287 Congressional Liaison Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs.
- COM 288 Confidential Assistant to the Director, Office of Business Liaison.
- COM 289 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.
- COM 290 Confidential Assistant to the Director, Office of Business Liaison.
- COM 291 Special Assistant to the Director, Office of Public Affairs.
- COM 293 Special Assistant to the Director, Office of Intergovernmental Affairs.
- COM 294 Confidential Assistant to the Special Assistant to the Secretary.
- COM 295 Confidential Assistant to the Special Assistant to the Secretary.
- COM 297 Confidential Assistant to the Assistant Secretary for Administration.
- COM 298 Special Assistant to the Assistant Secretary for Communications and Information.
- COM 299 Confidential Assistant to the Director, Office of Productivity, Technology and Innovation.
- COM 301 Special Assistant to the Deputy Assistant for Import Administration, International Trade Administration.
- COM 304 Special Assistant to the Under Secretary for Travel and Tourism.
- COM 305 Private Secretary to the Under Secretary for Travel and Tourism.
- COM 307 Special Assistant to the Assistant Secretary for Trade Administration.
- COM 308 Confidential Assistant to the Assistant Secretary for Trade Development.
- COM 309 Confidential Assistant to the Director, Minority Business Development Agency.
- COM 310 Private Secretary to the Deputy Under Secretary for Travel and Tourism.
- COM 313 Confidential Assistant to the Special Assistant to the Secretary.
- COM 315 Special Assistant to the Deputy Assistant Secretary for Economic Development Administration.
- COM 316 Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis.
- COM 317 Confidential Assistant to the Assistant Secretary for Trade Development.
- COM 318 Special Assistant to the Assistant Director for Communications, Bureau of the Census.
- COM 321 Director, Office of Public Affairs to the Under Secretary for International Trade.
- COM 323 Special Assistant to the Assistant Secretary for Economic Development Administration.
- COM 324 Confidential Assistant to the Assistant Secretary for International Economic Policy.
- COM 325 Confidential Assistant to the Deputy Assistant Secretary for Africa, Near East, and South Asia, International Trade Administration.
- COM 326 Confidential Assistant to the Deputy Assistant Secretary for U.S. and Foreign Commercial Service.
- COM 327 Special Assistant to the Deputy Secretary.
- COM 331 Confidential Assistant to the Assistant Secretary for Tourism Marketing.
- COM 332 Confidential Assistant to the Deputy Assistant Secretary for Industry Projects, International Trade Administration.
- COM 335 Congressional Liaison Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs.
- COM 337 Congressional Liaison Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs.
- COM 340 Special Assistant to the Assistant Administrator, National Oceanic and Atmospheric Administration.
- COM 343 Confidential Assistant to the Deputy Assistant Secretary for the U.S. and Foreign Commercial Services.
- COM 344 Congressional Liaison Specialist to the Under Secretary for International Trade Administration.
- COM 346 Confidential Aide to the Special Assistant to the Secretary.
- COM 348 Special Assistant to the Director, Office of Public Affairs.
- COM 349 Confidential Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.
- COM 350 Deputy Director to the Director, Office of Business Liaison.
- COM 354 Special Assistant to the Assistant Secretary for Communications and Information.
- COM 356 Confidential Assistant to the Deputy Director, Office of Minority Business Development Agency.
- COM 358 Special Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration.
- COM 359 Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy, International Trade Administration.
- COM 360 Congressional Liaison Officer to the Under Secretary for Economic Affairs.
- COM 362 Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
- COM 363 Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
- COM 365 Confidential Assistant to the Director, Minority Business Development Agency.
- COM 367 Confidential Assistant to the Director of Policy and Planning, National Oceanic and Atmospheric Administration.
- COM 368 Congressional Affairs Specialist to the Director of Congressional Affairs, National Oceanic and Atmospheric Administration.
- COM 370 Congressional Affairs Officer to the Director, Minority Business Development Agency.
- COM 371 Confidential Assistant to the Director, Office of Congressional

- Affairs, National Oceanic and Atmospheric Administration.
- COM 372 Deputy Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.
- COM 373 Confidential Assistant to the Assistant Secretary for Economic Development.
- COM 374 Congressional Liaison Specialist to the Assistant Director for Communications, Bureau of the Census.
- COM 375 Congressional Liaison Officer to the Assistant Director for Communications, Bureau of the Census.
- COM 376 Confidential Assistant to the Special Assistant to the Deputy Secretary.
- COM 377 Confidential Assistant to the Special Assistant to the Deputy Secretary.
- COM 378 Congressional Liaison Specialist to the Under Secretary for Economic Affairs.
- COM 380 Special Assistant to the Deputy Assistant Secretary for Impact Administration, International Trade Administration.
- COM 381 Chief, Executive Services, Economic Development Administration.
- COM 382 Confidential Aide to the Special Assistant to the Secretary.
- COM 383 Confidential Assistant to the Assistant Secretary for Economic Development.
- COM 384 Special Assistant to the Director, Minority Business Development Agency.
- COM 385 Special Assistant to the Director, Bureau of the Census.
- COM 386 Confidential Aide to the Deputy Under Secretary for Travel and Tourism.
- COM 387 Confidential Assistant to the Director, Office of Business Affairs, National Oceanic and Atmospheric Administration.
- COM 388 Confidential Assistant to the Deputy Assistant Secretary for Trade Administration.
- COM 389 Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis.
- COM 390 Confidential Assistant to the Under Secretary for Economic Affairs.
- COM 391 Confidential Assistant to the Chief Economist, Office of the Under Secretary for Economic Affairs.
- COM 392 Confidential Assistant to the Deputy Assistant Secretary for Basic Industries, International Trade Administration.
- Section 213.3315 Department of Labor.*
- LAB 7 Private Secretary to the Under Secretary.
- LAB 17 Assistant to the Deputy Under Secretary for Legislative Affairs.
- LAB 18 Special Assistant to the Deputy Under Secretary for International Affairs.
- LAB 24 Staff Assistant to the Deputy Under Secretary for International Affairs.
- LAB 25 Assistant to the Deputy Under Secretary for Legislative Affairs.
- LAB 35 Special Assistant to the Director, Women's Bureau.
- LAB 43 Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 44 Assistant to the Deputy Under Secretary for Legislative Affairs.
- LAB 45 Executive Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 49 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 62 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 64 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 92 Special Assistant to the Secretary.
- LAB 93 Confidential Assistant to the Chief of Staff.
- LAB 96 Executive Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 99 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 100 Special Assistant to the Deputy Under Secretary for International Affairs.
- LAB 103 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 104 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 105 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 106 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 107 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 108 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 109 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 111 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 112 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 113 Secretary to the Regional Representative.
- LAB 114 Secretary to the Regional Representative.
- LAB 116 Secretary (Typing) to the Regional Representative.
- LAB 117 Secretary (Typing) to the Regional Representative.
- LAB 118 Secretary to the Regional Representative.
- LAB 119 Secretary (Typing) to the Regional Representative.
- LAB 121 Secretary (Typing) to the Regional Representative.
- LAB 122 Secretary (Typing) to the Regional Representative.
- LAB 126 Special Assistant to the Deputy Under Secretary, Employment Standards Administration.
- LAB 127 Staff Assistant to the Director, Office of Workers' Compensation Programs.
- LAB 128 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 129 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 130 Special Assistant to the Secretary.
- LAB 131 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 138 Special Assistant to the Assistant Secretary, Mine Safety and Health Administration.
- LAB 139 Special Assistant to the Administrator, Wage and Hour Division, Employment Standards Administration.
- LAB 141 Staff Assistant to the Director, Office of Workers' Compensation Programs.
- LAB 143 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 146 Secretary (Typing) to the Solicitor.
- LAB 153 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 154 Assistant to the Deputy Under Secretary for Legislative Affairs.
- LAB 159 Special Assistant to the Deputy Under Secretary for International Affairs.
- LAB 160 Confidential Assistant to the Secretary.
- LAB 161 Special Assistant to the Secretary.
- LAB 163 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

- LAB 169 Staff Assistant to the Assistant Secretary for Policy, Evaluation and Research.
- LAB 172 Special Assistant to the Chief of Staff.
- LAB 175 Special Assistant to the Chief of Staff.
- LAB 180 Assistant to the Deputy Under Secretary for Legislative Affairs.
- LAB 181 Staff Assistant to the Deputy Under Secretary for International Affairs.
- LAB 182 Staff Director of Industrial Relations Policy to the Deputy Under Secretary for Labor Management Relations and Cooperative Programs.
- LAB 183 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 186 Special Assistant to the Director, Women's Bureau.
- LAB 187 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 189 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
- LAB 190 Special Assistant to the Assistant Secretary for Policy.
- LAB 191 Secretary to the Secretary of Labor.
- LAB 195 Special Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 199 Research Assistant to the Deputy Under Secretary for Legislative Affairs.
- LAB 202 Staff Assistant to the Assistant Secretary, Employment and Training Administration.
- LAB 203 Executive Assistant to the Assistant Secretary for Veteran's Employment.
- LAB 205 Research Assistant to the Deputy Under Secretary for Legislative Affairs.
- LAB 210 Special Assistant to the Assistant Secretary for Policy.
- LAB 211 Executive Assistant to the Chief of Staff.
- LAB 214 Private Secretary to the Deputy Under Secretary for International Affairs.
- LAB 217 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 219 Staff Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 221 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
- LAB 226 Staff Assistant to the Administrator for Pension and Welfare Benefit Programs.
- 213.3316 *Department of Health and Human Services.*
- HHS 5 Writer to the Secretary.
- HHS 11 Confidential Assistant to the Under Secretary.
- HHS 14 Special Assistant to the Executive Secretary.
- HHS 17 Staff Assistant to the Secretary.
- HHS 22 Assistant to the Secretary for Special Programs.
- HHS 23 Assistant to the Secretary for Special Programs.
- HHS 30 Special Assistant to the Executive Administrative Assistant to the Secretary.
- HHS 31 Special Assistant to the Secretary.
- HHS 34 Assistant to the Secretary.
- HHS 39 Confidential Assistant to the Secretary.
- HHS 53 Special Assistant to the Assistant Secretary for Legislation.
- HHS 62 Special Assistant to the Assistant Secretary for Legislation.
- HHS 120 Assistant to the General Counsel.
- HHS 128 Special Assistant for Special Groups to the Director, Office of Civil Rights.
- HHS 129 Special Assistant for Special Groups to the Director, Office of Civil Rights.
- HHS 130 Special Assistant for Special Groups to the Director, Office of Civil Rights.
- HHS 167 Executive Director, Federal Council on Aging to the Assistant Secretary for Human Development Services.
- HHS 172 Director of Consumer Information to the Director of Consumer Affairs.
- HHS 187 Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
- HHS 196 Confidential Executive Assistant to the Assistant Secretary for Public Affairs.
- HHS 211 Assistant to the Secretary.
- HHS 213 Steward to the Secretary.
- HHS 217 Confidential Secretary to the Assistant Secretary for Legislation.
- HHS 220 Confidential Assistant to the Deputy Assistant Secretary for Planning and Evaluation (Health).
- HHS 226 Confidential Assistant to the Director, Office of Civil Rights.
- HHS 230 Attorney-Advisor (Special Assistant to the General Counsel).
- HHS 223 Confidential Executive Assistant to the Director, Office of Consular Affairs.
- HHS 236 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 237 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 238 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 239 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 240 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 241 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 242 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 244 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 246 Director, Public Affairs to the Regional Director.
- HHS 248 Director, Public Affairs to the Regional Director.
- HHS 249 Director, Public Affairs to the Regional Director.
- HHS 250 Director, Public Affairs to the Regional Director.
- HHS 251 Director, Public Affairs to the Regional Director.
- HHS 252 Director, Public Affairs to the Regional Director.
- HHS 253 Director, Public Affairs to the Regional Director.
- HHS 254 Director, Public Affairs to the Regional Director.
- HHS 255 Director, Intergovernmental and Congressional Affairs to the Regional Director.
- HHS 259 Special Assistant to the Assistant Secretary for Human Development Services.
- HHS 264 Special Assistant to the Secretary.
- HHS 265 Special Assistant to the Secretary.
- HHS 267 Special Assistant to the Secretary.
- HHS 269 Special Assistant to the Chief of Staff.
- HHS 277 Special Assistant (Special Projects) to the Deputy Under Secretary for Intergovernmental Affairs.
- HHS 284 Confidential Assistant to the Commissioner, Administration of Aging, Office of Human Development Services.
- HHS 285 Confidential Assistant to the Secretary.
- HHS 289 Confidential Assistant to the Associate Administrator for External Affairs, Health Care Financing Administration.
- HHS 290 Director of Public Affairs, Office of Human Development Services.
- HHS 293 Special Assistant to the Commissioner, Administration for Children, Youth and Families,

- Office of Human Development Services.
- HHS 295 Confidential Assistant to the Executive Secretary.
- HHS 318 Confidential Assistant to the Executive Assistant to the Secretary.
- HHS 331 Confidential Assistant to the Administrator, Health Care Financing Administration.
- HHS 339 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation.
- HHS 344 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.
- HHS 346 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.
- HHS 349 Confidential Assistant to the Executive Assistant.
- HHS 353 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
- HHS 354 Associate Commissioner for Children's Bureau, Administration for Children, Youth and Families.
- HHS 355 Counselor to the Director, United States Office of Consumer Affairs.
- HHS 359 Congressional Liaison Specialist to the Deputy Assistant Secretary, Office of Legislation.
- HHS 362 Secretary (Steno) to the Assistant Secretary for Human Development Services.
- HHS 363 Special Assistant to the Director, Office of Public Affairs, Office of Human Development Services.
- HHS 365 Special Assistant to the Administrator, Office of External Affairs, Public Health Service.
- HHS 368 Director, Office of Intergovernmental Affairs, Health Care Financing Administration.
- HHS 370 Confidential Assistant to the Associate Administrator for External Affairs, Health Care Administration.
- HHS 371 Confidential Assistant to the Executive Assistant to the Secretary.
- HHS 372 Special Assistant to the Director, Office of Program Coordination and Review.
- HHS 376 Confidential Secretary to the Regional Director.
- HHS 377 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
- HHS 380 Confidential Assistant to the Executive Assistant.
- HHS 383 Special Assistant to the Assistant Secretary for Public Affairs.
- HHS 386 Confidential Secretary to the Chief of Staff.
- HHS 387 Confidential Assistant to the General Counsel.
- HHS 391 Confidential Staff Assistant to the Assistant Secretary for Public Affairs.
- HHS 392 Confidential Staff Assistant to the Assistant Secretary for Planning and Evaluation.
- HHS 393 Special Assistant to the Director, Office of Community Services.
- HHS 394 Confidential Assistant to the Executive Secretary.
- HHS 395 Special Assistant to the Director, Office of Community Services.
- HHS 397 Special Assistant for Block Grants to the Director, Office of State and Project Assistance, Office of Community Services.
- HHS 398 Confidential Staff Assistant to the Chief of Staff.
- HHS 399 Special Assistant to the Assistant Secretary for Human Development Services.
- HHS 400 External Affairs Specialist to the Director, Office of Community Services.
- HHS 402 Confidential Assistant to the Director, Office of Community Services.
- HHS 404 Confidential Assistant to the Chief of Staff.
- HHS 405 Executive Assistant to the Administrator, Alcohol, Drug Abuse and Mental Health Administration, Public Health Service.
- HHS 406 Special Assistant to the Assistant Secretary for Health.
- HHS 408 Confidential Assistant to the Director, Office of Community Services.
- HHS 411 Confidential Assistant to the Associate Commissioner for Governmental Affairs.
- HHS 412 Special Assistant to the Regional Director.
- HHS 414 Director, Division of Legislative Services and Congressional Affairs to the Director of Legislation and Policy, Health Care Financing Administration.
- HHS 415 Confidential Assistant to the Secretary.
- HHS 416 Executive Assistant to the Administrator, Alcohol, Drug Abuse and Mental Health Administration, Public Health Service.
- HHS 418 Confidential Staff Assistant to the Chief of Staff.
- HHS 419 Confidential Assistant to the Secretary.
- HHS 420 Confidential Assistant to the Associate Administrator for Operations, Health Care Financing Administration.
- HHS 421 Confidential Staff Assistant to the Executive Secretary.
- HHS 422 Special Assistant to the Senior Advisor to the Secretary.
- HHS 424 Staff Assistant to the Secretary.
- HHS 426 Director, Office of Legislation and Policy to the Associate Administrator for Policy, Health Care Financing Administration.
- HHS 428 Confidential Staff Assistant to the Senior Advisor to the Secretary.
- HHS 429 Confidential Staff Assistant to the Secretary.
- HHS 430 Director, Office of Intergovernmental Communications to the Associate Commissioner for Family Assistance, Social Security Administration.
- HHS 431 Confidential Staff Assistant to the Deputy Assistant Secretary for Public Affairs.
- HHS 432 Confidential Staff Assistant to the Associate Commissioner, Office of Family Assistance.
- HHS 433 Director of Research and Demonstrations to the Director of Programs Development, Office of Human Development Services.
- HHS 434 Confidential Assistant to the Commissioner, Administration for Youth, Children and Families.
- HHS 435 Executive Assistant to the Director, Office of Child Support Enforcement.
- Section 213.3317 Department of Education.*
- EDU 1 Special Assistant to the Deputy Under Secretary for Planning, Budget and Evaluation.
- EDU 4 Confidential Assistant to the Director, Intergovernmental Affairs Staff.
- EDU 5 Confidential Assistant to the Under Secretary.
- EDU 6 Confidential Assistant to the Executive Secretary.
- EDU 8 Confidential Assistant to the Deputy Assistant Secretary for Operations, Office of Civil Rights.
- EDU 9 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education.
- EDU 11 Personal Assistant to the Assistant Secretary, Office of Educational Research and Improvement.
- EDU 15 Special Assistant to the Deputy Under Secretary for Management.
- EDU 20 Steward to the Executive Assistant.
- EDU 21 Confidential Assistant to the Assistant Secretary for Legislation and Public Affairs.
- EDU 23 Personal Assistant to the Executive Assistant for Private Education.

- EDU 27 Staff Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 28 Staff Assistant to the Director of Regional Liaison.
- EDU 29 Special Assistant to the Executive Assistant.
- EDU 40 Confidential Assistant to the Executive Assistant.
- EDU 42 Personal Assistant to the Assistant Secretary for Postsecondary Education.
- EDU 43 Confidential Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 46 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 47 Confidential Assistant to the Director, National Institute of Education.
- EDU 49 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 51 Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 52 Special Assistant to the Under Secretary.
- EDU 53 Confidential Assistant to the Director, Office of Intergovernmental and Interagency Affairs.
- EDU 54 Confidential Assistant to the Executive Assistant.
- EDU 55 Special Assistant to the Director, Intergovernmental Affairs Staff.
- EDU 57 Speechwriter to the Secretary.
- EDU 61 Special Assistant to the Director, Intergovernmental Affairs.
- EDU 64 Policy Advisor to the Director, Office of Educational Philosophy and Practice.
- EDU 65 Special Assistant to the Under Secretary.
- EDU 67 Staff Assistant to the Chief of Staff/Counselor to the Secretary.
- EDU 68 Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 69 Personal Assistant (Typing) to the Director of Regional Liaison.
- EDU 70 Confidential Assistant to the Director, Intergovernmental Affairs Staff.
- EDU 71 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 72 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 82 Special Assistant to the Deputy Under Secretary, Office of Planning, Budget and Evaluation.
- EDU 83 Special Assistant to the Deputy Under Secretary, Office of Planning, Budget and Evaluation.
- EDU 85 Executive Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 86 Confidential Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 89 Special Assistant to the Assistant Secretary for Elementary and Secondary Education.
- EDU 90 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 91 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
- EDU 94 Confidential Assistant to the Assistant Secretary for Postsecondary Education.
- EDU 97 Executive Assistant to the Assistant Secretary, Office of Education Research Improvement.
- EDU 103 Special Assistant to the Commissioner, Rehabilitation Services Administration.
- EDU 104 Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services.
- EDU 106 Secretary's Regional Representative.
- EDU 107 Secretary's Regional Representative.
- EDU 108 Secretary's Regional Representative.
- EDU 109 Secretary's Regional Representative.
- EDU 110 Secretary's Regional Representative.
- EDU 111 Secretary's Regional Representative.
- EDU 112 Special Assistant to the Assistant Secretary, Office of Educational Research and Improvement.
- EDU 116 Special Assistant to the Assistant Secretary, Office of Postsecondary Education.
- EDU 118 Confidential Assistant to the Counselor/Executive Assistant to the Secretary.
- EDU 121 Special Assistant to the Commissioner, Rehabilitation Services Administration.
- EDU 123 Special Assistant to the Deputy Under Secretary, for Intergovernmental and Interagency Affairs.
- EDU 124 Secretary's Regional Representative.
- EDU 128 Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 130 Personal Assistant to the Deputy Under Secretary for Management.
- EDU 131 Secretary's Regional Representative.
- EDU 132 Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 133 Special Assistant to the Deputy Under Secretary for Planning, Budget and Evaluation.
- EDU 133 Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 135 Confidential Assistant to the Director, National Institute of Education.
- EDU 136 Confidential Assistant to the Director, Bilingual Education and Minority Languages Affairs.
- EDU 137 Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.
- EDU 140 Special Assistant to the Deputy Assistant Secretary for Operations, Office of Civil Rights.
- EDU 142 Special Assistant to the Deputy Assistant Secretary for Operations, Office of Civil Rights.
- EDU 143 Confidential Assistant to the Counselor/Executive Assistant to the Secretary.
- EDU 144 Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.
- EDU 146 Special Assistant to the Deputy Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 147 Secretary's Regional Representative.
- EDU 149 Special Assistant to the Under Secretary.
- EDU 153 Special Assistant to the Director, Intergovernmental Affairs Staff.
- EDU 154 Executive Director, Intergovernmental Advisory Council on Education to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 157 Personal Assistant to the Deputy Under Secretary for Management.
- EDU 161 Special Assistant to the Deputy Assistant Secretary for Higher Education Programs.
- EDU 163 Special Assistant to the Deputy Assistant Secretary, Office of Postsecondary Education.
- EDU 166 Special Assistant to the Assistant Secretary, Office of Vocational and Adult Education.
- EDU 167 Director, Operations Support Services to the Deputy Assistant Secretary for Operations.

- EDU 168 Confidential Assistant to the Associate Deputy Under Secretary for Planning, Budget and Evaluation.
- EDU 169 Special Assistant to the Under Secretary.
- EDU 172 Legislative Liaison to the Director, Legislative Liaison Staff.
- EDU 175 Special Assistant to the Director, National Institute of Education.
- EDU 177 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
- EDU 178 Personal Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
- EDU 179 Special Assistant to the Executive Assistant to the Secretary for Private Education.
- EDU 180 Confidential Assistant to the Counselor/Executive Assistant to the Secretary.
- EDU 181 Deputy Director, Postsecondary Relations Staff to the Director, Postsecondary Relations Staff.
- EDU 182 Special Assistant to the Director of Regional Liaison.
- EDU 183 Deputy Director, Regional Liaison Staff to the Director, Regional Liaison Staff.
- EDU 185 Staff Assistant to the Secretary's Regional Representative.
- EDU 186 Staff Assistant to the Secretary's Regional Representative.
- EDU 187 Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.
- EDU 188 Staff Assistant to the Secretary's Regional Representative.
- EDU 189 Legislative Liaison to the Director, Legislative Liaison Staff.
- EDU 190 Confidential Assistant to the Deputy Under Secretary for Management.
- EDU 191 Special Assistant to the Secretary.
- EDU 192 Deputy Director, Office of Bilingual Education and Minority Languages Affairs to the Director of Bilingual Education and Minority Languages Affairs.
- Section 213.3318 Environmental Protection Agency.*
- EPA 5 Confidential Assistant to the Deputy Administrator.
- EPA 19 Program Advisor to the Assistant Administrator for Water.
- EPA 50 Program Advisor to the Administrator.
- EPA 52 Special Assistant to the Executive Assistant to the Administrator.
- EPA 58 Congressional Liaison Specialist to the Director, Office of Congressional Liaison.
- EPA 61 Special Assistant to the Assistant Administrator for Administration and Resource Management.
- EPA 63 Special Assistant to the General Counsel.
- EPA 71 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Liaison.
- EPA 75 Congressional Relations Officer to the Deputy Director, Office of Congressional Liaison.
- EPA 86 Special Assistant to the Regional Administrator.
- EPA 93 Staff Assistant to the Executive Assistant to the Administrator.
- EPA 95 Special Assistant to the Administrator.
- EPA 97 Special Assistant to the Director, Office of Public Affairs.
- EPA 99 Staff Assistant to the Deputy Assistant Administrator for Administration and Resources Management.
- EPA 103 Staff Assistant to the Assistant Administrator for External Affairs.
- EPA 104 Confidential Assistant to the General Counsel.
- EPA 106 Special Assistant to the Director, Office of Public Affairs.
- Section 213.3319 Administrative Conference of the United States.*
- ACUS 2 Confidential Assistant to the Chairman.
- ACUS 3 Special Assistant to the Chairman.
- Section 213.3322 Interstate Commerce Commission.*
- ICC 1 Confidential Assistant to a Commissioner.
- ICC 2 Confidential Assistant to a Commissioner.
- ICC 3 Confidential Assistant to a Commissioner.
- ICC 5 Confidential Assistant to a Commissioner.
- ICC 6 Confidential Assistant to a Commissioner.
- ICC 8 Confidential Assistant to the Chairman.
- ICC 9 Confidential Assistant to a Commissioner.
- ICC 10 Secretary (Typing) to the Chairman.
- ICC 18 Public Information Officer to the Chairman.
- ICC 22 Staff Advisor (Economics) to a Commissioner.
- ICC 23 Staff Assistant (Economics) to a Commissioner.
- ICC 24 Staff Advisor (Economics) to a Commissioner.
- Section 213.3323 Overseas Private Investment Corporation.*
- OPIC 1 Chauffeur to the President.
- OPIC 19 Secretary (Steno) to the Executive Vice President.
- Section 213.3325 The Tax Court of the United States.*
- TCOUS 40 Secretary and Confidential Assistant to the Judge.
- TCOUS 41 Secretary and Confidential Assistant to the Judge.
- TCOUS 42 Secretary and Confidential Assistant to the Judge.
- TCOUS 43 Secretary and Confidential Assistant to the Judge.
- TCOUS 44 Secretary to the Judge.
- TCOUS 45 Secretary and Confidential Assistant to the Judge.
- TCOUS 46 Secretary and Confidential Assistant to the Judge.
- TCOUS 47 Secretary and Confidential Assistant to the Judge.
- TCOUS 48 Secretary and Confidential Assistant to the Judge.
- TCOUS 49 Secretary and Confidential Assistant to the Judge.
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- TCOUS 53 Secretary to the Judge.
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- TCOUS 59 Secretary and Confidential Assistant to the Judge.
- TCOUS 60 Secretary and Confidential Assistant to the Judge.
- TCOUS 61 Secretary and Confidential Assistant to the Judge.
- TCOUS 62 Secretary and Confidential Assistant to the Judge.
- TCOUS 63 Secretary and Confidential Assistant to the Judge.
- TCOUS 64 Secretary and Confidential Assistant to the Judge.
- Section 213.3327 Veterans Administration.*
- VA 8 Confidential Assistant to the Administrator.
- VA 11 Confidential Assistant to the Administrator of Veteran Affairs.

- VA 30 Confidential Assistant to the Director, Intergovernmental Affairs.
- VA 31 Confidential Assistant to the Associate Deputy Administrator for Congressional and Public Affairs.
- VA 32 Confidential Assistant to the Associate Deputy Administrator for Logistics.
- VA 36 Confidential Assistant to the Associate Deputy Administrator for Congressional and Intergovernmental Affairs.
- VA 40 Confidential Assistant to the Associate Deputy Administrator for Congressional and Intergovernmental Affairs.
- VA 41 Confidential Assistant to the Associate Deputy Administrator for Public and Consumer Affairs.
- VA 42 Confidential Assistant to the Director, Congressional Affairs.
- VA 43 Confidential Assistant to the Director, Office of Intergovernmental Affairs.

Section 213.3328 U.S. Information Agency.

- USIA 2 Special Assistant to the Director.
- USIA 14 Special Assistant to the Associate Director for Programs.
- USIA 22 Director, New York Foreign Press Center to the Associate Director for Programs.
- USIA 29 Assistant Counselor for Press and Public Affairs to the Counselor for Press and Public Affairs.
- USIA 33 Staff Assistant to the Director, Office of Public Liaison.
- USIA 34 Special Assistant to the Director, Private Sector Programs.
- USIA 35 Staff Assistant to the Director.
- USIA 37 Staff Assistant to the Special Assistant, Private Sector Liaison.
- USIA 40 Staff Specialist to the Special Assistant, Private Sector Liaison.
- USIA 41 Special Assistant (Private Sector Committees) to the Director, Office of Public Liaison.
- USIA 42 Secretary (Typing) to the Associate Director for Management.
- USIA 43 Special Assistant to the Associate Director, Bureau of Educational and Cultural Affairs.
- USIA 49 Special Projects Officer to the Director.
- USIA 55 Special Assistant to the Associate Director, Bureau of Programs.
- USIA 56 Staff Specialist to the Director, Office of Private Sector Liaison.
- USIA 57 Special Assistant to the Associate Director for Educational and Cultural Affairs.
- USIA 60 Confidential Assistant to the Associate Director for Broadcasting.

- USIA 61 Special Assistant to the General Counsel.
- USIA 62 Special Assistant to the Associate Director for Broadcasting.
- USIA 64 Staff Assistant to the Director of Public Liaison.
- USIA 65 Special Assistant (Cultural Centers and Resources) to the Associate Director for Educational and Cultural Affairs.
- USIA 66 Staff Assistant to the Special Assistant (Private Sector Programs).
- USIA 67 Special Assistant to the Associate Director for Educational and Cultural Affairs.
- USIA 70 Special Assistant to the Associate Director for Educational and Cultural Affairs.
- USIA 73 Special Assistant to the Associate Director for Educational and Cultural Affairs.
- USIA 77 Special Assistant to the Associate Director for Management.
- USIA 79 Special Projects Officer to the Associate Director for Broadcasting.
- USIA 80 Special Assistant (Media Relations) to the Director, Office of Public Liaison.
- USIA 81 Special Assistant to the Associate Director for Programs.
- USIA 85 Special Assistant to the Director of Research.
- USIA 86 Public Affairs Specialist to the Associate Director for Broadcasting.
- USIA 87 Staff Assistant to the Director, Office of Public Liaison.
- USIA 88 Special Assistant to the Director, Television and Film Service.
- USIA 89 Special Projects Officer to the Chairman, Advisory Board for Radio Broadcasting to Cuba.

Section 213.3330 Securities and Exchange Commission.

- SEC 2 Executive Aide (Typing) to the Executive Assistant to the Chairman.
- SEC 5 Confidential Assistant to the Commissioner.
- SEC 6 Confidential Assistant to the Commissioner.
- SEC 8 Secretary (Steno) to the Chief Accountant.
- SEC 9 Secretary to the General Counsel.
- SEC 11 Confidential Assistant to the Chairman.
- SEC 12 Public Information Officer to the Chairman.
- SEC 14 Secretary (Steno) to the Director.
- SEC 15 Secretary (Steno) to the Director, Market Regulation Division.
- SEC 18 Secretary (Typing) to the Director of Investment Management.

- SEC 19 Secretary (Typing) to the Director, Division of Corporate Finance.
- SEC 21 Confidential Adviser on Corporate Practices to the Director, Division of Enforcement.
- SEC 22 Staff Assistant to the Regional Administrator.

Section 213.3331 Department of Energy.

- DOE 5 Confidential Assistant (Secretary) to the Deputy Secretary.
- DOE 7 Secretary (Confidential Assistant) to the Under Secretary.
- DOE 9 Staff Assistant to the Special Assistant to the Secretary.
- DOE 11 Private Secretary to a Member, Federal Energy Regulatory Commission.
- DOE 12 Private Secretary to a Member, Federal Energy Regulatory Commission.
- DOE 16 Secretary (Confidential Assistant) to the Administrator, Economic Regulatory Administration.
- DOE 17 Confidential Assistant (Secretary) to the Inspector General.
- DOE 19 Confidential Assistant (Secretary) to the Director, Energy Research.
- DOE 34 Special Assistant to the Administrator, Economic Regulatory Administration.
- DOE 38 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 40 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 42 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 47 Technical Advisor, to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 48 Attorney-Advisor to the Chairman, Federal Energy Regulatory Commission.
- DOE 49 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 51 Attorney-Advisor (Public Utilities) to the Chairman, Federal Energy Regulatory Commission.
- DOE 52 Staff Assistant to the Assistant Secretary for International Affairs.
- DOE 55 Staff Assistant to the Special Assistant to the Secretary.
- DOE 59 Staff Assistant to the Director, Office of Energy Research.
- DOE 60 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.

- DOE 64 Secretary (Confidential Assistant) to the Deputy Secretary.
- DOE 68 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 69 Staff Assistant (Legislative Affairs) to the Assistant to the Secretary for Legislative Affairs.
- DOE 73 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 74 Staff Assistant to the General Counsel.
- DOE 75 Legal Adviser to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 77 Staff Assistant to the Administrative Assistant to the Secretary and Chief of Staff.
- DOE 85 Staff Assistant to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 103 Attorney-Advisor to the Chairman, Federal Energy Regulatory Commission.
- DOE 104 Secretary (Confidential Assistant) to the Secretary.
- DOE 105 Confidential Assistant to a Member, Federal Energy Regulatory Commission.
- DOE 106 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 109 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 110 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 111 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
- DOE 112 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
- DOE 171 Special Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 172 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 174 Special Assistant to the Assistant Secretary for Fossil Energy.
- DOE 178 Legislative Affairs Specialist to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 192 Staff Assistant to the Special Assistant, Office of Programs and Policy.
- DOE 195 Staff Assistant to the Director, Minority Economic Impact.
- DOE 197 Director, House Liaison Division to the Associate General Counsel for Legislation, Regulation and Congressional Affairs, Federal Energy Regulatory Commission.
- DOE 198 Director, Senate Liaison Division to the Associate General Counsel for Legislation, Regulation and Congressional Affairs, Federal Energy Regulatory Commission.
- DOE 201 Staff Assistant to the Under Secretary.
- DOE 204 Director, Division of Public Liaison, Office of Communications, Office of the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 206 Executive Assistant to the Director, Office of Energy Research.
- DOE 207 Staff Assistant to the Special Assistant to the Secretary.
- DOE 210 Confidential Assistant (Secretary) to the Assistant Secretary for Fossil Energy.
- DOE 213 Senate Liaison Specialist to the Deputy Assistant Secretary for Senate Liaison.
- DOE 217 Confidential Assistant (Secretary-Steno) to the Director, Office of Regulatory Analysis, Federal Energy Regulatory Commission.
- DOE 225 Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 226 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 227 Technical Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 228 Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
- DOE 229 Deputy Assistant Secretary for Senate Liaison to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 230 Staff Assistant to the Special Assistance to the Secretary for Programs and Policies.
- DOE 231 Staff Assistant to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 234 Director, Office of Public Affairs to the Director, Office of Communications.
- DOE 235 Staff Assistant to the Director, Office of Policy Planning and Analysis.
- DOE 238 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 243 Staff Assistant to the Assistant Secretary for International Affairs.
- DOE 244 Director, Office of Consumer Affairs to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 245 Staff Assistant to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 246 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
- DOE 248 Confidential Assistant to the Chairman, Federal Energy Regulatory Commission.
- DOE 249 Special Assistant to the Administrator, Economic Regulatory Administration.
- DOE 251 Intergovernmental Affairs Specialist to the Director of Intergovernmental Affairs.
- DOE 252 Director, Office of Domestic Issues to the Principal Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 255 Attorney-Advisor (Assistant) to the Chairman, Federal Energy Regulatory Commission.
- DOE 258 Research Assistant to the Special Assistant to the Secretary for Programs and Policies.
- DOE 259 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
- DOE 262 Staff Assistant to the Director, Division of Public Liaison.
- DOE 263 Staff Assistant to the Assistant Secretary for Management and Administration.
- DOE 264 Staff Assistant to the Administrator, Energy Information Administration.
- DOE 266 Staff Assistant to the Special Assistant to the Secretary.
- DOE 267 Staff Assistant to the Director, Office of Minority Economic Impact.
- DOE 268 Secretary (Confidential Assistant) to the Assistant Secretary for Management and Administration.
- DOE 269 Intergovernmental Affairs Specialist to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
- DOE 271 Special Assistant (Legislative) to the Deputy General Counsel.
- DOE 272 Secretarial Assistant (Typing) to the Special Assistant to the Secretary for Programs and Policies.
- DOE 273 Secretary (Confidential Assistant) to the Under Secretary.
- DOE 274 Secretary (Confidential Assistant) to the Special Assistant to the Secretary.

- DOE 276 Secretary (Confidential Assistant) to the Executive Assistant to the Secretary.
- DOE 279 Special Assistant to the Assistant Secretary for Nuclear Energy.
- DOE 280 Director, Outreach Division to the Director, Office of Civilian Radioactive Waste Management.
- DOE 281 Staff Assistant to the Deputy General Counsel.
- DOE 282 Staff Assistant to the Assistant Secretary for International Affairs and Energy Emergencies.
- DOE 285 Staff Assistant to the Secretary.
- DOE 269 Director, Press Services Division, to the Director of Communications.
- DOE 290 Staff Assistant to the Director of Energy Research.
- DOE 291 Staff Assistant to the Under Secretary.
- DOE 293 Secretary (Confidential Assistant) to the Deputy Secretary.
- Section 213.3332 Small Business Administration.*
- SBA 35 Special Assistant to the Associate Administrator for Minority Small Business and Capital Ownership Development.
- SBA 48 Special Assistant to the Assistant Administrator for Congressional and Legislative Affairs.
- SBA 52 Special Assistant to the Administrator.
- SBA 54 Special Assistant to the Assistant Administrator for Public Communication.
- SBA 59 Director of Information Services to the Assistant Administrator for Public Communications.
- SBA 60 Special Assistant to the Associate Deputy Administrator for Management and Administration.
- SBA 64 Special Assistant to the Regional Administrator.
- SBA 65 Special Assistant to the Regional Administrator.
- SBA 66 Special Assistant to the Regional Administrator.
- SBA 68 Special Assistant to the Regional Administrator.
- SBA 69 Special Assistant to the Regional Administrator.
- SBA 70 Special Assistant to the Regional Administrator.
- SBA 72 Special Assistant to the Regional Administrator.
- SBA 73 Special Assistant to the Regional Administrator.
- SBA 76 Special Assistant to the Director of Women's Business Ownership.
- SBA 90 Confidential Program Assistant to the Chief of Staff.
- SBA 91 Special Assistant to the Assistant Administrator for Public Communication.
- SBA 92 Staff Assistant to the Administrator.
- SBA 95 Special Assistant to the Administrator.
- SBA 97 Confidential Assistant to the General Counsel.
- SBA 99 Special Assistant to the Regional Administrator.
- SBA 100 Special Assistant to the Regional Administrator.
- SBA 101 Special Assistant to the Associate Deputy Administrator for Management and Administration.
- SBA 103 Confidential Assistant to the Administrator.
- SBA 104 Special Assistant to the Associate Deputy Administrator for Special Programs.
- SBA 105 Special Assistant to the Administrator.
- SBA 107 Confidential Assistant to the Associate Deputy Administrator for Special Programs.
- SBA 108 Director, Office of Public Affairs to the Assistant Administrator for Public Communications.
- SBA 110 Confidential Assistant to the Associate Administrator.
- SBA 113 Director, Executive Secretariat to the Administrator.
- SBA 115 Special Assistant to the Regional Administrator.
- SBA 117 Staff Assistant to the Director of Women's Business Ownership.
- SBA 118 Staff Assistant to the Director of Women's Business Ownership.
- SBA 119 Confidential Assistant to the Regional Administrator.
- SBA 120 Staff Assistant to the Assistant Administrator for Public Communications.
- SBA 121 Special Assistant to the Regional Administrator.
- SBA 122 Special Assistant to the Regional Administrator.
- SBA 123 Special Assistant to the Regional Administrator.
- SBA 124 Special Assistant to the Assistant Administrator for Congressional and Legislative Affairs.
- SBA 125 Special Assistant to the Director of Women's Business Ownership.
- SBA 126 Assistant to the Assistant Administrator for Public Communications.
- SBA 127 Special Assistant to the Associate Deputy Administrator for Special Programs.
- SBA 128 Director, Women's Business Ownership to the Associate Deputy Administrator for Special Programs.
- SBA 130 Confidential Assistant to the Administrator.
- Section 213.3333 Federal Deposit Insurance Corporation.*
- FDIC 2 Secretary to a Member.
- FDIC 7 Special Assistant to the Director, Congressional Liaison Staff.
- FDIC 9 Legislative Attorney and Advisor to the Director, Office of Congressional and Public Information.
- Section 213.3334 Federal Trade Commission.*
- FTC 2 Director, Office of Public Affairs to the Chairman.
- FTC 5 Staff Assistant to a Commissioner.
- FTC 6 Director, Office of Congressional Relations to the Chairman.
- FTC 8 Special Assistant (Economic Advisor) to the Commissioner.
- FTC 9 Staff Assistant to the Chairman.
- FTC 10 Special Assistant to the Director, Bureau of Economics.
- Section 213.3337 General Services Administration.*
- GSA 24 Special Assistant to the Commissioner, Public Building Service.
- GSA 69 Confidential Assistant to the Director of Congressional Affairs.
- GSA 72 Confidential Assistant to the Assistant Administrator for Federal Supply and Services.
- GSA 79 Confidential Assistant to the Regional Administrator.
- GSA 81 Special Assistant to the Director of Organization and Personnel.
- GSA 82 Confidential Assistant to the Director of Public Affairs.
- GSA 87 Confidential Assistant to the Regional Administrator.
- GSA 88 Confidential Assistant to the Regional Administrator.
- GSA 89 Confidential Assistant to the Director of Congressional Affairs.
- GSA 90 Confidential Assistant to the Director of Congressional Affairs.
- GSA 91 Special Assistant to the Commissioner, Public Building Service.
- GSA 99 Confidential Assistant to the Regional Administrator.
- GSA 100 Director of Executive Secretariat to the Administrator.
- GSA 103 Confidential Assistant to the Director, Office of the Executive Secretariat.
- GSA 109 Special Assistant to the Regional Administrator.

- GSA 110 Special Assistant to the Associate Administrator for Administration.
 GSA 112 Director, Office of Program Initiatives to the Associate Administrator for Administrations.

Section 213.3338 Federal Communications Commission.

- FCC 10 Legislative Affairs Officer to the Director, Office of Congressional and Public Affairs.
 FCC 11 Special Assistant to the Director of Public Affairs.
 FCC 12 Confidential Staff Assistant to the Managing Director.

Section 213.3339 U.S. International Trade Commission.

- ITC 1 Confidential Assistant to a Commissioner.
 ITC 3 Staff Assistant (Economics) to a Commissioner.
 ITC 5 Confidential Assistant to a Commissioner.
 ITC 7 Special Assistant (Economics) to a Commissioner.
 ITC 9 Confidential Assistant to a Commissioner.
 ITC 12 Staff Assistant (Economics) to a Commissioner.
 ITC 13 Staff Assistant (Legal) to a Commissioner.
 ITC 14 Confidential Assistant to the Chairwoman.
 ITC 15 Staff Assistant (Legal) to the Chairwoman.
 ITC 17 Staff Assistant (Legal) to a Commissioner.
 ITC 19 Staff Assistant (Economics) to a Commissioner.
 ITC 22 Staff Assistant (Legal) to a Commissioner.
 ITC 25 Staff Assistant (Legal) to a Commissioner.
 ITC 26 Staff Assistant (Legal) to a Commissioner.
 ITC 27 Congressional Liaison to the Chairwoman.
 ITC 29 Staff Assistant (Legal) to a Commissioner.
 ITC 31 Staff Assistant (Economics) to the Chairwoman.
 ITC 32 Staff Assistant (Economics) to the Chairwoman.
 ITC 33 Staff Assistant to a Commissioner.
 ITC 34 Staff Assistant (Legal) to a Commissioner.

Section 213.3341 National Labor Relations Board.

- NLRB 2 Confidential Assistant to Chairman.
 NLRB 3 Confidential Assistant to a Board Member.
 NLRB 4 Confidential Assistant to a Board Member.
 NLRB 5 Confidential Assistant to a Board Member.

- NLRB 6 Confidential Assistant to a Board Member.

Section 213.3342 Export-Import Bank of the United States.

- EXIM 1 Confidential Assistant to the President and Chairman.
 EXIM 2 Private Secretary to the First Vice President and Vice Chairman.
 EXIM 3 Private Secretary to a Director.
 EXIM 4 Private Secretary to a Director.
 EXIM 5 Private Secretary to a Director.
 EXIM 12 Secretary (Steno) to the Senior Vice President.
 EXIM 15 Secretary (Typing) to the President and Chairman.
 EXIM 16 Administrative Assistant to the General Counsel.
 EXIM 24 Secretary (Steno) to the Senior Vice President-Director for Credits and Financial Guarantees.
 EXIM 26 Assistant to the President and Chairman.
 EXIM 29 Special Assistant to the President and Chairman.
 EXIM 31 Deputy Vice President for Public Affairs and Publications to the Vice President for Public Affairs and Publications.
 EXIM 32 Special Assistant to the First Vice President and Vice Chairman.

Section 213.3346 Selective Service System.

- SSS 9 Assistant Director to the Director, Government Affairs.
 SSS 11 Secretary (Steno) to the Director.
 SSS 14 Deputy Director to Director, Congressional Affairs.

Section 213.3347 Federal Mediation and Conciliation Service.

- FMCS 2 Secretary to the Director.
 FMCS 3 Public Affairs Director to the Executive Director.

Section 213.3348 National Aeronautics and Space Administration.

- NASA 1 Secretary (Steno) to the Administrator.

Section 213.3351 Federal Mine Safety and Health Review Commission.

- FM 1 Secretary (Steno) to a Commissioner.
 FM 2 Secretary (Typing) to a Commissioner.
 FM 5 Confidential Secretary to the Chairman.
 FM 6 Attorney-Adviser (General) to the Chairman.
 FM 7 Attorney-Adviser (General) to a Commissioner.
 FM 9 Attorney-Adviser (General) to a Commissioner.
 FM 12 Confidential Secretary to the General Counsel.

Section 213.3352 Government Printing Office.

- GPO 1 Staff Assistant to the Public Printer.
 GPO 3 Congressional Relations Officer to the Legislative and Public Affairs Officer.
 GPO 7 Confidential Assistant to the Deputy Public Printer.
 GPO 10 Confidential Assistant to the Director of Legislative and Public Affairs.

Section 213.3354 Federal Home Loan Bank Board.

- FHLB 3 Secretary to a Board Member.
 FHLB 5 Staff Assistant to the Chairman.
 FHLB 11 Director, Office of Communications to the Chairman.
 FHLB 19 Congressional Liaison to the Executive Staff Director.
 FHLB 21 Secretary (Steno) to the Congressional Liaison.
 FHLB 25 Staff Assistant to the Congressional Liaison.
 FHLB 35 Congressional Relations Officer to the Executive Director and Chief of Staff.

Section 213.3356 Commission on Civil Rights.

- CCR 1 Confidential Assistant to the Staff Director.
 CCR 7 Public Affairs Officer to the Assistant Staff Director, Congressional and Public Affairs.
 CCR 9 Special Assistant to the Staff Director.
 CCR 10 Special Assistant to the Staff Director.
 CCR 12 Confidential Assistant to a Commissioner.
 CCR 13 Confidential Assistant to the Chairman.
 CCR 14 Deputy General Counsel to the General Counsel.
 CCR 15 Confidential Secretary to a Commissioner.
 CCR 16 Confidential Secretary to a Commissioner.
 CCR 17 Special Assistant to the Staff Director.
 CCR 19 Special Assistant to the Staff Director.

Section 213.3357 National Credit Union Administration.

- NCUA 2 Public Information Officer to the Chairman.
 NCUA 9 Staff Assistant to the Vice Chairman.
 NCUA 12 Executive Assistant to the Vice Chairman.
 NCUA 13 Staff Assistant to the Chairman.
 NCUA 14 Special Assistant to the Board Member.

- NCUA 15 Secretary (Typing) to the General Counsel.
 NCUA 16 Confidential Assistant to the Board Member.

Section 213.3359 ACTION.

- ACT 2 Special Assistant to the Associate Director for Domestic and Anti-Poverty Operations.
 ACT 22 Special Assistant to the Director.
 ACT 23 Staff Assistant to the Executive Officer.
 ACT 30 Special Assistant to the Assistant Director for Policy and Planning.
 ACT 44 Special Assistant to the Associate Director for Domestic and Anti-Poverty Operations.
 ACT 45 Assistant Director for Communications to the Director.
 ACT 46 Deputy Assistant Director for Policy and Planning to the Assistant Director for Policy and Planning.
 ACT 48 Special Assistant to the Deputy Director.
 ACT 51 Special Assistant to the Assistant Director, Office of Volunteer Liaison.
 ACT 58 Special Assistant to the Director.
 ACT 62 Special Assistant to the Assistant Director for Volunteer Liaison.
 ACT 63 Young Volunteers Program Officer to the Deputy Associate Director for VISTA and Service Learning Programs.
 ACT 74 Special Assistant to the Public Information Officer.
 ACT 77 Special Assistant to the Executive Officer.
 ACT 78 Assistant Director for Policy and Planning to the Director.
 ACT 79 Assistant Director for VISTA and Service Learning Programs to the Associate Director for Domestic and Anti-Poverty Operations.
 ACT 81 Special Assistant to the Director.

Section 213.3360 Consumer Product Safety Commission.

- CPSC 1 Special Assistant (Legal) to a Commissioner.
 CPSC 7 Special Assistant (Legal) to a Commissioner.
 CPSC 12 Special Assistant to a Commissioner.
 CPSC 14 Special Assistant to a Commissioner.
 CPSC 16 Director, Office of Congressional Relations to the Chairman.
 CPSC 18 Special Assistant (Legal) to the Chairman.
 CPSC 22 Staff Assistant to the Executive Assistant to the Chairman.

- CPSC 23 Staff Assistant to a Commissioner.
 CPSC 26 Secretary (Steno) to a Commissioner.
 CPSC 28 Staff Assistant to a Commissioner.
 CPSC 34 Special Assistant (Legal) to a Commissioner.
 CPSC 43 Office Assistant (Typing), Office of Public Affairs.
 CPSC 44 Secretary (Steno) to the General Counsel.

Section 213.3363 Harry S. Truman Scholarship Foundation.

- HT 1 Secretary (Steno) to the Executive Secretary.

Section 213.3364 U.S. Arms Control and Disarmament Agency.

- ACDA 2 Private Secretary to the Deputy Director.
 ACDA 4 Private Secretary to the Assistant Director.
 ACDA 5 Private Secretary to the Assistant Director.
 ACDA 7 Private Secretary to the General Counsel.
 ACDA 10 Deputy Director for Congressional Affairs to the General Counsel.
 ACDA 11 Congressional Affairs Specialist to the Deputy Director.
 ACDA 13 Special Assistant to the Deputy Director.
 ACDA 15 Secretary to the Executive Director, General Advisory Committee.
 ACDA 18 Secretary to the Special Representative for Negotiations.
 ACDA 20 Special Assistant the Deputy Director for Public Affairs.
 ACDA 23 Staff Assistant to the Assistant Director for Multilateral Affairs.
 ACDA 24 Special Assistant to the Assistant Director for Multilateral Affairs.
 ACDA 26 Secretary (Steno) to the Representative to the Conference on Disarmament.

Section 213.3367 Federal Maritime Commission.

- FMC 2 Confidential Assistant to a Commissioner.
 FMC 3 Confidential Assistant to a Commissioner.
 FMC 4 Confidential Assistant to a Commissioner.
 FMC 5 Confidential Assistant to a Commissioner.
 FMC 7 Secretary (Steno) to a Commissioner.
 FMC 8 Secretary (Steno) to a Commissioner.
 FMC 9 Secretary (Steno) to a Commissioner.

- FMC 23 Secretary (Steno) to the Counsel to the Chairman.

Section 213.3368 Agency for International Development.

- AID 20 Special Assistant to the Assistant Administrator, Bureau for Asia.
 AID 21 Special Assistant to the Assistant Administrator, Bureau for Africa.
 AID 32 Special Assistant to the Assistant Administrator, Bureau for Program and Policy Coordination.
 AID 33 Legislative Research Assistant to the Director, Legislative Affairs.
 AID 34 Special Assistant to the Assistant Administrator, Bureau for Private Enterprise.
 AID 36 Deputy Director, Women in Development to the Director, Women in Development.
 AID 37 Deputy Director to the Director, Office of Legislative Affairs.
 AID 38 Director, Office of Interbureau Affairs and Special Projects to the Assistant to the Administrator for External Affairs.
 AID 41 Congressional Liaison Officer to the Director, Office of Legislative Affairs.
 AID 43 Confidential Assistant to the Administrator.
 AID 44 Special Assistant to the Assistant Administrator, Bureau for Food for Peace and Voluntary Service.
 AID 45 Deputy Assistant to the Administrator for Public Affairs to the Assistant Administrator, External Affairs.
 AID 47 Special Assistant to the Assistant Administrator, Bureau for Food for Peace and Voluntary Service.
 AID 52 Congressional Liaison Officer to the Director, Office of Legislative Affairs.
 AID 53 Director, Women in Development to the Assistant Secretary, Bureau for Program and Policy Coordination.
 AID 54 Special Assistant to the Assistant to the Administrator, External Affairs.
 AID 55 Special Assistant to the Assistant to the Administrator, External Affairs.
 AID 56 Congressional Liaison Assistant to the Assistant Administrator, Bureau for Private Enterprise.
 AID 57 Program Operations Assistant to the Director.
 AID 58 Special Assistant to the Coordinator, Office of Public Diplomacy for Latin America and the Caribbean.

- AID 59 Special Assistant to the Coordinator, Office of Public Diplomacy for Latin America and the Caribbean.
- AID 60 Special Assistant to the Assistant Administrator, Bureau for Asia.
- AID 61 Public Affairs Specialist to the Assistant to the Administrator for External Affairs.
- Section 213.3372 Administrative Office of United States Courts.*
- AOUSC 4 Supervisory Attorney-Advisor (Legal) to the Legislative Affairs Officer.
- AOUSC 5 Secretary (Steno) to the Legislative Affairs Officer.
- AOUSC 6 Supervisory Attorney-Advisor (Legal) to the Legislative Affairs Officer.
- AOUSC 7 Attorney-Advisor (Legal) to the Legislative Affairs Officer.
- Section 213.3376 Appalachian Regional Commission.*
- ARC 8 Congressional Affairs Officer to the Federal Co-Chairman.
- ARC 9 Special Assistant to the Alternate Federal Co-Chairman.
- Section 213.3377 Equal Employment Opportunity Commission.*
- EEOC 5 Secretary (Steno) to a Member.
- EEOC 10 Special Assistant to a Commissioner.
- EEOC 13 Confidential Assistant to the Chairman.
- EEOC 22 Director, Office of Congressional Affairs.
- EEOC 23 Special Assistant to the Executive Director.
- EEOC 26 Staff Assistant to the Chairman.
- EEOC 37 Social Science Research Specialist to the Director, Office of Public Affairs.
- EEOC 38 Congressional Liaison Assistant to the Director, Office of Congressional Affairs.
- EEOC 39 Confidential Assistant to the Chairman.
- Section 213.3379 Commodity Futures Trading Commission.*
- CFTC 1 Administrative Assistant to the Chairman.
- CFTC 3 Administrative Assistant to a Commissioner.
- CFTC 4 Administrative Assistant to a Commissioner.
- CFTC 5 Administrative Assistant to a Commissioner.
- CFTC 6 Administrative Assistant to a Commissioner.
- CFTC 7 Supervisory Public Affairs Specialist to the Chairman.
- CFTC 12 Special Assistant to a Commissioner.
- CFTC 14 Special Assistant to a Commissioner.
- CFTC 15 Special Assistant to a Commissioner.
- CFTC 21 Governmental Affairs Officer to the Chairman.
- Section 213.3382 National Endowment for the Arts.*
- NEA 2 Special Assistant (Special Events) to the Chairman.
- NEA 9 Congressional Liaison Officer to the Chairman.
- NEA 36 Special Assistant to the Director of Policy, Planning and Research.
- NEA 45 Special Assistant to the Chairman.
- NEA 49 Associate Deputy Chairman for Programs to the Deputy Chairman for Programs.
- NEA 50 Special Assistant (Development) to the Chairman.
- NEA 51 Executive Director, President's Committee on the Arts and Humanities, to the Chairman.
- NEA 53 Special Assistant (Public Affairs) to the Chairman.
- Section 213.3382 National Endowment for the Humanities.*
- NEH 28 Public Affairs Officer to the Deputy Chairman.
- NEH 47 Special Assistant to the Chairman.
- NEH 48 Congressional Liaison Officer to the Chairman.
- NEH 55 Congressional Liaison Officer to the Director, Institute of Museum Services.
- NEH 57 Staff Assistant to the Deputy Chairman.
- Section 213.3384 Department of Housing and Urban Development.*
- HUD 33 Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 35 Senior Assistant for Legislation to the Deputy Assistant Secretary for Legislation.
- HUD 36 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 39 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 65 Special Assistant to the Deputy Assistant Secretary for Program Management.
- HUD 68 Executive Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 78 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 114 Special Assistant/Director, Executive Secretariat to the Secretary.
- HUD 120 Special Assistant (Speech Issues) to the Assistant Secretary for Public Affairs.
- HUD 126 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 135 Special Assistant to the General Deputy Assistant Secretary for Fair Housing and Equal Employment Opportunity.
- HUD 137 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 143 Special Assistant to the Director, Executive Secretariat.
- HUD 153 Executive Assistant to the President, Government National Mortgage Association.
- HUD 160 Special Assistant to the Assistant Secretary for Policy Development and Research.
- HUD 163 Special Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs.
- HUD 164 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 174 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 175 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 176 Special Assistant to the Secretary.
- HUD 179 Staff Assistant to the Under Secretary.
- HUD 184 Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Legislation and Congressional Relations.
- HUD 187 Executive Assistant to the Deputy Assistant Secretary for Single Family Housing.
- HUD 192 Special Assistant to the Secretary.
- HUD 195 Special Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 198 Special Assistant to the Executive Assistant to the Secretary.
- HUD 199 Staff Assistant (Typing) to the Assistant Secretary for Housing, Federal Housing Commissioner.
- HUD 203 Senior Legislative Specialist to the Deputy Assistant Secretary for Legislation.
- HUD 205 Senior Advisor to the Deputy Under Secretary for Field Coordination.

- HUD 206 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 209 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 211 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 215 Executive Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs.
- HUD 217 Special Assistant to the Deputy Assistant Secretary for Policy Development.
- HUD 218 Executive Assistant to the Regional Administrator.
- HUD 222 Special Assistant for Congressional Relations and Public Affairs to the Regional Administrator.
- HUD 223 Executive Assistant to the Regional Administrator.
- HUD 224 Special Assistant to the Regional Administrator.
- HUD 226 Special Assistant to the Regional Administrator.
- HUD 227 Executive Assistant to the Regional Administrator.
- HUD 228 Executive Assistant to the Regional Administrator.
- HUD 232 Staff Assistant to the Regional Administrator.
- HUD 238 Special Assistant to the Secretary.
- HUD 249 Intergovernmental Relations Specialist to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 255 Executive Assistant to the Assistant Secretary for Policy Development and Research.
- HUD 258 Special Assistant to the Under Secretary.
- HUD 260 Executive Assistant to the Assistant Secretary for Public and Indian Housing.
- HUD 261 Special Assistant to the Secretary for Indian and Alaska Native Programs.
- HUD 263 Special Assistant (Speech Issues) to the Assistant Secretary for Public Affairs.
- HUD 266 Special Assistant to the President, Government National Mortgage Association.
- HUD 272 Special Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 274 Special Assistant to the Secretary.
- HUD 279 Executive Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
- HUD 281 Special Assistant to the Regional Administrator.
- HUD 286 Staff Assistant to the Executive Assistant to the Secretary.
- HUD 287 Special Assistant to the Regional Administrator.
- HUD 288 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
- HUD 289 Special Assistant to the Deputy Assistant Secretary for Program Policy Development and Evaluation.
- HUD 292 Special Assistant to the Assistant Secretary for Community Planning and Development.
- HUD 293 Staff Assistant to the President, Government National Mortgage Association.
- HUD 312 Special Assistant to the Regional Administrator.
- HUD 314 Confidential Assistant to the Under Secretary.
- HUD 316 Special Assistant to the Regional Administrator.
- HUD 317 Special Assistant to the Regional Administrator.
- HUD 318 Executive Assistant to the General Deputy Assistant Secretary for Public and Indian Housing.
- HUD 320 Special Assistant to the Assistant Secretary for Administration.
- HUD 322 Special Assistant to the Regional Administrator.
- HUD 323 Executive Assistant to the General Deputy Assistant Secretary for Housing/Federal Housing Commissioner.
- HUD 324 Special Assistant to the Regional Administrator.
- HUD 325 Special Assistant to the Director, Office of Small and Disadvantage Business Utilization.
- HUD 329 Special Assistant to the Assistant Secretary for Labor Relations.
- HUD 332 Special Assistant to the Regional Administrator.
- HUD 337 Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs.
- HUD 342 Special Assistant to the Regional Administrator.
- HUD 343 Special Assistant to the Regional Administrator.
- HUD 344 Staff Assistant to the Assistant Secretary for Public Affairs.
- HUD 345 Staff Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs.
- HUD 346 Special Assistant to the Deputy Assistant Secretary for Operations and Management.
- HUD 347 Special Advisor for Elderly Programs to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 351 Special Assistant to the Regional Administrator.
- HUD 353 Confidential Assistant to the President for Solar Energy and the Energy Conservation Bank.
- HUD 354 Special Assistant to the Assistant Secretary for Public and Indian Housing.
- HUD 355 Executive Assistant to the Regional Administrator.
- HUD 356 Executive Assistant to the Regional Administrator.
- HUD 361 Special Assistant to the Regional Administrator.
- HUD 362 Staff Assistant to the Deputy Assistant Secretary for Housing.
- HUD 363 Special Assistant to the Assistant Secretary for Policy Development and Research.
- HUD 364 Special Advisor for Minority Programs to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 365 Special Assistant to the Regional Administrator.
- HUD 366 Special Assistant to the Assistant Secretary-Federal Housing Commissioner.
- HUD 367 Special Assistant to the Regional Administrator.
- HUD 368 Special Assistant to the Regional Administrator.
- HUD 370 Special Assistant to the Assistant Secretary for Public and Indian Housing.
- HUD 372 Confidential Assistant to the Assistant Secretary for Public Affairs.
- HUD 373 Special Assistant (Speech Issues) to the Assistant Secretary for Public Affairs.
- HUD 374 Executive Assistant to the Deputy Under Secretary for Field Coordination.
- HUD 376 Special Assistant to the Regional Administrator.
- HUD 377 Special Assistant to the Regional Administrator.
- HUD 378 Staff Assistant to the Manager, Solar Energy and Energy Conservation Bank.
- HUD 379 Assistant Director for Executive Secretariat Operations to the Executive Assistant to the Secretary.
- HUD 380 Special Assistant to the Manager, Solar Energy and Energy Conservation Bank.
- HUD 381 Special Assistant to the Secretary.
- HUD 382 Staff Assistant (Typing) to the Deputy Under Secretary for Intergovernmental Relations.
- HUD 383 Special Assistant to the Regional Administrator.
- HUD 384 Special Assistant to the Assistant Secretary for Public and Indian Housing.

- HUD 385 Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs.
- HUD 387 Staff Assistant to the Assistant Secretary for Public Affairs.
- HUD 388 Supervisory Public Affairs Specialist to the Assistant Secretary for Public Affairs.
- HUD 389 Associate Deputy Assistant Secretary for Policy Development and Research to the Assistant Secretary for Policy Development and Research.
- HUD 390 Senior Legislative Specialist to the Deputy Assistant Secretary for Legislation.
- HUD 391 Special Assistant to the Regional Administrator.
- HUD 392 Special Assistant for Community Relations to the Regional Administrator.
- HUD 393 Associate Deputy Assistant Secretary for Demonstrations Projects to the Deputy Assistant Secretary for Policy Development.
- Section 213.3388 President's Commission on White House Fellows.*
- PCWHF 1 Staff Assistant to the Director.
- PCWHF 2 Associate Director to the Director.
- Section 213.3389 National Mediation Board.*
- NMB 49 Special Assistant to the Chairman.
- NMB 52 Confidential Assistant to a Member.
- NMB 53 Confidential Assistant to the Chairman.
- NMB 54 Confidential Assistant to a Member.
- Section 213.3391 Office of Personnel Management.*
- OPM 1 Special Assistant to the Director.
- OPM 4 Special Assistant to the Deputy Director.
- OPM 5 Deputy Assistant Director for Executive Administration to the Assistant Director for Executive Administration.
- OPM 7 Supervisory Legislative Analysis to the Assistant Director for Congressional Relations.
- OPM 9 Confidential Assistant (Typing) to the General Counsel.
- OPM 11 Staff Assistant to the Deputy Assistant Director for Executive Administration.
- OPM 12 Regional Representative to the Director.
- OPM 17 Staff Assistant to the Director.
- OPM 18 Staff Assistant (Typing) to the Deputy Director.
- OPM 20 Special Assistant to the Assistant Director for Public Affairs.
- OPM 21 Special Assistant to the Executive Assistant Director of Policy and Communications.
- OPM 22 Supervisory Attorney-Advisor to the General Counsel.
- OPM 23 Special Assistant to the Executive Assistant Director of Policy and Communications.
- OPM 24 Special Assistant to the Director, Office of Government Ethics.
- OPM 25 Special Assistant to the Chief, Office of Policy, Office of Policy and Communications.
- OPM 26 Confidential Assistant (Typing) to the Director, Office of Government Ethics.
- Section 213.3392 Federal Labor Relations Authority.*
- FLRA 6 Executive Assistant to a Member.
- FLRA 7 Congressional Affairs and Public Information Officer.
- Section 213.3393 Pension Benefit Guaranty Corporation.*
- PBGC 1 Secretary (Steno) to the Executive Director.
- PBGC 3 Secretary (Typing) to the Deputy Executive Director.
- PBGC 4 Special Assistant to the Executive Director.
- PBGC 6 Staff Assistant to the Executive Director.
- Section 213.3394 Department of Transportation.*
- DOT 1 Confidential Secretary to the Secretary.
- DOT 3 Staff Assistant to the Secretary.
- DOT 14 Chauffeur to the Secretary.
- DOT 38 Special Counsel to the Administrator, National Highway Traffic Safety Administration.
- DOT 40 Special Assistant to the Administrator, Urban Mass Transportation Administration.
- DOT 41 Executive Assistant to the Administrator, Urban Mass Transportation Administration.
- DOT 43 Confidential Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
- DOT 54 Congressional Liaison Officer to the Director, Congressional Affairs.
- DOT 56 Special Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
- DOT 57 Confidential Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 61 Special Assistant to the Deputy Secretary.
- DOT 69 Supervisory Public Affairs Specialist to the Administrator, Federal Railroad Administration.
- DOT 70 Special Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 77 Special Assistant to the Assistant Secretary for Public Affairs.
- DOT 78 Special Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 94 Staff Assistant to the Administrator, Federal Aviation Administration.
- DOT 100 Chief, Consumer Affairs Division to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.
- DOT 105 Secretary (Steno) to the Administrator, Federal Highway Administration.
- DOT 110 Confidential Staff Assistant to the Chief Counsel, Federal Aviation Administration.
- DOT 112 Special Assistant to the Assistant Secretary for Policy and International Affairs.
- DOT 115 Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration.
- DOT 121 Deputy Director, Office of Congressional Affairs to the Director of Congressional Affairs.
- DOT 123 Intergovernmental Liaison Officer to the Director, Office of Intergovernmental Affairs.
- DOT 126 Director, Office of Public Affairs, to the Administrator, Federal Highway Administration.
- DOT 127 Special Assistant to the Assistant Secretary for Budget and Programs.
- DOT 128 Special Assistant to the Administrator, Federal Highway Administration.
- DOT 129 Special Assistant to the General Counsel.
- DOT 130 Staff Assistant to the Deputy Secretary.
- DOT 131 Special Assistant to the Administrator, Federal Highway Administration.
- DOT 132 Secretary (Steno) to the Administrator, Research and Special Programs Administration.
- DOT 142 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Affairs.
- DOT 143 Staff Assistant to the Deputy Administrator, Federal Railroad Administration.
- DOT 145 Special Assistant to the Deputy Assistant Secretary for Governmental Affairs.

- DOT 147 Staff Assistant to the Assistant Secretary for Public Affairs.
- DOT 148 Director, Office of Scheduling and Programs to the Assistant Secretary for Public Affairs.
- DOT 149 Staff Assistant to the Director, Office of Commercial Space Transportation.
- DOT 153 Congressional Liaison Officer to the Director, Office of Congressional Affairs.
- DOT 157 Secretary (Steno) to the Associate Administrator for Policy and International Aviation, Federal Aviation Administration.
- DOT 158 Confidential Secretary to the General Counsel.
- DOT 159 Special Assistant to the Administrator, Federal Highway Administration.
- DOT 172 Receptionist to the Secretary.
- DOT 175 Special Assistant to the Assistant Secretary for Policy and International Affairs.
- DOT 176 Staff Assistant to the Administrator, National Highway Traffic Safety Administration.
- DOT 185 Special Assistant to the Deputy Assistant Secretary for Policy and International Affairs.
- DOT 186 Director, Office of Public Affairs, to the Administrator, Urban Mass Transportation Administration.
- DOT 191 Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration.
- DOT 193 Special Assistant to the Director, Office of Civil Rights.
- DOT 203 Staff Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 207 Staff Assistant to the Inspector General.
- DOT 208 Director, Executive Secretariat, to the Administrator, Urban Mass Transportation Administration.
- DOT 209 Special Assistant to the Administrator, Urban Mass Transportation Administration.
- DOT 215 Special Assistant to the Director, Office of Public Affairs and Consumer Participation, National Highway Traffic Safety Administration.
- DOT 216 Confidential Special Assistant to the Administrator, Federal Aviation Administration.
- DOT 218 Congressional Liaison Specialist to the Director, Office of Congressional Affairs.
- DOT 220 Chief, Minority Business Resource Center to the Director, Small and Disadvantaged Business Utilization.
- DOT 221 Secretary to the Administrator, Maritime Administration.
- DOT 223 Advisor to the Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration.
- DOT 224 Special Assistant to the Director, Office of Public Affairs, Urban Mass Transportation Administration.
- DOT 225 Special Assistant to the Regional Representative.
- DOT 227 Congressional Liaison Specialist to the Director, Office of Congressional Affairs.
- DOT 231 Policy Advisor to the Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration.
- DOT 232 Special Assistant to the Regional Administrator, Urban Mass Transportation Administration.
- DOT 233 Special Assistant to the General Counsel.
- DOT 235 Special Assistant to the Secretary.
- DOT 236 Special Assistant to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.
- DOT 237 Special Assistant to the Assistant Secretary for Public Affairs.
- DOT 240 Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration.
- DOT 241 Secretary (Typing) to the Coordinator for Minority Affairs.
- DOT 243 Special Assistant to the Director, Office of Public Affairs.
- DOT 244 Deputy Executive Secretary to the Director for Management.
- DOT 246 Special Assistant to the Director, Office of Intergovernmental Affairs.
- DOT 247 Private Sector Initiatives Coordinator to the Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration.
- DOT 250 Staff Assistant to the Assistant Secretary for Governmental Affairs.
- DOT 251 Staff Assistant to the Administrator, Maritime Administration.
- DOT 252 Director, Executive Secretariat, to the Administrator, National Highway Traffic Safety Administration.
- DOT 253 Intergovernmental Affairs Coordinator to the Administrator, Federal Railroad Administration.
- DOT 254 Special Assistant to the Deputy Secretary.
- DOT 255 Confidential Assistant to the Chief of Staff.
- DOT 260 Special Assistant to the Administrator, Urban Mass Transportation Administration.
- DOT 261 Staff Assistant to the Executive Secretary.
- DOT 263 Special Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
- DOT 267 Receptionist to the Deputy Secretary.
- DOT 269 Research Assistant to the Director, Executive Secretariat.
- DOT 272 Deputy Director, Office of Small and Disadvantaged Business Utilization.
- DOT 274 Special Assistant to the Assistant Secretary for Public Affairs.
- DOT 276 Special Assistant to the Administrator, Research and Special Programs Administration.
- DOT 277 Executive Assistant to the Deputy Administrator, Urban Mass Transit Administration.
- DOT 278 Staff Assistant to the Deputy Secretary.
- DOT 279 Director, Office of Speech Services to the Assistant Secretary for Public Affairs.
- DOT 280 Secretary (Typing) to the Assistant Administrator for Public Affairs.
- DOT 281 Special Assistant for Intergovernmental Relations to the Administrator, Saint Lawrence Seaway Development Corporation.
- DOT 282 Confidential Staff Assistant to the Deputy Administrator, Federal Aviation Administration.
- DOT 283 Marketing Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
- DOT 284 Special Assistant to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.
- DOT 285 Special Assistant to the Administrator, National Highway Traffic Safety Administration.
- DOT 286 Confidential Assistant to the Administrator, Federal Railroad Administration.
- Section 213.3395 Federal Emergency Management Agency*
- FEMA 3 Director of Public Affairs to the Director.
- FEMA 14 Special Assistant to the Administrator, Federal Insurance Administration.
- FEMA 23 Special Assistant to the Director.
- FEMA 24 Assistant to the Director.

- FEMA 29 Special Assistant to the Associate Director, State and Local Programs and Support Directorate.
 FEMA 32 Deputy Director, Office of Congressional Relations to the Director, Office of Congressional Relations.
 FEMA 33 Director, Office of Regional Operations to the Director.
 FEMA 34 Executive Assistant (Steno) to the Deputy Director.

Section 213.3396 National Transportation Safety Board.

- NTSB 1 Special Assistant to a Board Member.
 NTSB 2 Secretary (Typing) to the Chairman.
 NTSB 25 Special Assistant to a Board Member.
 NTSB 30 Confidential Assistant to the Chairman.
 NTSB 31 Confidential Assistant to a Board Member.
 NTSB 32 Confidential Assistant to a Board Member.
 NTSB 34 Confidential Assistant to the Vice-Chairman.
 NTSB 92 Government and Public Affairs Officer to the Managing Director, Office of Government and Public Affairs.
 NTSB 98 Special Assistant to the Vice-Chairman.
 NTSB 102 Special Assistant and Counsel to the Chairman.

Section 213.3397 African Development Foundation.

- ADF 1 Confidential Assistant to the President.

Section 213.3398 Architectural and Transportation Barriers Compliance Board.

- ATBCB 1 Executive Assistant to the Chairman.

U.S. Office of Personnel Management.
 Constance Horner,
 Director.

[FR Doc. 85-23711 Filed 10-4-85; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

[Docket 38978]

Braniff International Airways Employee Protection Program Investigation; Rescheduling Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter assigned to be held on September 26, 1985, is rescheduled for October 10, 1985, at 10:00 a.m. (local time), in Room 5332, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590, before the undersigned administrative law judge.

Dated at Washington, D.C., September 25, 1985.

Ronnie A. Yoder,
 Administrative Law Judge.

[FR Doc. 85-23921 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-62-M

[Docket 38883]

Pan American World Airways; Employee Protection Program Investigation; Postponement of Prehearing Conference

The prehearing conference scheduled to commence on September 25, 1985, has been postponed until October 18, 1985, at 10:00 a.m. (local time), Room 5332, Nassif Building, 400 Seventh Street, SW., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., September 25, 1985.

John M. Vittone,
 Administrative Law Judge.

[FR Doc. 85-23922 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-62-M

[Docket 38571]

United Air Lines; Employee Protection Program Investigation; Second Prehearing Conference

Notice is hereby given that a second prehearing conference in the above-entitled proceeding will be held on October 22, 1985, at 10:00 a.m. (local time), in Room 5332, Nassif Building, 400 7th Street, SW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., September 25, 1985.

William A. Kane, Jr.,
 Administrative Law Judge.

[FR Doc. 85-23924 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-62-M

**Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Week Ended September 27, 1985
 Subpart Q Applications**

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Sept. 24, 1985	43424	Northwest Airlines, Inc., c/o Ronald D. Eastman, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW, Suite 700, Washington, D.C. 20036. Application of Northwest Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations applies for renewal of its certificate of public convenience and necessity for Segments 1 and 3 of Route 179 (U.S.-Glasgow, Minneapolis/St. Paul-London and Boston-London). Conforming Applications, Motions to Modify Scope and Answers may be filed by October 22, 1985.
Sept. 24, 1985	43430	Trans World Airlines, Inc., 605 Third Avenue, New York, New York 10158. Application of Trans World Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations applies for renewal of the authority listed in condition 12 of its certificate of public convenience and necessity for Route 147 that is scheduled to expire on March 26, 1986. Conforming Applications, Motions to Modify Scope and Answers may be filed by October 23, 1985.
Sept. 26, 1985	43431	Air New Zealand Limited, c/o William C. Clarke, Barrett Smith Schapiro Simon & Armstrong, 26 Broadway, New York, New York 10004. Application of Air New Zealand Limited pursuant to Section 402 of the Act and Subpart Q of the Regulations requests an amendment which deletes the present route description in its permit and substitutes the following: Between a point or points in New Zealand and the Cook Islands, intermediate points in the South Pacific including the Cook Islands and American Samoa, the coterminal points Honolulu, Hawaii and Los Angeles, California and beyond to Vancouver, Canada and London, England. Answers may be filed by October 24, 1985.
Sept. 26, 1985	43435	Wright Air Lines, Inc. (NV), c/o James M. Burger, Burger & Kendall, 1726 M Street, NW, Washington, D.C. 20036. Application of Wright Air Lines, Inc. (NV), pursuant to Section 401 of the Act and Subpart Q of the Regulations and Wright Air Lines, Inc. request that the Department of Transportation transfer the certificate of Wright Air Lines, Inc. to Wright Air Lines, Inc. (NV), and to grant it such other, further or different relief as it may deem necessary and proper. Answers may be filed by October 24, 1985.

Phyllis T. Kaylor,
 Chief, Documentary Services Division.
 [FR Doc. 85-23854 Filed 10-4-85; 8:45 am]
 BILLING CODE 4910-62-M

Agreements Filed; Week Ending September 27, 1985

Answers may be filed within 21 days from the date of filing

Date filed	Docket No.	Parties	Subject	Proposed effective date
Sept. 25, 1985	43426, R-1 thru R-3	Members of International Air Transport Association	TC2 Europe Passenger Tariff Coordinating Conference Geneva-August-September 1985 TC2 Europe Expedited Resolution 076x/052/062 (Subject to LA52) Container Rates from New Zealand to Australia North/Central Pacific Japan-Brazil (Revalidation Resol) Telex Mail Vote No. 955. PAC/Reso/223 dated August 27, 1985 Mail Vote A-036—Argentina.	Oct. 1, 1985.
Do	43427, R-1	Members of International Air Transport Association		Do.
Do	43428, R-1	Members of International Air Transport Association		Do.
Sept. 26, 1985	43434, R-1	Members of International Air Transport Association		Do.
Sept. 23, 1985	43419	Horizon Air Industries, Inc. d/b/a Horizon Air, c/o Stephen A. Alterman, Meyers & Alterman, 1710 Rhode Island Ave., N.W., Second Floor, Washington, D.C. 20036. Application of Horizon Air Industries, Inc. d/b/a Horizon Air, Cascade Airways, Inc., Vanguard Ventures, Inc., AIC Management Corporation, American Investment Corporation, and Field Point Holding Corporation request approval of the acquisition of Cascade by Horizon, pursuant to Section 408 of the Act.		

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 85-23855 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

[order 85-10-11]

Fitness Determination of Texas National Airlines, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Texas National Airlines, Inc., is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service will conform to applicable safety standards.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Special Authorities Division, Room 6420, Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590, and serve them on all persons listed in Attachment A to the order. Objections shall be filed no later than October 17, 1985.

FOR FURTHER INFORMATION CONTACT: Linda L. Lundell, Special Authorities Division, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590 (202) 755-3812.

SUPPLEMENTARY INFORMATION: The complete text of Order 85-10-11 is available from the Documentary Services Division, room 4107, 400 7th Street, SW., Washington, D.C. 20590. Persons outside the metropolitan area may send a postcard request for Order 85-10-11 to that address.

Dated: October 2, 1985.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-23923 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 85-078]

Chemical Transportation Advisory Committee; Request for Applications

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Chemical Transportation Advisory Committee (CTAC). This committee advises the Coast Guard Marine Safety Council on regulatory requirements for promoting safety in the transportation of hazardous materials on vessels and the transfer of these materials between vessels and waterfront facilities.

A recent revision to the CTAC Charter reduced the authorized membership of the committee from 40 to 25. Nine members will be appointed to the committee as a result of this change and expiration of members terms.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in applications from minorities and women.

The committee usually meets at least once a year in Washington, D.C., with subcommittee meetings for specific problems on an as-required basis. Members serve at no cost to the Federal Government and receive neither travel nor per diem allowances.

DATE: Requests for applications should be received no later than November 8, 1985.

ADDRESS: Persons interested in applying should write to Commandant (G-MTH) U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:

Dr. Anthony L. Rowek, Chemical Transportation Advisory Committee (G-MTH), Room 1218, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593; (202) 426-2167.

Dated: September 30, 1985.

G. G. Piche,

Captain, U.S. Coast Guard, Executive Director, Chemical Transportation Advisory Committee.

[FR Doc. 85-23909 Filed 10-4-85; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

[FHWA Docket No. 85-22]

Report on Bridge Formula Development for Regulating Vehicle Weight Limitations

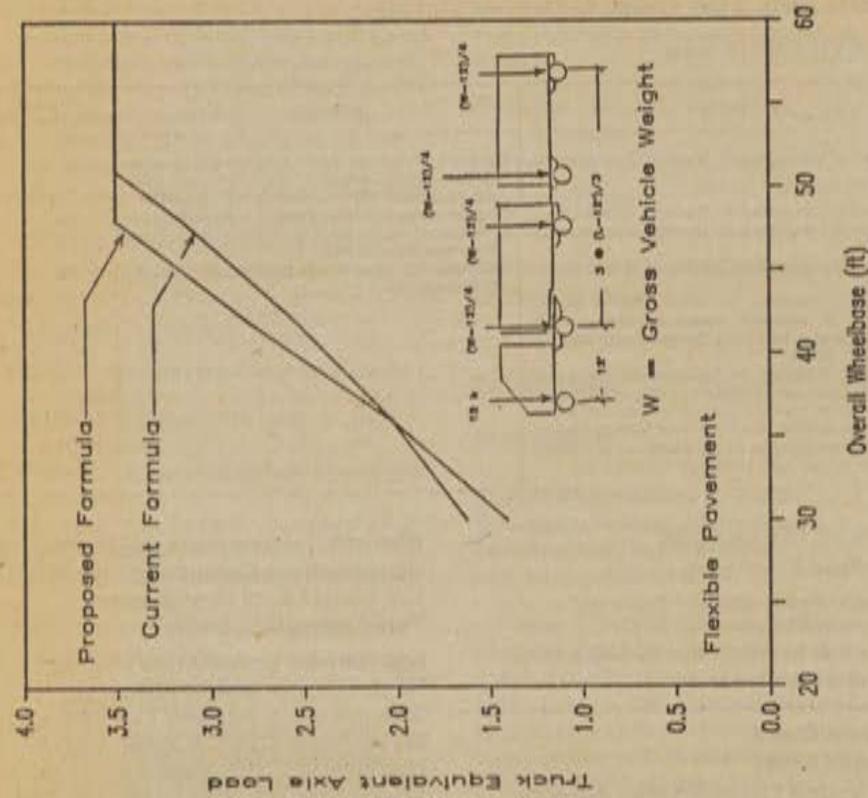
Correction

In FR Doc. 85-22253 beginning on page 38048 in the issue of Thursday, September 19, 1985, make the following corrections:

1. On page 38048, second column, under ADDRESS, sixth line, "20509" should read "20590".
2. On the same page and column, under FOR FURTHER INFORMATION CONTACT, fifth line, "425-0782" should read "426-0782".
3. On the same page, third column, second complete paragraph, sixteenth line, insert "limits" between "weight" and "than".
4. On page 38051, first column, in the second line of the formula, "56 FR <L" should read "56 ft <L".

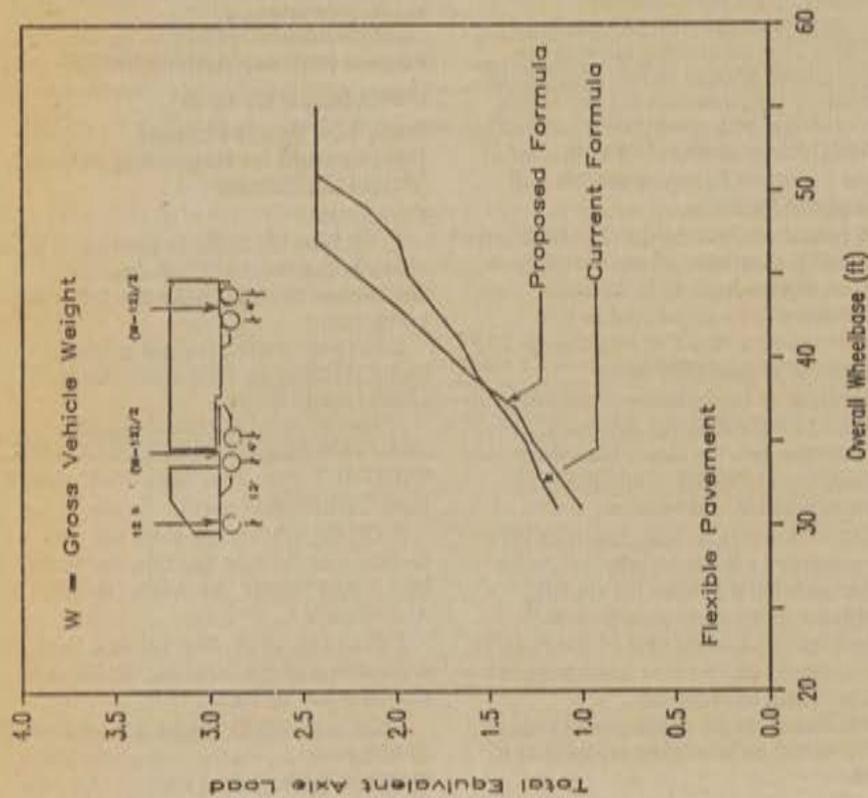
5. On page 38052, Figure 2 is reprinted as follows:

BILLING CODE 1505-01-M



(a) 3S2 Vehicle

(1 ft = 0.3048 m)



(b) 2S1-2 Vehicle

Figure 2. Equivalent Axle Loads per Vehicle for Proposed Formula and Existing Formula

DEPARTMENT OF THE TREASURY**Office of the Secretary****List of Countries Requiring Cooperation With an International Boycott**

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register**.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic

Yemen, Peoples Democratic Republic of
Ronald A. Pearlman,
Assistant Secretary for Tax Policy.
[FR Doc. 85-23867 Filed 10-4-85; 8:45 am]
BILLING CODE 4810-25-M

VETERANS ADMINISTRATION**Agency Form Under OMB Review**

AGENCY: Veterans Administration.
ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a new collection and a revision and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form and supporting document may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on this list

should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: October 2, 1985.

By direction of the Administrator.

Everett Alvarez Jr.,
Deputy Administrator.

Revision

1. Office of Procurement and Supply
2. Application for United States Flag for Burial Purposes
3. VA Form 90-2008
4. On occasion
5. Individuals or households
6. 386,000 responses
7. 96,500 hours
8. Not applicable

New

1. Office of Procurement and Supply
2. Nursing Home Care Patient Satisfaction Survey
3. VA Form 10-1465n
4. Biennially
5. Individuals or households
6. 2,000 responses
7. 666 hours
8. Not applicable

[FR Doc. 85-23898 Filed 10-4-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 50, No. 194

Monday, October 7, 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

Consumer Product Safety Commission	1, 2
Federal Energy Regulatory Commission	3

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:00 a.m., Monday, October 7, 1985.

LOCATION: Third Floor Hearing Room, 1111-18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: FY 87 Budget*.

The Commission will continue to consider the Fiscal Year 1987 Budget.

*The Commission decided that Agency business required scheduling this meeting without the normal notice.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301-492-6800.
Sheldon D. Butts,
Deputy Secretary.
October 3, 1985.

[FR Doc. 85-24020 Filed 10-3-85; 3:44 pm]
BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, October 10, 1985.

LOCATION: Third Floor Hearing Room, 1111-18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Methylene Chloride: Remedial Options

The Staff will brief the Commission on possible remedial options and the staff recommendations for Commission action concerning the potential risks to users of consumer products containing methylene chloride.

2. Upholstered Furniture

The staff will brief the Commission on the progress of industry voluntary efforts through the upholstered Furniture Action Council (UFAC) to improve the cigarette ignition resistance of upholstered furniture.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.
Sheldon D. Butts,
Deputy Secretary.
October 3, 1985.

[FR Doc. 85-24021 Filed 10-3-85; 3:44 pm]

BILLING CODE 6355-01

3

FEDERAL ENERGY REGULATORY COMMISSION

October 2, 1985.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552B:

TIME AND DATE: 10:00 a.m., October 9, 1985.

PLACE: 825 North Capitol Street, NE., Hearing Room A, Washington, DC. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda, 821st Meeting—October 9, 1985, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 2683-004, Crown Zellerbach Corporation

CAP-2.
Project No. 2814-005, Paterson Municipal Utilities Authority and Great Falls Hydroelectric Company

CAP-3.
Project No. 3856-003, Reed Hydro-Electric Corporation

CAP-4.

Project No. 5091-003, Trans Mountain Construction Company

CAP-5.
Project No. 7014-002, Malta Irrigation District, et al.

CAP-6.
Project No. 7377-009, Renewable Resources Development and Hat Creek Corporation

CAP-7.
Project No. 7492-002, Michiana Hydro-Electric Power Corporation

CAP-8.
Project No. 9028-001, Carex Hydro

CAP-9.
Project No. 9273-001, Upstate Hydro Associates

CAP-10.
Project No. 8465-003, Warrior Hydro Associates

Project No. 8498-000, Independence Electric Corporation

Project No. 8489-000, Aero Construction, Inc.

CAP-11.
Project Nos. 4881-005 and 006, Ada County, the City of Boise, and Arthur L. Bloom
Project Nos. 3598-002 and 003, Cook Electric Company

CAP-12.
Project No. 4026-003, Androscoggin Reservoir Company and Central Maine Power Company

CAP-13.
Project No. 6967-002, California Hydroelectric

CAP-14.
Project No. 8018-000, City of Redding, California

CAP-15.
Docket No. QF85-615-000, Cogenic Energy Systems, Inc. (Beachwood Sheraton)

CAP-16.
Docket No. QF84-147-001 Through 008, Alcon (Puerto Rico), Inc.

CAP-17.
Docket Nos. ER85-689-000, ER85-707-000 and ER85-720-000, Holyoke Water Power Company and Holyoke Power and Electric Company

CAP-18.
Docket Nos. ER85-692-000, ER85-534-001, ER85-424-001, ER85-425-001 and ER85-468-001, Southwestern Electric Power Company

CAP-19.
Docket Nos. ER85-707-000, ER85-689-000 and ER85-720-000, Western Massachusetts Electric Company

CAP-20.
Docket Nos. ER85-424-002, ER85-425-002 and ER85-534-003, Southwestern Electric Power Company

CAP-21.
Omitted

CAP-22.
Docket No. ER85-564-001, KPL Gas Service

CAP-23.

- Docket Nos. EF84-2011-015 and EL84-44-001, U.S. Department of Energy—Bonneville Power Administration
CAP-24.
Docket No. ER85-406-000, Sierra Pacific Power Company
CAP-25.
Docket No. ER85-461-003, Kansas Gas and Electric Company
CAP-26.
Docket No. ER84-591-000, Indiana & Michigan Electric Company
CAP-27.
Docket No. ER82-483-002, Middle South Services, Inc.
Docket No. ER82-616-004, Middle South Energy, Inc.
CAP-28.
Docket No. IR 000-976-000, Abbeville, South Carolina, Water and Electric Plant
Docket No. IR 000-1013-000, Laurens, South Carolina, Commission of Public Works
Docket No. IR 000-1030-000, Union, South Carolina, Utility Department
CAP-29.
Docket No. EL85-44-000, Kurt A. Quillen v. City of Longmont, Colorado

Consent Miscellaneous Agenda

- CAM-1.
Docket Nos. GP85-12-000 and GP85-18-000, State of Colorado, Oil and Gas Conservation Commission, Bureau of Land Management, Northwest Exploration Company, section 102 NGPA determination, Rulison No. 121 well, FERC JD No. 81-21861 Clough No. 126 well, FERC JD No. 82-11449, Battlement No. 1 well, FERC JD No. 83-35517
CAM-2.
Docket No. RO82-75-000, Argo Petroleum Corporation, et al.
CAM-3.
Docket No. RA84-1-000, Golden Eagle Refining Company
CAM-4.
Docket No. RA82-15-001, the Thriftway Company
CAM-5.
Docket No. RM84-15-000, Generic Determination of rate of return on common equity for public utilities

Consent Gas Agenda

- CAG-1.
Docket No. RP84-53-003, Ozark Gas Transmission System
CAG-2.
Docket No. RP85-200-000, Natural Gas Pipeline Company of America
CAG-3.
Docket No. RP85-199-000, Algonquin Gas Transmission Corporation
CAG-4.
Docket No. RP83-86-001, Public Service Company of Colorado, et al. v. Colorado Interstate Gas Company
CAG-5.
Docket Nos. RP85-148-001 through 004 and TA85-3-29-003 through 006, Transcontinental Gas Pipe Line Corporation
CAG-6.
Docket No. TA85-3-26-002, Natural Gas Pipeline Company of America
CAG-7.

- Docket No. RP85-177-004 and 005, Texas Eastern Transmission Corporation
CAG-8.
Docket No. TA85-3-25-002, Mississippi River Transmission Corporation
CAG-9.
Docket No. RP84-15-006, MIGC, Inc.
CAG-10.
Docket No. RP85-167-001, Sea Robin Pipeline Company
CAG-11.
Docket No. RP85-184-000, Southern Natural Gas Company
CAG-12.
Docket No. RP85-183-000, Algonquin Gas Transmission Company
CAG-13.
Docket No. RP85-171-000, Mississippi River Transmission Corporation
CAG-14.
Docket No. RP85-181-000, Texas Gas Transmission Corporation
CAG-15.
Docket Nos. TA82-1-52-002, TA82-2-52-003, TA83-1-52-001, TA83-2-52-000, TA84-1-52-000 and TA84-2-52-001, Western Gas Interstate Company
CAG-16.
Docket No. RP82-58-009, Panhandle Eastern Pipe Line Company
CAG-17.
Docket No. TA85-2-31-000, Arkla Energy Resources, Inc., a Division of Arkla, Inc.
CAG-18.
Docket No. RP85-30-000, Natural Gas Pipeline Company of America
CAG-19.
Docket Nos. RP85-69-000 and 002, Penn-York Energy Corporation
CAG-20.
Docket Nos. ST85-1007-000, ST85-1008-000, ST85-1031-000 and ST79-23-004, et al., Louisiana Intrastate Gas
CAG-21.
Docket No. ST85-1011-000, Arkla Energy Resources, a Division of Arkla, Inc.
CAG-22.
Docket No. IS85-11-001, Portal Pipeline Company
CAG-23.
Docket No. CI85-284-002, Pioneer Production Corporation
CAG-24.
Docket Nos. CI80-365-002, CI82-237-002 and CI85-598-000, Conoco, Inc.
CAG-25.
Docket Nos. RI74-188-064 and RI75-21-059, Independent Oil & Gas Association of West Virginia
CAG-26.
Docket Nos. RI74-188-065 and RI75-21-060, Independent Oil & Gas Association of West Virginia
CAG-27.
Docket Nos. CP84-429-003 through 008, Texas Eastern Transmission Corporation and Columbia Gas Transmission Corporation
Docket Nos. CP84-654-004 through 008, Algonquin Gas Transmission Company
Docket No. CP84-441-009, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
Docket No. CP85-161-001, National Fuel Gas Supply Corporation
Docket Nos. CP85-190-001, CP85-264-002, 003, CP85-294-001 and 002,

- Transcontinental Gas Pipe Line Corporation
CAG-28.
Docket No. CP81-337-002, Texas Eastern Transmission Corporation
CAG-29.
Docket No. CP85-162-001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG-30.
Docket No. CP85-296-001, Florida Cities v. Florida Gas Transmission Company and Houston Natural Gas Corporation
CAG-31.
Docket No. CP85-449-000, Consolidated Gas Transmission Corporation
CAG-32.
Docket Nos. CP83-333-000, CP83-333-029, CP83-342-000, CP83-343-000 and CP83-355-000, Pan Mark Gas Company, Trunkline Gas Company and Panhandle Eastern Pipe Line Company
CAG-33.
Docket No. CP81-189-006, Consolidated Gas Transmission Corporation
CAG-34.
Docket No. CP81-75-007, Transcontinental Gas Pipe Line Corporation and Northern Natural Gas Company, a Division of Internorth, Inc.
Docket No. CP85-247-000, Northern Natural Gas Company, a Division of Internorth, Inc.
Docket Nos. CP85-248-000, CP85-249-000 and CP85-250-000, Transcontinental Gas Pipe Line Corporation
CAG-35.
Docket No. CP85-628-000, ANR Pipeline Company and United Gas Pipe Line Company

I. Licensed Project Matters

- P-1.
Project Nos. 2245-002, 003, 004, and 005, city of Vanceburg, Kentucky
P-2.
Project No. 6902-002, city of New Martinsville, West Virginia

II. Electric Rate Matters

- ER-1.
Docket No. EL85-6-000, Public Utilities Commission of the State of California, et al. v. United States Department of Energy—Bonneville Power Administration
ER-2.
Docket No. EL85-46-000, EUA Power Corporation
ER-3.
Docket No. EL85-39-000, Municipal Electric Utilities Association of New York State v. Consolidated Edison Company of New York, Inc.
ER-4.
Docket Nos. ER85-598-002, 003, 004 and ER85-634-001, Orange and Rockland Utilities, Inc.
Docket Nos. ER85-607-001 and ER85-621-001, Consolidated Edison Company of New York, Inc.

Miscellaneous Agenda

- M-1.
Reserved
M-2.

Docket No. RM85-1-000, regulation of natural gas pipelines after partial wellhead decontrol	Docket Nos SA85-14-000 and SA85-15-000, G.E.C. Oil and Gas Operations	Reserved
M-3.	M-5.	II. Producer Matters
Docket No. GP85-48-000, Hogan Exploration, Inc., J.C. Braddock No. 1 Well. (JA Docket 80-2288, FERC No. JD80-43807), Olinkraft 684 No. 1 Well. (JA Docket 80-2289, FERC No. JD80-43860), Trident Oil and Gas Corporation, Olinkraft No. 2 Well. (JA Docket 80-2295, FERC No. JD80-43861), Newsome Est. No. 1 Well, (JA Docket 80-2294, FERC No. JD80-43771)	Docket No. SA85-3-000, Witt Oil Production, Inc.	CI-1.
M-4.	M-6.	Reserved
	Docket No. SA85-48-000, Conoco, Inc.	III. Pipeline Certificate Matters
	M-7.	CP-1.
	Docket No. SA85-32-000, Inland Ocean, Inc.	Docket No. RP85-186-000, Southwest Gas Corporation v. Northwest Pipeline Corporation
	M-8.	Kenneth F. Plumb,
	Docket No. SA85-19-000, Wylee Petroleum Corporation	Secretary.
	I. Pipeline Rate Matters	[FR Doc. 85-23955 Filed 10-3-85; 10:34 am]
	RP-1.	BILLING CODE 8717-01-M

Federal Register

Monday
October 7, 1985

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 884

**Obstetrical and Gynecological Devices;
Premarket Approval of the Contraceptive
Tubal Occlusion Device (TOD) and
Introducer; Proposed Rule**

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
21 CFR Part 884
[Docket No. 85N-0223]
Obstetrical and Gynecological Devices; Premarket Approval of the Contraceptive Tubal Occlusion Device (TOD) and Introducer
AGENCY: Food and Drug Administration.

ACTION: Proposed rule; opportunity to request change in classification.

SUMMARY: The Food and Drug Administration (FDA) is proposing to require the filing of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the contraceptive tubal occlusion device (TOD) and introducer, a medical device. The agency also is summarizing its proposed findings on: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the statute's approval requirements, and (2) the benefits to the public from use of the device. In addition, FDA is announcing an opportunity for interested persons to request the agency to change the classification of the device based on new information.

DATES: Comments by December 6, 1985; requests for change in classification by October 22, 1985.

ADDRESS: Written comments or requests for a change in classification are to be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raju G. Kammula, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION:
Background

Section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c) requires the classification of medical devices into one of three regulatory classes: class I, general controls; class II, performance standards; or class III, premarket approval. As a general rule, devices that were on the market before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295), and devices marketed on or after that date

that are substantially equivalent to such devices have been, or are being, classified by FDA. For the sake of convenience, this preamble refers to both the devices that were on the market before May 28, 1976, and the substantially equivalent devices that were marketed on or after that date as "preamendments devices."

Sections 501(f), 513, and 515(b) of the act (21 U.S.C. 351(f), 360c, and 360e(b)), taken together, establish a general requirement that a preamendments device that FDA has classified into class III is subject, in accordance with section 515 of the act, to premarket approval. (As an alternative procedure for premarket approval, section 515(f) of the act provides for development of a PDP, the last stage of which is for FDA to declare that the PDP has been completed.) A preamendments class III device may be commercially distributed without a filed PMA or a notice of completion of a PDP until 90 days after FDA's promulgation of a final rule requiring premarket approval for the device, or 30 months after final classification of the device, whichever is later. Also, such a device is exempt from the investigational device exemption (IDE) regulations (21 CFR Part 812) until the date stipulated by FDA in the final rule requiring premarket approval for that device. A device that was not in commercial distribution before May 28, 1976, or that has not been found by FDA to be substantially equivalent to such a device, is required to have an approved PMA or a declared completed PDP in effect before it may be marketed.

Section 515(b)(2)(A) of the act provides that a proceeding for the promulgation of a final rule to require premarket approval shall be initiated by publication of a notice of proposed rulemaking containing: (1) The proposed rule, (2) proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to have an approved PMA or a declared completed PDP and the benefit to the public from use of the device, (3) an opportunity for the submission of comments on the proposed rule and the proposed findings, and (4) an opportunity to request a change in the classification of the device based on new information relevant to the classification of the device.

Section 515(b)(2)(B) of the act provides that if FDA receives a request for a change in the classification of the device within 15 days of the publication of the notice, FDA shall, within 60 days of the publication of the notice, consult with the appropriate FDA advisory committee and publish a notice either denying the request or announcing its

intent to initiate a proceeding to reclassify the device under section 513(e) of the act. If FDA does not initiate such a proceeding, section 515(b)(3) of the act provides that FDA shall, after the close of the comment period on the proposed rule and consideration of any comments received, promulgate a final rule to require premarket approval, or publish a notice terminating the proceeding. If FDA terminates the proceeding, FDA is required to initiate a proceeding to reclassify the device under section 513(e) of the act, unless the reason for termination is that the device is a banned device under section 516 of the act (21 U.S.C. 360f).

If a proposed rule to require premarket approval for a preamendments device is made final, section 501(f) of the act mandates that a PMA or a notice of completion of PDP for any such device be filed within 90 days of the date of promulgation of the final rule, or 30 months after final classification of the device, whichever is later. If a PMA or a notice of completion of a PDP for such a device is not filed by the later of the two dates, commercial distribution of the device is required to cease. The device may, however, be distributed for investigational use if the manufacturer, importer, or other sponsor of the device complies with the IDE regulations.

If a PMA or a notice of completion of a PDP has not been filed, and there is not any IDE in effect, the device is deemed to be adulterated within the meaning of section 501(f)(1)(A) of the act, and subject to seizure and condemnation under section 304 of the act (21 U.S.C. 334). Shipment of the device in interstate commerce will be subject to injunction under section 302 of the act (21 U.S.C. 332), and the individuals responsible for such shipment will be subject to prosecution under section 303 of the act (2 U.S.C. 333).

The act does not permit an extension of the 90-day period after promulgation of a final rule within which an application or notice is required to be filed. The House Report on the amendments states that "the thirty month 'grace period' afforded after classification of a device into class III * * * is sufficient time for manufacturers and importers to develop the data and conduct the investigations necessary to support an application for premarket approval." H. Rep. 94-853, 94th Cong., 2d Sess. 42 (1976).

Classification of Contraceptive Tubal Occlusion Device (TOD) and Introducer

In the Federal Register of February 26, 1980 (45 FR 12712), FDA issued a final rule (21 CFR 884.5380) classifying the TOD and introducer into class III. The preamble to the proposal to classify the device (44 FR 19961; April 3, 1979) included the recommendation of the Obstetrics-Gynecology Devices Panel (formerly the Obstetrical and Gynecological Device Classification Panel) (the Panel), and FDA advisory committee, regarding the classification of the device. The Panel's recommendation included a summary of the reasons why the device should be subject to premarket approval and identified certain risks to health presented by the device. The Panel also recommended under section 513(c)(2)(A) of the act that a high priority for the application of section 515 of the act be assigned to the TOD and introducer. The preamble to the final rule classifying the device advised that the earliest date by which a PMA for the device (or a notice of completion of a PDP) could be required was September 30, 1982, or 90 days after promulgation of a rule requiring premarket approval for the device, whichever occurred later.

In the Federal Register of September 6, 1983 (48 FR 40272), FDA published a notice of intent to initiate proceedings to require premarket approval of 13 preamendments class III devices assigned a high priority by FDA for the application of premarket approval requirements. Among other things, the notice describes the factors FDA takes into account in establishing priorities for initiating proceedings under section 515(b) of the act for promulgating final rules requiring that preamendments class III devices have approved PMA's or declared completed PDP's. Using these factors, FDA has determined that the TOD and introducer, identified in § 884.5380(a), has a high priority for initiating a proceeding to require premarket approval. Accordingly, FDA is commencing a proceeding under section 515(b) of the act to require that the TOD and introducer have an approved PMA or a PDP that has been declared completed.

Dates New Requirements Apply

In accordance with section 515(b) of the act, FDA is proposing to require that a PMA or a notice of completion of a PDP be filed with the agency for the TOD and introducer within 90 days after promulgation of any final rule based on this proposal. An applicant whose device was in commercial distribution before May 28, 1976, or has been found

by FDA to be substantially equivalent to such a device, will be permitted to continue marketing the TOD and introducer during FDA's review of the PMA or notice of completion of the PDP. FDA intends to review any PMA for the device within 180 days, and any notice of completion of a PDP for the device within 90 days of the date of filing. FDA cautions that under section 515(d)(1)(B)(i) of the act, FDA may not enter into an agreement to extend the review period for a PMA unless the agency finds that " * * * the continued availability of the device is necessary for the public health."

FDA intends that, under § 812.2(d), the preamble to any final rule based on this proposal will stipulate that as of the date on which a PMA or a notice of completion of a PDP is required to be filed, the exemptions in § 812.2(c)(1) and (2) from the requirements of the IDE regulations for preamendments class III devices will cease to apply to any TOD and introducer: (1) Which is not legally on the market on or before that date or (2) which is legally on the market on or before that date but for which a PMA or notice of completion of a PDP is not filed by that date, or for which PMA approval has been denied or withdrawn.

If a PMA or a notice of completion of a PDP for the TOD and introducer is not filed with FDA within 90 days after the date of promulgation of any final rule requiring premarket approval for the device, commercial distribution of the device will be required to cease. The device may be distributed for investigational use only if the requirements of the IDE regulations regarding significant risk devices are met. The requirements for significant risk devices include submitting an IDE application to FDA for its review and approval. An approved IDE is required to be in effect before an investigation of the device may be initiated or continued. FDA, therefore, cautions that IDE applications should be submitted to FDA at least 30 days before the end of the 90-day period to avoid interrupting investigations.

Description of Device

The TOD and introducer is a contraceptive device designed to close a fallopian tube with a mechanical structure on the outside of the fallopian tube, e.g., a band or clip, or on the inside of the fallopian tube, e.g., a plug or valve, to effect female sterilization. The "tubal occlusion band," "tubal occlusion clip," "tubal occlusion plug," and "tubal occlusion valve" are included within this generic type of device. Marketed tubal occlusion bands include the Falope Ring and marketed tubal

occlusion clips include the Tantalum Clip, Spring-loaded Clip, and Bleier Clip. FDA is not aware of any marketed tubal occlusion plugs or valves. TOD's are used as alternatives to female sterilization by electrocoagulation, in which high-frequency electrical current is used to coagulate and close the fallopian tube.

The proposed rule to require premarket approval of TOD's and introducers applies only to the TOD's and introducers that were being commercially distributed before May 28, 1976, and to devices introduced into commercial distribution since that date that have been found to be substantially equivalent to such TOD's. The two TOD's that meet the criteria and are, therefore, subject to this proposed rule are the tubal occlusion band and the tubal occlusion clip. Tubal occlusion plugs and tubal occlusion valves were not in commercial distribution before May 28, 1976, and are not substantially equivalent to any device that was so distributed. Accordingly, they are considered investigational and are not subject to this proposed rule.

Proposed Findings With Respect to Risks and Benefits

As required by section 515(b) of the act, FDA is publishing its proposed findings regarding: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring the TOD and introducer to have an approved PMA or a declared completed PDP and (2) the benefits to the public from the use of the device.

Degree of Risk

The TOD is an implant and is inserted into, or attached to, the fallopian tube and is intended to remain in the body for an indefinite period of time. The use of the TOD to prevent pregnancy is considered a permanent form of female sterilization.

In 1979, the Panel considered the appropriate classification of the TOD. After reviewing all available literature on TOD's, the Panel recommended that the device be classified into class III (44 FR 19961; April 3, 1979). The Panel based its recommendation, in part, on its conclusion that the safety and effectiveness of the device depends on its design and the device materials, and that it is not possible to establish an adequate performance standard for this generic type of device. The Panel also identified several risks to health associated with the use of this device: unwanted pregnancy or ectopic (extrauterine) pregnancy, infection, trauma, adverse tissue reaction, and

bowel obstruction. Since that time, FDA has evaluated the risks associated with TOD use. Based on its evaluation, FDA believes that the risk of bowel obstruction is due to misapplication of TOD's and is related to training and experience of the physician rather than to the device. FDA now believes the following are the significant risks associated with the use of TOD's.

Pregnancy—ectopic pregnancy.—(1) **Pregnancy rate:** Failure of the device to close the fallopian tube completely could result in an unwanted pregnancy. The reported data indicate that the overall risk of pregnancy for tubal occlusion devices varies from 1 to 27 pregnancies per 100 women. Several studies reported that the pregnancy rate for the tubal occlusion band ranged from 0.3 to 1.8 per 100 women (Refs. 2, 7, 8, 10, 21, 23, and 27). The pregnancy rate for tubal occlusion clips currently in use is reported to be less than 0.5 per 100 women (Ref. 19). However, earlier models of the clip did not close the tube completely due to insufficient pressure. Pregnancy rates up to 27 per 100 women were reported for these devices (Ref. 8). In a multicenter comparative study with 24,439 patients, Bhiwandiwalla et al. reported that pregnancy rates per 100 women are 0.2 for the Spring-loaded Clip, 0.4 for the Falope Ring, and 0.2 for electrocoagulation (Ref. 3).

(2) **Ectopic pregnancy.** Some of the pregnancies reported with the use of tubal occlusion clips and with tubal occlusion bands are ectopic (extrauterine) (Refs. 8 and 17), a rare but dangerous condition. The incidence of ectopic pregnancy after sterilization by all methods ranges from 0.16 to 3.12 per 1,000 sterilized women (Ref. 19). DeStefano et al. reported that the cumulative lifetime risk of ectopic pregnancy for a woman undergoing a tubal sterilization is only 2.1 per 1,000 women, compared with 15.6 per 1,000 nonsterilized women (Ref. 12). Sixteen percent of all pregnancies occurring after tubal sterilization are ectopic, however, and the incidence of ectopic pregnancies for various TOD's is unknown (Ref. 12).

Abnormal menstrual patterns. Recently, concern has been expressed that sterilization may be related to disturbances in menstrual patterns requiring hysterectomy or other surgical treatment (Ref. 9). These patterns are manifested by abnormal menstrual cycle, abnormal menstrual bleeding, and abdominal and pelvic pain. The published data on this subject are contradictory and inconclusive. Lu and Chun found disturbances in menstrual patterns in 1,005 patients following

sterilization (Ref. 20). These authors suggested that some alteration in the vascular supply to ovaries is unavoidable during sterilization and may result in menstrual pattern disturbances. Muldoon, after studying 374 patients for 10 years, reported that tubal sterilization does cause changes in menstrual pattern (Ref. 22). Donnez et al. reported no difference in menstrual patterns between nonsterilized women and women sterilized with Spring-loaded Clips, but did find a significant increase in menstrual disturbances in patients whose tubes were closed with an electrocoagulation technique (Ref. 13). Bhiwandiwalla et al. reported that the changes observed in menstrual patterns among some sterilized women are due to discontinuing their prior intrauterine device (IUD) or oral contraceptive use rather than sterilization sequellae (Ref. 4). They also reported no differences among the various tubal occlusion techniques with respect to the proportion of women who reported changes in their menstrual patterns after sterilization (Ref. 4). Rulin et al. reported that menstrual changes observed among women sterilized by the Falope Ring are due to their prior oral contraceptive use (Ref. 25).

Infections. Infections appear to be one of the common complications associated with TOD's. In a study with an in-depth analysis of 10,086 cases of Falope Ring sterilizations, Munford and Bhiwandiwalla noted that the infection rate following sterilization was 1.37 per 100 women (Ref. 24). Infections resulting from the incision accounted for most of these cases (1.18 per 100 women). Pelvic infections accounted for the remaining cases, and included: 10 cases of endometritis, 1 of salpingitis, and 4 of unspecified infections (Ref. 24). Yoon and Poliakoff evaluated 2,299 patients sterilized with the Falope Ring and reported an overall infection rate of 0.1 percent (Ref. 27). In a comparative study involving sterilization by electrocoagulation, Spring-loaded Clips, and Falope Rings implanted via the single puncture laparotomy technique, Brenner reported that pelvic and incisional infections were the most frequently reported complications at the followup visits (Ref. 5). Brenner reported further that such infections are significantly more frequent with the Falope Ring than with the Spring-loaded Clip (Ref. 5).

Pain. Pain is one of the most frequent complications of sterilization by TOD's. The pain associated with TOD's is probably caused by ischemia, resulting from the occlusion of blood vessels and the pressure on the nerve endings in the

occluded segment (Ref. 1). The reported incidence of moderate to severe pain for TOD's indicates that the Falope Ring is associated with greater pain than that with the Spring-loaded Clip (Ref. 7). Falope Rings and Spring-loaded Clips both are associated with higher incidence of abdominal pain during the recovery period than is electrocoagulation (Ref. 7). Chatman reported the incidence of pain for the Falope Ring was 3.3 percent (Ref. 6). Leggett (Ref. 16), however, reported the incidence of pain for the Falope Ring was 29 percent compared to 3.2 percent for electrocoagulation.

Trauma—bleeding. Transection of the fallopian tubes associated with mesosalpingeal bleeding is a well-known traumatic complication of female sterilization. The incidence of such complications reported in the literature varies from 2 percent to 7 percent (Refs. 1, 2, and 6). Transection and bleeding are most likely to occur when the fallopian tubes are fixed by adhesions or are thickened as a result of salpingitis (Ref. 26). Yoon and King reported a tubal bleeding frequency of 2.6 percent for the Falope Ring (Ref. 26). The frequency of tubal bleeding has not been reported for tubal occlusion clips (Refs. 15 through 18).

Tissue toxicity. Implanted TOD devices may contain materials which are not biocompatible, thereby producing adverse tissue reaction. Although the tubal occlusion bands and clips are made of materials that are generally thought to be biocompatible, it is possible that contaminants may be introduced during the manufacture of the device or that some of the materials may cause adverse tissue reactions that are not recognized immediately after implantation. Because TOD's are lifetime implants, data on the long-term adverse effects of materials on the tissue and the effects of tissue on material integrity are essential to evaluate the safety and effectiveness of TOD's.

Benefits of the Device

Female sterilization is the most popular method of fertility control for women in the United States. In an update report on the Centers for Disease Control Collaborative Review of Sterilization, published in *Obstetrics and Gynecology*, DeStefano et al. reported that more than 5 million women underwent tubal sterilization during the 1970's (Ref. 11). Female sterilization by TOD's has been demonstrated to be relatively safe and shown to have failure rates of less than 1 per 100 women (Ref. 3), whereas

female sterilization by electrocoagulation, though as effective, carries the additional risks of skin, bowel, and bladder burns (Refs. 1, 5, and 10). In addition, many women who have completed their desired family size prefer sterilization by TOD's over the use of IUD's, oral contraceptives, or vaginal barrier contraceptives. Other contraceptive choices may be less reliable or pose risks that are not associated with TOD's. For instance, one out of four women who complete their desired family size at the age of 25 and use the IUD starting at age 30 for the rest of their sexually active lives will have an unwanted pregnancy. If these women use a diaphragm or their partners use the condom, it is likely that a couple will have at least one unplanned pregnancy (Ref. 14). Also, studies indicate that women over 35 years of age who take oral contraceptives, especially those who also smoke cigarettes, may run a higher risk of vascular disease than those who undergo sterilization. If these women stop taking oral contraceptives at the age of 35, approximately 10 years of reproductive capability remain; therefore, for these women, sterilization may be the most reliable contraceptive method (Ref. 14).

In summary, sterilization by tubal occlusion devices offers many advantages for some women over the contraceptive and electrocoagulation sterilization methods. Thus, FDA believes that the TOD is a reasonable contraceptive choice.

Discussion of Risks and Benefits

FDA classified the TOD and introducer into class III because there were insufficient data to establish an adequate performance standard for the design and long-term safety and effectiveness of this generic type of device. FDA has weighed the probable risks and probable benefits to the public from use of the device and believes that the studies discussed above present evidence of significant risks associated with the use of the device. Effectiveness of the TOD and introducer varies with the design and material applicable to the specific device and to patient selection for implantation of the device. FDA believes that the effectiveness of the TOD and introducer must be documented in terms of these factors.

Ectopic (tubal) pregnancies, a potentially life-threatening situation, have been reported with the use of tubal occlusion clips and with tubal occlusion bands (Refs. 8 and 17). Such pregnancies are particularly dangerous because pregnancy may not be immediately suspected and treated (Ref. 19). FDA

believes that the rate of ectopic pregnancy for each TOD should be clearly documented.

Infections, pain, trauma, and bleeding are common complications associated with TOD's. Published reports indicate that the incidence and severity of these complications vary with the type of TOD used (Refs. 5, 6, 15, 17, and 26). FDA, therefore, believes that the rate of these complications for each TOD should be clearly documented.

Because a TOD is implanted into a healthy woman of reproductive age and then may remain in situ of her lifetime, FDA believes that long-term material integrity and safety, including potential carcinogenicity, must be established by adequate studies.

FDA also believes that the controversy regarding long-term complications associated with disturbances of menstrual patterns as a result of sterilization by TOD's is not completely resolved. FDA believes that the incidence of menstrual disturbances following sterilization for each TOD should be clearly documented.

FDA believes that the information regarding the risks associated with the device exists but must be assembled in such a way as to enable FDA to assure long-term safety of the device.

FDA has tentatively concluded, therefore, that the TOD and introducer should undergo premarket approval to determine whether the risks of using the device are adequately balanced by its benefits. Applicants should submit any PMA in accordance with FDA's "Guideline for the Arrangement and Content of a PMA Application" and "Guideline for the Evaluation of TOD's" (available upon request from Raju G. Kammula, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910).

The PMA should contain a detailed discussion with supporting preclinical and clinical studies of (1) all risks that have been identified in this document and (2) the effectiveness of the device.

In addition, the submission should contain all data and information on (1) the risks known to the applicant that have not been identified in this document, (2) the specific effectiveness of the TOD, and (3) summaries of all existing preclinical and clinical data from investigations on the safety and effectiveness of the device for which premarket approval is sought.

Opportunity To Request a Change in Classification

Before requiring the filing of a PMA or a notice of completion of a PDP for a device, FDA is required by section

515(b)(2)(A)(iv) of the act and § 860.132 of FDA's regulations governing classification of devices (21 CFR 860.132) to provide an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification. The legal standard governing reclassification under section 513(e) of the act and § 860.123 is discussed in detail in the preambles to FDA's proposed rules to reclassify daily wear spherical contact lenses consisting of rigid glass permeable plastic materials and daily wear optically spherical (soft) contact lenses from class III into class I (47 FR 53402, 53411; November 26, 1982).

A request for a change in the classification of the TOD and introducer is to be in the form of a reclassification petition containing the information required by § 860.123, including new information relevant to the classification of the device, and shall, under section 515(b)(2)(B) of the act, be submitted by October 22, 1985.

The agency advises that to assure timely filing of any such petition, any request should be submitted to the Dockets Management Branch (address above) and not to the address provided in § 860.123(b)(1). If a timely request for a change in classification of the TOD and introducer is submitted, the agency will, by December 6, 1985, after consultation with the appropriate FDA advisory committee, and by an order published in the *Federal Register*, either deny the request or give notice of its intent to initiate a change in the classification of the device in accordance with section 513(e) of the act and § 860.130 of the regulations.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be reviewed by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Baggish, M.S., et al., "Complications of Laparoscopic Sterilization: Comparison of Two Methods," *Obstetrics and Gynecology*, 54:54-59, 1979.
2. Beck, P., et al., "Silicone Band Sterilization with Radiographic and Laparoscopic Evaluation," *Obstetrics and Gynecology*, 53:698-702, 1979.
3. Bhiwandiwala, P.P., S.D. Mumford, and P.J. Feldblum, "A Comparison of Different Laparoscopic Sterilization Occlusion Techniques in 24,439 Procedures," *American Journal of Obstetrics and Gynecology*, 144:319-331, 1982.
4. Bhiwandiwala, P.P., S.D. Mumford, and P.J. Feldblum, "Menstrual Pattern Changes Following Laparoscopic Sterilization with

Different Occlusion Techniques: A Review of 10,004 Cases," *American Journal of Obstetrics and Gynecology*, 145:684-694, 1983.

5. Brenner, W.E., "Evaluation of Contemporary Female Sterilization Methods," *Journal of Reproductive Medicine*, 26:439-453, 1981.

6. Chatman, D.L., "Laparoscopic Falope Ring Sterilization: Two Years of Experience," *American Journal of Obstetrics and Gynecology*, 131:291-294, 1978.

7. Chi, I.C., and L.P. Cole, "Incidence of Pain Among Women Undergoing Laparoscopic Sterilization by Electrocoagulation, the Spring-loaded Clip, and the Tubal Ring," *American Journal of Obstetrics and Gynecology*, 135:397-401, 1979.

8. Chi, I.C., et al., "An Epidemiologic Study of Risk Factors Associated with Pregnancy Following Female Sterilization," *American Journal of Obstetrics and Gynecology*, 138:768-772, 1980.

9. Cole, L.P., J.A. Fortney, and K.I. Kennedy, "Menstrual Patterns after Female Sterilization: Variables Predicting Change," *Studies in Family Planning*, 15:242-250, 1984.

10. Cunanan, R.G., et al., "Complications of a Laparoscopic Tubal Sterilization," *Obstetrics and Gynecology*, 55:501-506, 1980.

11. DeStefano, F., et al., "Menstrual Changes after Tubal Sterilization," *Obstetrics and Gynecology*, 62:673-681, 1983.

12. DeStefano, F., et al., "Risk of Ectopic Pregnancy Following Tubal Sterilization," *Obstetrics and Gynecology*, 60(3):326-330, 1982.

13. Donnez, M.W., and K. Thomas, "Luteal Function after Tubal Sterilization," *Obstetrics and Gynecology*, 57:65-68, 1981.

14. Green, C.P., "Voluntary Sterilization: World's Leading Contraceptive Method," *Population Report, Special Topic Monographs, Series M, No. 2*, 1978.

15. Hulka, J.F., "Tubal Damage in Elective Sterilization," in "Microsurgery in Gynecology," Edited by J.M. Phillips, American Association of Gynecologic Laparoscopists, Downey, CA, pp. 109-112, 1977.

16. Hulka, J.F., et al., "Laparoscopic Sterilization with a Spring Clip: A Report of the First Fifty Cases," *American Journal of Obstetrics and Gynecology*, 118:715, 1973.

17. Levinson, C.J., "Falope Ring Complications from Endoscopic Female Sterilizations," Edited by Jordan M. Phillips, pp. 179-184, 1983.

18. Lieberman, B.A., et al., "Laparoscopic Sterilization with Spring-Loaded Clips: Double Puncture Technique," *Journal of Reproductive Medicine*, 18:241-245, 1977.

19. Liskin, L., "Minilaparotomy and Laparoscopy: Safe, Effective, and Widely Used," *Population Report, Series C, No. 9*, 1985.

20. Lu, T., and D. Chun, "A Long-term Follow-up of 1,055 Cases of Postpartum Tubal Ligation," *Journal of Obstetrics and Gynecology of the British Commonwealth*, 74:875, 1967.

21. McCann, M.F., and L.P. Cole, "Laparoscopy and Minilaparotomy: Two

Major Advances in Female Sterilization," *Studies in Family Planning*, 11:119-127, 1980.

22. Muldoon, M.J., "Gynecological Illness after Sterilization," *British Medical Journal*, 1:84-85, 1972.

23. Mumford, S.D., P.P. Bhiwandiwala, and I.C. Chi, "Laparoscopic and Minilaparotomy Female Sterilization Compared in 15,167 Cases," *Lancet*, 15:1066-1070, 1980.

24. Mumford, S.D., and P.P. Bhiwandiwala, "Tubal Ring Sterilization: Experience with 10,086 Cases," *Obstetrics and Gynecology*, 57:150-157, 1981.

25. Rulin, M.C., et al., "Post-tubal Sterilization Syndrome—A Misanomer," *American Journal of Obstetrics and Gynecology*, 151:13-19, 1985.

26. Yoon, I.B., and T.M. King, "The Laparoscopic Falope Ring Procedure," in "Laparoscopy," Harper & Row, pp. 59-68, 1976.

27. Yoon, I.B., and S.R. Poliakoff, "Laparoscopic Tubal Ligation," *Journal of Reproductive Medicine*, 23:76-80, 1979.

Environmental Impact

The Agency has determined under 21 CFR 25.24(a)(8) (April 26, 1985; 50 FR 16636) that this proposed action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

FDA has examined the economic consequences of this proposed rule in accordance with the criteria in section 1(b) of Executive Order 12291 and found that the proposal would not be a major rule as specified in the Order. The agency believes that only four or five small firms will be affected by this proposed rule. Therefore, the agency certifies under the Regulatory Flexibility Act (Pub. L. 96-354) that the proposed rule would not have a significant economic impact on a substantial number of small entities. An assessment of the economic impact of any final rule based on this proposal has been placed on file in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Submission of Comments

Interested persons may, on or before December 6, 1985, submit to the Docket Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Interested persons may, on or before October 22, 1985, submit to the Docket Management Branch written requests to

change the classification of the TOD and introducer. Two copies of any requests are to be submitted, except that individuals may submit one copy. Comments or requests are to be identified with the docket number found in brackets in the heading of this document. Received comments and requests may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 884

Medical devices; Obstetrical and gynecological devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drug, it is proposed that Part 884 be amended as follows:

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

1. The authority citation for Part 884 would be revised to read as follows:

Authority: Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)); 21 CFR 5.10; Sections 884.5360(d) and 884.5380(c) also are issued under secs. 501, 515, and 520(g), 52 Stat. 1049-1050 as amended, 90 Stat. 552-559, 569-571 (21 U.S.C. 351, 360e, 360j(g)).

2. In Part 884, § 884.5380 is amended by adding new paragraph (c), to read as follows:

§ 884.5380 Contraceptive tubal occlusion device (TOD) and introducer.

(c) Date permarket approval application (PMA) or notice of completion of product development protocol (PDP) is required. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before (a date 90 days after date of promulgation of a final rule) for any TOD and introducer that was in commercial distribution before May 28, 1976, or that has on or before (a date 90 days after date of publication of a final rule) been found to be substantially equivalent to a TOD and introducer that was in commercial distribution before May 28, 1976. Any other TOD and introducer shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

Dated: August 14, 1985.

Joseph P. Hile,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-23866 Filed 10-4-85; 8:45 am]
BILLING CODE 4160-01-M

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1900-1944	12.00	Jan. 1, 1985
1945-End	13.00	Jan. 1, 1985
8	7.50	Jan. 1, 1985
9 Parts:		
1-199	13.00	Jan. 1, 1985
200-End	9.50	Jan. 1, 1985
10 Parts:		
0-199	17.00	Jan. 1, 1985
200-399	9.50	Jan. 1, 1985
400-499	12.00	Jan. 1, 1985
500-End	14.00	Jan. 1, 1985
11	7.50	Jan. 1, 1985
12 Parts:		
1-199	8.00	Jan. 1, 1985
200-299	14.00	Jan. 1, 1985
300-499	9.50	Jan. 1, 1985
500-End	14.00	Jan. 1, 1985
13	13.00	Jan. 1, 1985
14 Parts:		
1-59	16.00	Jan. 1, 1985
60-139	13.00	Jan. 1, 1985
140-199	7.50	Jan. 1, 1985
200-1199	15.00	Jan. 1, 1985
1200-End	8.00	Jan. 1, 1985
15 Parts:		
0-299	6.50	Jan. 1, 1985
300-399	13.00	Jan. 1, 1985

Title	Price	Revision Date
400-End	12.00	Jan. 1, 1985
16 Parts:		
0-149	9.00	Jan. 1, 1985
150-999	10.00	Jan. 1, 1985
1000-End	13.00	Jan. 1, 1985
17 Parts:		
1-239	20.00	Apr. 1, 1985
240-End	14.00	Apr. 1, 1985
18 Parts:		
1-149	12.00	Apr. 1, 1985
150-399	19.00	Apr. 1, 1985
400-End	7.00	Apr. 1, 1985
19	21.00	Apr. 1, 1985
20 Parts:		
1-399	8.00	Apr. 1, 1985
400-499	16.00	Apr. 1, 1985
500-End	18.00	Apr. 1, 1985
21 Parts:		
1-99	9.00	Apr. 1, 1985
100-169	11.00	Apr. 1, 1985
170-199	13.00	Apr. 1, 1985
200-299	4.25	Apr. 1, 1985
300-499	20.00	Apr. 1, 1985
500-599	16.00	Apr. 1, 1985
600-799	6.50	Apr. 1, 1985
800-1299	10.00	Apr. 1, 1985
1300-End	5.50	Apr. 1, 1985
22	21.00	Apr. 1, 1985
23	14.00	Apr. 1, 1985
24 Parts:		
0-199	11.00	Apr. 1, 1985
200-499	19.00	Apr. 1, 1985
500-699	6.50	Apr. 1, 1985
700-1699	13.00	Apr. 1, 1985
1700-End	9.00	Apr. 1, 1985
25	18.00	Apr. 1, 1985
26 Parts:		
§§ 1.0-1.169	21.00	Apr. 1, 1985
§§ 1.170-1.300	12.00	Apr. 1, 1985
§§ 1.301-1.400	7.50	Apr. 1, 1985
§§ 1.401-1.500	15.00	Apr. 1, 1985
§§ 1.501-1.640	12.00	Apr. 1, 1984
§§ 1.641-1.850	11.00	Apr. 1, 1985
§§ 1.851-1.1200	22.00	Apr. 1, 1985
§§ 1.1201-End	22.00	Apr. 1, 1985
2-29	15.00	Apr. 1, 1985
30-39	9.50	Apr. 1, 1985
40-299	18.00	Apr. 1, 1985
300-499	11.00	Apr. 1, 1985
500-599	8.00	Apr. 1, 1980
600-End	4.75	Apr. 1, 1985
27 Parts:		
1-199	18.00	Apr. 1, 1985
200-End	13.00	Apr. 1, 1985
28	16.00	July 1, 1985
29 Parts:		
0-99	11.00	July 1, 1985
100-499	5.00	July 1, 1985
500-899	19.00	July 1, 1985
900-1899	7.00	July 1, 1985
1900-1910	21.00	July 1, 1985
1911-1919	5.50	July 1, 1984
1920-End	20.00	July 1, 1985
30 Parts:		
0-199	16.00	July 1, 1985
200-699	6.00	July 1, 1985
700-End	13.00	July 1, 1985
31 Parts:		
0-199	8.50	July 1, 1985
200-End	11.00	July 1, 1985

Title	Price	Revision Date	Title	Price	Revision Date
32 Parts:			1000-3999	14.00	Oct. 1, 1984
1-39, Vol. I	15.00	⁴ July 1, 1984	4000-End	8.00	Oct. 1, 1984
1-39, Vol. II	19.00	⁴ July 1, 1984	44	13.00	Oct. 1, 1984
1-39, Vol. III	18.00	⁴ July 1, 1984	45 Parts:		
1-189	13.00	July 1, 1985	1-199	9.50	Oct. 1, 1984
190-399	16.00	July 1, 1985	200-499	6.50	Oct. 1, 1984
400-629	15.00	July 1, 1985	500-1199	13.00	Oct. 1, 1984
630-699	12.00	⁵ July 1, 1984	1200-End	9.50	Oct. 1, 1984
700-799	15.00	July 1, 1985	46 Parts:		
800-999	7.50	July 1, 1985	1-40	9.50	Oct. 1, 1984
1000-End	5.50	July 1, 1985	41-69	9.50	Oct. 1, 1984
33 Parts:			70-89	6.00	Oct. 1, 1984
1-199	14.00	July 1, 1984	90-139	9.00	Oct. 1, 1984
200-End	14.00	July 1, 1985	140-155	9.50	Oct. 1, 1984
34 Parts:			156-165	10.00	Oct. 1, 1984
1-299	15.00	July 1, 1985	166-199	9.00	Oct. 1, 1984
300-399	8.50	July 1, 1985	200-499	13.00	Oct. 1, 1984
*400-End	18.00	July 1, 1985	500-End	7.50	Dec. 31, 1984
35	7.00	July 1, 1985	47 Parts:		
36 Parts:			0-19	13.00	Oct. 1, 1984
1-199	9.00	July 1, 1985	20-69	14.00	Oct. 1, 1984
200-End	14.00	July 1, 1985	70-79	13.00	Oct. 1, 1984
37	9.00	July 1, 1985	80-End	14.00	Oct. 1, 1984
38 Parts:			48 Chapters:		
*0-17	16.00	July 1, 1985	1 (Parts 1-51)	13.00	Oct. 1, 1984
18-End	9.50	July 1, 1984	1 (Parts 52-99)	13.00	Oct. 1, 1984
39	9.50	July 1, 1985	2	13.00	Oct. 1, 1984
40 Parts:			3-6	12.00	Oct. 1, 1984
1-51	13.00	July 1, 1984	7-14	14.00	Oct. 1, 1984
52	14.00	July 1, 1984	15-End	12.00	Oct. 1, 1984
53-80	18.00	July 1, 1984	49 Parts:		
81-99	14.00	July 1, 1984	1-99	7.50	Oct. 1, 1984
100-149	9.50	July 1, 1984	100-177	14.00	Nov. 1, 1984
150-189	13.00	July 1, 1985	178-199	13.00	Nov. 1, 1984
190-399	19.00	July 1, 1985	200-399	13.00	Oct. 1, 1984
400-424	14.00	July 1, 1985	400-999	13.00	Oct. 1, 1984
425-End	14.00	July 1, 1984	1000-1199	13.00	Oct. 1, 1984
700-End	8.00	July 1, 1985	1200-1299	13.00	Oct. 1, 1984
41 Chapters:			1300-End	3.75	Oct. 1, 1984
1, 1-1 to 1-10	13.00	⁶ July 1, 1984	50 Parts:		
1, 1-11 to Appendix, 2 (2 Reserved)	13.00	⁶ July 1, 1984	1-199	9.50	Oct. 1, 1984
3-6	14.00	⁶ July 1, 1984	200-End	14.00	Oct. 1, 1984
7	6.00	⁶ July 1, 1984	CFR Index and Findings Aids	18.00	Jan. 1, 1985
8	4.50	⁶ July 1, 1984	Complete 1985 CFR set	550.00	1985
9	13.00	⁶ July 1, 1984	Microfiche CFR Edition:		
10-17	9.50	⁶ July 1, 1984	Complete set (one-time mailing)	155.00	1983
18, Vol. I, Parts 1-5	13.00	⁶ July 1, 1984	Complete set (one-time mailing)	125.00	1984
18, Vol. II, Parts 6-19	13.00	⁶ July 1, 1984	Subscription (mailed as issued)	185.00	1985
18, Vol. III, Parts 20-52	13.00	⁶ July 1, 1984	Individual copies	3.75	1985
19-100	13.00	⁶ July 1, 1984			
1-100	7.50	July 1, 1985			
101	15.00	July 1, 1984			
102-200	8.50	July 1, 1985			
*201-End	5.50	July 1, 1985			
42 Parts:					
1-60	12.00	Oct. 1, 1984			
61-399	8.00	Oct. 1, 1984			
400-End	18.00	Oct. 1, 1984			
43 Parts:					
1-999	9.50	Oct. 1, 1984			

¹ No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1985. The CFR volume issued as of Apr. 1, 1980, should be retained.

² No amendments to this volume were promulgated during the period Apr. 1, 1984 to March 31, 1985. The CFR volume issued as of Apr. 1, 1984, should be retained.

³ No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1985. The CFR volume issued as of July 1, 1984, should be retained.

⁴ The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

⁵ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.