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PAGES
45417–45789

federal register

THURSDAY, OCTOBER 2, 1975

highlights

PART I:

AVIATION FUELS
FEA proposal on markup on retail sales by fixed base operators to reflect increased non-product costs; comments by 10–16–75 45447

BIOLOGICAL PRODUCTS
USDA/APHIS relaxes restrictions on production; effective 9–26–75 45419

BOYCOTT REQUESTS
Commerce/DIBA issues reporting requirements regarding restrictive trade practices; effective 10–1–75 45421

CIVIL RIGHTS
HEW proposal establishing uniform procedures for enforcing nondiscrimination requirements; comments by 11–17–75 45442

DISCLOSURE OF INFORMATION
OMB rescinds circular concerning compensation of Federal employees 45484

ENVIRONMENTAL IMPACT STATEMENT
ERDA issues determination regarding nuclear power export activities 45463

HOUSING
HUD proposes interim amendment relating to low income assistance program; comments by 10–15–75 45445

CONTINUED INSIDE

PART II:

PRIVACY ACT OF 1974
The following agencies issue documents relating to the implementation of the Act and/or notices of Systems of Records:

Agency for International Development (2 documents) 45679, 45768
Commerce Department (3 documents) 45619, 45632, 45634
Commission of Fine Arts 45740
Commission on Civil Rights (2 documents) 45726, 45739
Federal Energy Administration 45609
Federal Reserve System 45617
National Archives and Records Service 45790
Postal Service 45721
Railroad Retirement Board (2 documents) 45736, 45737
State Department (2 documents) 45606, 45741
Transportation Department 45729
Treasury Department 45684
United States Railway Association (2 documents) 45734
Water Resources Council (2 documents) 45675, 45678

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/Coast Guard—Marine Engineering Systems and Components; Miscellaneous amendments; correction..... 42746; 9–16–75

FAA—Airworthiness directives; Bell Models 206A, 206B, 206A–1, and 206B–1 Helicopters 41091; 9–5–75

Standard Instrument Approach Procedures; recent changes and additions..... 36763; 8–22–75

EPA—Kentuckys air programs; implementation plans, approval and promulgation; categorical compliance schedules. 40158; 9–2–75

FCC—Cable television services; late night programming..... 39509; 8–28–75

List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 9524..... Public Law 94–99
Emergency Petroleum Allocation Act of 1975
(Sept. 29, 1975; 89 Stat. 481)

PRIVACY ACT PUBLICATIONS

The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St., NW., Rm. 8401. They will be published according to the following schedule. See also this issue of the FEDERAL REGISTER for additional Privacy Act documents.

Agency	*1975 Date of Issue*
Interior Department—notices (2 documents)	Oct. 3
National Archives & Records Service	Oct. 2
Energy Research & Development Administration—notices	*
General Services Administration—notices	*
Housing & Urban Development—notices	*
Advisory Commission on Intergovernmental Relations—proposed rules, notices	Oct. 3
Treasury Department—notices	*
Defense Department/Navy—proposed rules, notices	Oct. 3
Defense Department—notices	*
Postal Service—notices	*
Federal Maritime Commission—notices	*
Federal Trade Commission—notices	Oct. 3
Federal Communications Commission—notices	Oct. 3
Pension Benefits Guaranty Corporation—rules	Oct. 3
Defense Civil Preparedness Agency—rules	Oct. 3
Small Business Administration—rules	Oct. 3

*Not yet scheduled; will be published as soon as possible.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

IMPORTED OIL
FEA requests separate account for collection of license fees 45475

INCOME TAXES
Treasury/IRS rules regarding sources of income and foreign deposits in United States banks 45427

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969
ICC proposes revised guidelines for implementation; comments by 10–10–75 45450

REINSURANCE TRANSACTIONS
Treasury/IRS announces public hearing on proposed regulations; public hearing 11–6–75; comments by 10–31–75 45442

SECURITIES INFORMATION
SEC adopts and proposes rules, and requests ideas regarding registration of non-exclusive processors (2 documents); comments by 11–1 and 12–1–75 45422

SPECIAL IMPACT PROGRAM
Community Services Administration regulations regarding policy and priorities; effective 11–3–75 45436

TOBACCO
USDA/CCC proposes grade loan rates for 1975 crop; comments by 11–3–75 45444

WESTERN HEMLOCK
USDA/FS requests comments by 10–10–75 on proposal to declare certain timber surplus to domestic needs 45454

MEETINGS—
CAB: Advisory Committee on Procedural Reforms, 10–18–75 45463
Commerce/DIBA: President's Export Council, 11–4 and 11–5–75 45457
HEW/FDA: Panel on Review of Ophthalmic Drugs, 10–24 and 10–25–75 45459
Panel on Review of Physical Medicine Devices, 10–26 and 10–27–75 45459
OE: Advisory Committee on Bilingual Education, 10–5–75 45459
SSA: Supplemental Security Income Study Group, 10–16 and 10–17–75 45462
Interior/BLM: Montana State Advisory Board, 11–6 and 11–7–75 45452
Oregon State Multiple Use Advisory Board, 11–11–75 45452
O and C Multiple Use Advisory Board, 11–13–75 45452
Shoshone District Multiple Use Advisory Board, 10–30–75 45452
NRC: Advisory Committee on Reactor Safeguards, 10–17–75 45481
USDA/FS: North End District Advisory Board, 10–22–75 45454
Pacific Crest National Scenic Trail Advisory Council, 10–16 and 10–17–75 45454
Uinta National Forest G–10 Grazing Advisory Board, 10–23–75 45454
SBA: Boise District Advisory Council, 11–3–75 45484
Dallas District Advisory Council, 10–20–75 45484
Newark District Advisory Council, 10–22–75 45484
Omaha District Advisory Council, 11–6–75 45484
Portland District Advisory Council, 10–23–75 45485

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Rules
Privacy Act 45679
Notices
Authority delegations:
Assistant Administrator for Program and Management Services 45451
Mission Director and Deputy Mission Director, USAID/Philippines 45451
Contract functions 45451
Privacy Act; systems of records 45768

AGRICULTURAL MARKETING SERVICE
Rules
Cherries grown in Mich., N.Y., Wis., Penn., Ohio, Va., W. Va. and Md 45418
Oranges (Valencia) grown in Ariz. and Calif 45417
Prunes grown in Washington and Oregon 45418
Proposed Rules
Cranberries grown in Mass., R.I., Conn., New Jersey, Wis., Mich., Minn., Oregon, Wash. and New York 45443
Limes grown in Florida 45442
Prunes (dried) grown in Calif 45443

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Forest Service.
Notices
Committees, establishment:
National Advisory Committee on Safety in Agriculture 45455

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Biological products; production restriction relaxation 45419

CIVIL AERONAUTICS BOARD
Notices
Meetings:
Advisory Committee on Procedural Reforms 45463
Hearings, etc.:
Honolulu-Vancouver route 45463

CIVIL RIGHTS COMMISSION
Rules
Privacy Act 45726
Notices
Privacy Act; systems of records 45739

CIVIL SERVICE COMMISSION
Rules
Allowances and differentials; updated listing 45417

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration.
Rules
Privacy Act 45619
Proposed Rules
Privacy Act; supplemental provisions 45632
Notices
Privacy Act; system of records 45634

COMMISSION ON FINE ARTS
Notices
Privacy Act; systems of records 45740

COMMODITY CREDIT CORPORATION
Proposed Rules
Tobacco (fire-cured, dark air-cured and Virginia sun-cured); notice of grade loan rates for price support on 1975-crop 45444

COMMUNITY SERVICES ADMINISTRATION
Rules
Economic Development Programs; special impact program policies and priorities ... 45436

COST ACCOUNTING STANDARDS BOARD
Rules
Composition and measurement of pension cost; definitions; correction ... 45417

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Rules
Restrictive trade practices or boycott requests; requirement to report ... 45421
Notices
Adjustment assistance, petition for determination:
Wolff Shoe Manufacturing Co. ... 45458
Export privileges, actions affecting:
Sopex S.A.R.L. ... 45457
Meetings:
President's Export Council ... 45457
Scientific articles; duty-free entry:
Cornell University ... 45455
Southern Illinois University ... 45455
University of California ... 45456
University of Rhode Island ... 45456
University of Southern California ... 45456
University of Tennessee ... 45457

EDUCATION OFFICE
Notices
Annual report of Advisory Committee on Accreditation and Institutional Eligibility ... 45458
Meetings:
Advisory Committee on the Education of Bilingual Children ... 45459

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
International nuclear power export activities, determination ... 45463

ENVIRONMENTAL PROTECTION AGENCY
Notices
Pesticide chemicals, tolerances, etc.; petitions:
Fike Chemical Co.; correction ... 45464

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Nebraska ... 45453
North Dakota ... 45453

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Piper ... 45420
Transition areas (2 documents) ... 45420
Standard instrument approach procedures ... 45421

FEDERAL COMMUNICATIONS COMMISSION
Notices
Hearings, etc.:
American Telephone and Telegraph Co. ... 45464

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Florida ... 45462
Pennsylvania ... 45463

FEDERAL ENERGY ADMINISTRATION
Rules
Privacy Act ... 45609
Proposed Rules
Mandatory petroleum price regulations:
Retail sales of aviation fuels ... 45447
Notices
Oil import regulations:
Collection of oil import license fees due September 30, 1975 ... 45475

FEDERAL LABOR RELATIONS COUNCIL
Rules
Practice and procedure, review functions of Council, criteria for determining; correction ... 45417

FEDERAL MARITIME COMMISSION
Notices
Agreements filed, etc.:
Far Eastern Shipping Co. and Lykes Bros. Steamship Co., Inc ... 45475
Freight forwarder licenses:
Priester, E. H. ... 45476

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Carolina Power & Light Co ... 45476
Georgia Power Co ... 45477
Great Lakes Gas Transmission Co ... 45477
Illinois Municipal Utilities Association, et al ... 45477
Michigan Wisconsin Pipe Line Co ... 45478
Niagara Mohawk Power Corp ... 45478
Northwest Pipeline Corp ... 45478
Toledo Edison Co ... 45479
Trunkline Gas Co ... 45479

FEDERAL RESERVE SYSTEM
Rules
Privacy Act ... 45617
Notices
Applications, etc.:
Madison Financial Corp ... 45479

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Izembek National Wildlife Range, Alaska ... 45440
Imperial National Wildlife Refuge, Ariz. and Calif ... 45440
San Andres National Wildlife Refuge, New Mexico ... 45441
Sand Lake National Wildlife Refuge, South Dakota (2 documents) ... 45441

FOOD AND DRUG ADMINISTRATION
Rules
Human drugs:
Griseofiulvin, (Ultramicrosize) tablets; correction ... 45426
Notices
Food processing and storage facilities inspection; memorandum of understanding with Wisconsin Department of Agriculture ... 45460
Food for special dietary uses; reopening of hearing, correction ... 45462
Inspection of food and medicated feed facilities memorandum with the Minnesota Department of Agriculture ... 45460
Meetings:
Advisory committees ... 45459
Ophthalmic Drugs Advisory Committee ... 45461

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Garden Valley Planning Unit ... 45453
White Mountain National Forest, Kilkenny unit plan ... 45454
Meetings:
North End District Advisory Board ... 45454
Pacific Crest National Scenic Trail Advisory Council ... 45454
Uinta National Forest G-10 Grazing Advisory Board ... 45454
Timber export and substitution restrictions, request for comments ... 45454

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review:
Proposals, approvals, etc. (2 documents) ... 45479

GENERAL SERVICES ADMINISTRATION
Notices
Privacy Act; systems of records ... 45780

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; Social Security Administration.
Proposed Rules
Nondiscrimination requirements:
Uniform procedures for enforcement; extension of comment period ... 45442

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Disaster Assistance Administration.
Proposed Rules
Low rent public housing:
Housing assistance payments program; fair market rents ... 45445

INDIAN AFFAIRS BUREAU
Rules
Irrigation projects, operation and maintenance charges:
San Carlos, Ariz. ... 45427

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

Notices
Environmental statements; availability, etc.:
City of Refuge National Historical Park, Hawaii 45453
Monument establishment:
John Day Fossil Beds National Monument 45453

INTERNAL REVENUE SERVICE
Rules
Income taxes:
Income sources determination; income derived by foreign bank 45427
Proposed Rules
Income taxes:
Reinsurance transactions; life insurance companies 45442

INTERNATIONAL TRADE COMMISSION
Notices
Asparagus; hearing on 45480
Generalized system of preferences, advice to the President and request for comments 45480

INTERSTATE COMMERCE COMMISSION
Rules
Car Service orders:
Baltimore & Ohio Railroad Co. and Louisville & Nashville Railroad Co 45440
Chicago, Rock Island and Pacific Railroad Co 45440
Proposed Rules
Implementation of the National Environmental Policy Act of 1969; revised guidelines 45450
Notices
Hearing assignments 45485
Motor carrier, broker, water carrier, and freight forwarder applications 45508
Motor carriers:
Temporary authority applications 45486
Transfer proceedings 45486
Irregular route property carriers; gateway elimination 45487

LABOR DEPARTMENT
Notices
Adjustment assistance:
F. Joseph Lamb Co 45485
Outboard Marine Corp 45485

LAND MANAGEMENT BUREAU
Notices
Meetings:
Montana State Advisory Board 45452
Oregon State Multiple Use Advisory Board 45452
O&C Multiple Use Advisory Board 45452
Shoshone District Multiple Use Advisory Board 45452
Termination of airport lease:
Nevada 45452

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; lists of requests 45483
Information concerning compensation of Federal employees; rescission 45484

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules
Tuna, bluefin; season closure; correction 45441
Notices
Marine mammal permit applications, etc.:
Museum of Zoology, Louisiana State University 45458
Sea World, Inc 45458

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Statistical analysis; safety recommendations and responses; availability and receipt 45480

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Connecticut Light & Power Co., et al 45481
Kansas Gas & Electric Co., et al 45482
Omaha Public Power District 45482
Public Service Co. of Indiana, Inc 45482
International Atomic Energy Agency draft codes of practice; extension of comment period 45482
Meetings:
Reactor Safeguards Advisory Committee 45481
Regulatory guide; issuance and availability 45483

POSTAL SERVICE
Rules
Privacy Act 45721

RAILROAD RETIREMENT BOARD
Proposed Rules
Privacy Act; special procedures for medical record requests 45736
Notices
Privacy Act; systems of records 45737

SECURITIES AND EXCHANGE COMMISSION
Rules
Foreign investment companies; application permitting registration 45424
Securities information processors; regulation of 45422
Proposed Rules
Securities information processors; registration withdrawal 45448

SELECTIVE SERVICE SYSTEM
Rules
Classification rules and principles; CFR correction 45436

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Canaveral Capital Corp 45484
Meetings:
Boise District Advisory Council 45484
Dallas District Advisory Council 45484
Newark District Advisory Council 45484
Omaha District Advisory Council 45484
Portland District Advisory Council 45485

SOCIAL SECURITY ADMINISTRATION
Notices
Authority delegation to approve or deny waiver of adjustment or recovery of incorrect payments 45461
Meetings:
Supplemental Security Income Study Group 45462

STATE DEPARTMENT
See also Agency for International Development.
Rules
Privacy Act 45606
Notices
Privacy Act; systems of records 45741

TRANSPORTATION DEPARTMENT
See also Federal Aviation Administration.
Rules
Privacy Act 45729

TREASURY DEPARTMENT
See also Internal Revenue Service.
Rules
Privacy Act 45684

UNITED STATES RAILWAY ASSOCIATION
Rules
Privacy Act 45734

WATER RESOURCES COUNCIL
Rules
Privacy Act 45675
Notices
Privacy Act; systems of records 45678

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

4 CFR

400 45417
412 45417

5 CFR

591 45417
2413 45417

7 CFR

908 45417
924 45418
930 45418

PROPOSED RULES:

911 45442
929 45443
993 45443
1464 45444

9 CFR

101 45419
113 45419

10 CFR

206 45609

PROPOSED RULES:

212 45447

12 CFR

261a 45617

14 CFR

39 45420
71 (2 documents) 45420
97 45421

15 CFR

4b 45619
369 45421

PROPOSED RULES:

4b 45632

17 CFR

240 45422
249 45422
271 45424

18 CFR

701 45675

20 CFR

200 45736

21 CFR

436 45426

22 CFR

6a 45606
215 45679

24 CFR

PROPOSED RULES:

888 45445

25 CFR

221 45427

26 CFR

1 45427

PROPOSED RULES:

1 45442

31 CFR

1 45684

32 CFR

1622 45436

39 CFR

261 45721
262 45722
263 45722
264 45723
266 45723
267 45726
268 45726
447 45726

45 CFR

706 45726
1076 45436

PROPOSED RULES:

81 45442

49 CFR

10 45729
932 45734
1033 (2 documents) 45440

50 CFR

32 (5 documents) 45440
285 45441

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The folllowing numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

1 CFR
Ch. I 45157

4 CFR
400 45417
412 45417

5 CFR
591 45417
2413 45417

7 CFR
2 (2 documents) 45157, 45158
908 45417
924 45418
930 45418
1046 45158
PROPOSED RULES:
911 45442
929 45443
982 45175
993 45443
1207 45176
1251 45176
1464 45444

9 CFR
101 45419
113 45419

10 CFR
206 45609
708 45308
715 45321
PROPOSED RULES:
212 45447

11 CFR
PROPOSED RULES:
107 45297

12 CFR
226 45158
261a 45617

14 CFR
39 45420
71 ..... 45158, 45420
97 45421
PROPOSED RULES:
75 45192
103 45197

15 CFR
4b 45619
369 45421
370 45159
377 45159

15 CFR—Continued
PROPOSED RULES:
4b 45632

17 CFR
240 45422
249 45422
271 45424
275 45162
PROPOSED RULES:
240 ..... 45203, 45448

18 CFR
301 45313
701 45675

19 CFR
210 45163

20 CFR
PROPOSED RULES:
200 45736
410 45190

21 CFR
123 45163
436 45426
520 45164
558 45164
561 (2 documents) 45163, 45165
PROPOSED RULES:
4 45190
7 45190

22 CFR
6a 45606
215 45679

24 CFR
1916 (3 documents) 46165–45166
1920 (4 documents) 45166–45167
PROPOSED RULES:
888 45445

25 CFR
221 45427

26 CFR
1 45427
PROPOSED RULES:
1 45442

31 CFR
1 45684

32 CFR
1622 45436
1901 45322

33 CFR
3 45167
127 (2 documents) 45168–45169
PROPOSED RULES:
117 45191

36 CFR
PROPOSED RULES:
1002 45306

38 CFR
3 45169

39 CFR
261 45721
262 45722
263 45722
264 45723
266 45723
267 45726
268 45726
447 45726

40 CFR
60 45170
61 45171
PROPOSED RULES:
52 45202

43 CFR
3300 45171

45 CFR
706 45726
1006 45300
1076 45436
PROPOSED RULES:
81 45442

49 CFR
10 45729
932 45734
1033 ..... 45174, 45440
PROPOSED RULES:
103 45197
192 45192
571 45200
1033 45450

50 CFR
32 45440
285 45441
PROPOSED RULES:
17 45175

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*
45157–45415	1
45417–45789	2

rules and regulations

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 400—DEFINITIONS

PART 412—COST ACCOUNTING STANDARD FOR COMPOSITION AND MEASUREMENT OF PENSION COST

Correction

In FR Doc. 75-25464 appearing at page 43873 in the issue for Wednesday, September 24, 1975, make the following corrections.

1. In the title, the caption "Part 412—Cost Accounting Standards for Composition and Measurement of Pension Cost" should be relocated so that it precedes the paragraph on page 43873 which begins "The Cost Accounting Standard on Composition and Measurement of Pension Cost is one of a series being promulgated by the Cost Accounting Standards Board pursuant to Section 15 of the Defense Production Act of 1950 . . . ."

2. In § 400.1(a), the definition which reads "Funding Agency. An organization or pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries" should read "Funded Pension Cost. The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries."

3. In § 400.1(a), insert "of" before "recognizing pension costs" in the definition of pay-as-you-go cost method.

4. Delete the line "that amount has been incurred for each" which is printed just before the fifth paragraph of the section of the prefatory comments captioned (1) Relationship to the Employee Retirement Income Security Act of 1974 and to Generally Accepted Accounting Principles.

5. In the caption (4) Actuarial Cost Methods, the superscript "3" should be "2."

6. In the caption (7) Pay-As-You-Go Pension Methods, the reference § 412.50 (b) (4) should be in parentheses.

7. In (12) Insured Plans, the word "benefits" in the second line of the second paragraph should be "benefit."

8. In § 412.50(a) (1), the word "that" should be changed to "this."

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 591—ALLOWANCES AND DIFFERENTIALS

Updated Listing of Places and Rates

Sections 591.202, 203 and 204 are amended to update the places and rates at which allowances and differentials are paid, in accordance with the annual review of allowances and differentials.

Effective June 8, 1975, §§ 591.202 and 204 are amended to show that Swan Island is no longer included in the listings under the headings Areas covered and Places and rates at which differentials shall be paid and §§ 591.203 and 204 are further amended as set out below:

§ 591.202 [Amended]

Swan Island is deleted from the listing of areas covered.

§ 591.203 Places and rates at which allowances shall be paid.

* * * * *

Alaska (for posts of duty in the City of Anchorage and within a 50-mile radius of the City): 22.5 percent of rate of basic pay; for all other posts of duty in Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic pay.

* * * * *

Hawaii (excluding Ocean or Kure Island): 12.5 percent of rate of basic pay.

* * * * *

§ 591.204 Places and rates at which differentials shall be paid.

* * * * *

Guam: 20 percent of rate of basic pay.

* * * * *

Swan Islands [deleted].

* * * * *

(5 U.S.C. 5941; 202, E.O. 10,000, 3 CFR 1943–48 Comp., p. 794; E.O. 10,636, 3 CFR 1954–58 Comp., p. 268)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-26477 Filed 10-1-75;8:45 am]

CHAPTER XIV—FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

PART 2413—CRITERIA FOR DETERMINING COMPELLING NEED FOR AGENCY POLICIES AND REGULATIONS

Correction

In FR Doc. 75-25231 appearing at page 43880 in the issue of Wednesday, September 24, 1975, on page 43884 in the third line of § 2413.2(a), the word "management" should read "accomplishment".

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 518]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Oct. 3–9, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.818 Valencia Orange Regulation 518.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Va-

lencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to weaken.

Prices f.o.b. averaged $3.93 per carton on a reported sales volume of 694,000 cartons last week, compared with an average f.o.b. price of $4.00 per carton and sales of 796,000 cartons a week earlier.

Track and rolling supplies at 439 cars were up 50 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 30, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period October 3, 1975, through October 9, 1975, are hereby fixed as follows:

(i) District 1: 170,000 cartons;

(ii) District 2: 380,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

September 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26591 Filed 10-1-75;11:58 am]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND UMATILLA COUNTY, OREGON

Decrease in Rate of Assessment

This document lowers the Washington-Oregon Fresh Prune Marketing Committees' rate of assessment from $0.80 to $0.70 per ton of fresh prunes.

Notice was published in the September 18, 1975, issue of the FEDERAL REGISTER (40 FR 43036) that consideration was being given to a proposal regarding decreasing the rate of assessment for the fiscal period ending March 31, 1976, pursuant to the marketing agreement and Order No. 924, as amended (7 CFR Part 924; 39 FR 33305; 34644) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This notice afforded interested persons until September 25, 1975, to submit written data, views, or arguments in connection with said proposal. None were received.

This decrease in the rate of assessment reflects the Departments' evaluation of the Washington-Oregon Fresh Prune Marketing Committees' need for revenue. At its June 3, 1975, meeting, the Committee recommended an assessment rate of $0.80 per ton based on its evaluation of the crop size and prospective fresh market shipments. When the harvest began, in August, crop was considerably larger than had been anticipated. Consequently, the assessment rate needed to be lowered to $0.70 to adjust the level of revenue to be in line with projected expenses.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this decrease in the rate of assessment was published in the FEDERAL REGISTER on September 18, 1975 (40 FR 43036) and no objection to it was received; (2) The provisions in this amendment are the same as contained in said notice; and (3) compliance with the amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the time this becomes effective.

It is, therefore, ordered that paragraph (b) *Rate of assessment* of § 924.215 be amended to read as follows:

§ 924.215 Expenses, rate of assessment, and carryover of unexpended assessment funds.

* * * * *

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41, is fixed at $0.70 per ton of fresh prunes.

* * * * *

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

Dated: September 29, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26404 Filed 10-1-75;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Free and Restricted Percentages of Cherries for 1975–76 Fiscal Period, Amendment

This amendment revises, pursuant to § 930.53, the free and restricted percentages applicable to all cherries acquired during the fiscal period May 1, 1975, through April 30, 1976. A regulation was issued on July 2, 1975, establishing free percentage and restricted percentage at 85 percent and 15 percent, respectively. This amendment revises such percentages to 100 percent and zero percent, respectively. Thus, all the cherries which presently constitute the reserve pool will be made available for marketing in normal channels after November 1, 1975.

Findings. (1) Pursuant to Marketing Order No. 930 (7 CFR Part 930) regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Cherry Administrative Board, established under the aforesaid order, and upon

other available information, it is hereby found that the release of the 1975–76 reserve pool, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Cherry Administrative Board for the release of the cherries in the reserve pool is consistent with the supply of cherries available to commercial channels.

On July 2, 1975, a regulation was issued establishing the free and restricted percentages applicable to all cherries acquired during the fiscal period May 1, 1975, and April 30, 1976, at 85 percent and 15 percent, respectively. The regulation was predicated on a need of 235.8 million pounds of free percentage cherries from the current crop. The actual quantity of cherries which were available for handling was 192.4 million pounds. Hence, the quantity of cherries so available is 43.4 million pounds less than that amount determined earlier as the quantity which should be available for handling. Application of the restricted percentage to the volume of cherries acquired by handlers resulted in a reserve pool quantity of approximately 25 million pounds. Therefore, release of 100 percent of the quantity will raise the quantity available for handling to 217.4 million pounds.

(3) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice and engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; the packout report of the 1975 crop was not available to the Cherry Administrative Board until September 4, 1975, the day it met to consider, pursuant to § 930.53, revision of percentages; information concerning the total pack of the 1975 crop was promptly forwarded to the Department; supplemental data upon which this amendment is predicated was received by the Department on September 17, 1975; before the cherries in the reserve pool can be offered to handlers, the Board must provide certain information to handlers with respect to reserve pool cherries such as the time and date of the release period, quantity of said handler's share of the reserve pool which he may purchase, and specific prices for such cherries; each handler must be provided sufficient time to evaluate such information and decide what quantity, if any, he will purchase; the period for such purchase is set forth in the order and is so designated in § 930.110 as November 1–11, of the fiscal period; the Board and members of the industry report there is a need for additional cherries in normal marketing outlets, and this amendment makes available approximately 25 million pounds of cherries; and such amendment relieves restrictions on the handling of cherries.

Order. The provisions of § 930.502 (40 FR 28602) Free and restricted percentages for the 1975–76 fiscal period are amended to read as follows:

§ 930.502 Free and restricted percentages for the 1975–76 fiscal period.

(a) The free percentage and restricted percentage applicable to all cherries acquired during the fiscal period May 1, 1975, through April 30, 1976, shall be 100 percent and zero percent, respectively.

(1) One hundred percent of the volume of cherries which presently constitute the reserve pool of the 1975 crop shall be offered to eligible handlers by the Cherry Administrative Board during the period starting 12:01 p.m. November 1, 1975, and ending 12 noon November 11, 1975, in accordance with the provisions of §§ 930.59(b) and 930.591.

(2) In the event all of the cherries offered for sale during the period November 1–11, 1975, are not purchased, the unsold cherries shall next be offered for sale to eligible handlers by the Cherry Administrative Board during a 10-day period on and after March 1, 1976, and prior to June 10, 1976, in accordance with the provisions of §§ 930.59(b) and 930.591. The starting and ending of such 10-day period shall be announced later.

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

(It is hereby certified that the economic and inflationary impact of regulations of cherries throughout the 1975–76 fiscal period in the form of free and restricted percentages has been carefully evaluated in accordance with OMB Circular A–107.)

Dated, September 26, 1975, to become effective October 10, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–26328 Filed 10–1–75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 101—DEFINITIONS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

● Purpose: To relax certain restrictions on the production of biological products. ●

On August 4, 1975, there was published in the FEDERAL REGISTER (FR Docket 75–32753) a notice of proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Parts 101 and 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These amendments reword the definitions of "Batch of primary cells" and "Cell line" for scientific accuracy by deleting the word "explanted" from each. They add a definition for the word "Log" to clarify the meaning of the regulations in which the term is used.

These amendments restrict submission of samples to support Outline of Production changes until requested by Veterinary Services. They reword § 113.5 (a) to specify that required tests are those in the filed Outline of Production or Standard Requirements.

These amendments make an editorial change in § 113.6(a) to clarify the meaning and also to conform with terminology used in the definition of Standard Requirements in § 101.5(a). They reword § 113.6(b) to emphasize the necessity of considering all test results and to emphasize the importance of unsatisfactory test results.

Comments were received from three people, and suggested changes for scientific accuracy and clarification were accepted.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of Parts 101 and 113 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modifications:

The word "of" was deleted from the definition of "Log" in § 101.5(b) for scientific accuracy.

The word "only" has been inserted in the first sentence of § 113.3(b)(8) for emphasis and clarity of intent.

Section 113.6(b) has been reworded for clarification and to remove any conflict which may occur between this paragraph and regulations containing provisions for retests or reprocessing.

1. Section 101.5 is amended by adding a new paragraph (b) to read:

§ 101.5 Testing terminology.

* * * * *

(b) *Log.* Logarithm computed to the base 10.

* * * * *

2. Section 101.6 is amended by revising paragraphs (a) and (b) to read:

§ 101.6 Cell cultures.

* * * * *

(a) *Batches of primary cells.* A pool of original cells derived from normal tissue up to and including the 10th subculture.

(b) *Cell line.* A pool of cells which are 11 or more subcultures from the tissue of origin.

* * * * *

3. Section 113.3 is amended by revising paragraph (b)(8) to read:

§ 113.3 Sampling of biological products.

* * * * *

(b) * * *

(8) *Prelicensing and outline of production changes.* Samples needed to support a license application or a change in the Outline of Production for a licensed product shall be submitted only upon request from Veterinary Services. Such samples shall be double the number prescribed in this section for such product.

* * * * *

4. Section 113.5 is amended by revising paragraph (a) to read:

§ 113.5 General testing.

(a) No biological product shall be released prior to the completion of tests prescribed in a filed Outline of Production or Standard Requirements for the product to establish the product to be pure, safe, potent, and efficacious.

* * * * *

5. Section 113.6 is amended by revising paragraphs (a) and (b) to read:

§ 113.6 Veterinary Services testing.

* * * * *

(a) The Deputy Administrator is authorized to cause a biological product, manufactured in the United States, to be examined and tested for purity, safety, potency, or efficacy; in which case, the licensee or permittee shall withhold such product from the market until a determination has been made.

(b) The results of each valid test conducted by the licensee and Veterinary Services shall be considered in evaluating a product. Unless otherwise provided for in the regulations, a serial or subserial which has been found unsatisfactory by any required test prescribed in a filed Outline of Production or Standard Requirement for the product is not in compliance with the regulations and shall not be released for market.

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

Effective date. These amendments take effect November 3, 1975.

Done at Washington, DC, this 26th day of September 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-26329 Filed 10-1-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-SO-105, Amdt. 39-2364]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34 Series Airplanes

There have been reports that the usable fuel is less than originally indicated on PA-34-200 and PA-34-200T airplanes which could result in fuel mismanagement. Since this condition is likely to exist in other airplanes of the same design, an airworthiness directive is being issued to require the replacement of fuel quantity placards and the revision of the fuel system data on PA-34-200 and PA-34-200T airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER AIRCRAFT CORPORATION. Applies to Model PA-34-200 airplanes, serial numbers 34-7250001 through 34-7450220 and Model PA-34-200T airplanes, serial numbers 34-7570001 through 34-757308, certificated in all categories.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To provide revised usable fuel data, accomplish the following:

Replace the existing fuel quantity placards and revise the fuel system data in Airplane Flight Manual in accordance with Piper Service Bulletin Number 438 or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, PO. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective October 10, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 18, 1975.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-26302 Filed 10-1-75;8:45 am]

[Airspace Docket No. 75-PC-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Zone and Transition Area Alteration

On June 20, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 26044) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the time of use for the Kwajalein Island, Marshall Islands, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No objections were received to the proposal.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.171 (40 FR 354) is amended as follows:

Kwajalein Island, Marshall Islands is amended by adding "This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement," after the description of the Kwajalein Control Zone.

Section 71.181 (40 F.R. 441) is amended as follows:

Kwajalein Island, Marshall Islands is amended by adding "This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The date and time will thereafter be continuously published in the Pacific Chart Supplement." after the description of the Kwajalein Transition Area.

(Secs. 307(a) 1110, Federal Aviation Act of 1958, (49 U.S.C. 1348(a), 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 26, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-26303 Filed 10-1-75;8:45 am]

[Airspace Docket No. 75-SO-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 18, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 34606), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Rutherford, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

RUTHERFORD, N.C.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Rutherford County Airport (latitude 35°25'38" N, longitude 81°56'06" W); within 3 miles each side of the 192° bearing from Rurtherford RBN (latitude 35°20'56" N, longitude 81°57'11" W), extending from the 9-mile radius area to 8.5 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 24, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-26304 Filed 10-1-75;8:45 a.m.]

[Docket No. 15021, Amdt. 988]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective November 20, 1975:

Fullerton, CA—Fullerton Municipal Arpt., VOR-A, Amdt. 1.
Madras, OR—City-County Arpt., VOR/DME Rwy 34R, Amdt. 1.
Riverton, WY—Riverton Municipal Arpt., VOR Rwy 10, Amdt. 7.
Riverton, WY—Riverton Municipal Arpt., VOR Rwy 28, Amdt. 7.
Upland, CA—Cable Arpt., VOR Rwy 6, Amdt. 3.

* * * effective November 13, 1975:

Charlotte Amalie, St. Thomas, V.I.—Harry S. Truman Arpt., VOR-A, Amdt. 11.
Chesterfield, VA—Chesterfield County Arpt., VOR Rwy 15, Amdt. 1.
Fremont, OH—Progress Field, VOR Rwy 9, Amdt. 3.
Joliet, IL—Joliet Municipal Arpt., VOR Rwy 12, Amdt. 5.
Lancaster, SC—Lancaster County Arpt., VOR/DME-A, Amdt. 3.
Manassas, VA—Manassas Muni. Harry P. Davis Field, VORTAC-B, Orig.
Manassas, VA—Manassas Muni. Harry P. Davis Field, VOR-DME A, Orig., Canceled.
Marion, IL—Williamson County Arpt., VOR Rwy 20, Amdt. 7.
Ocean City, MD—Ocean City Arpt., VOR-A, Amdt. 3.
Washington, D.C.—Dulles Int'l Arpt., VOR TAC Rwy 12, Amdt. 1.
West Palm Beach, FL—Palm Beach County Park, VOR Rwy 15, Amdt. 1.

* * * effective October 9, 1975:

Bridgeport, CT—Igor I. Sikorsky Memorial Arpt., VOR Rwy 6, Amdt. 14.
Bridgeport, CT—Igor I. Sikorsky Memorial Arpt., VOR Rwy 24, Amdt. 7.
Everett, WA—Snohomish County (Paine Field), VOR Rwy 16, Amdt. 2.
Everett, WA—Snohomish County (Paine Field), VOR Rwy 34, Amdt. 1.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective September 24, 1975:

Chicago, IL—Chicago O'Hare Int'l Arpt., LOC Rwy 4R, Amdt. 3.

* * * effective September 23, 1975:

Columbia, SC—Columbia Metropolitan Arpt., LOC(BC) Rwy 29, Amdt. 4, Canceled.

* * * effective September 18, 1975:

Greer, S.C.—Greenville-Spartanburg Arpt., LOC(BC) Rwy 21, Amdt. 5, Canceled.

3. Section 97.27 is amended by originating, amending, or cancelling the following NDB/ADF SIAPs, effective November 20, 1975.

Alva, OK—Alva Municipal Arpt., NDB Rwy 35, Amdt. 2.

* * * effective November 13, 1975:

Manassas, VA—Manassas Muni. Harry P. Davis Field, NDB-A, Amdt. 3.
Paris, TN—Henry County Arpt., NDB Rwy 1, Amdt. 3.
Paris, TN—Henry County Arpt., NDB Rwy 19, Amdt. 3.
Washington, DC—Dulles Int'l Arpt., NDB Rwy 1R, Amdt. 11.

* * * effective October 23, 1975:

Quincy, IL—Quincy Municipal Baldwin Field, NDB Rwy 3, Amdt. 10.

* * * effective October 15, 1975:

Saipan Island, Mariana Is.—Kobler Arpt., NDB-A, Amdt. 1, Canceled.

4. Section 97.29 is amended by originating, amending, or cancelling the following ILS SIAPs, effective November 13, 1975:

Washington, D.C.—Dulles Int'l Arpt., ILS Rwy 19L, Amdt. 5.
Washington, D.C.—Dulles Int'l Arpt., ILS Rwy 19R, Amdt. 14.

* * * effective October 23, 1975:

Quincy, IL—Quincy Municipal Baldwin Field, ILS Rwy 3, Amdt. 10.

* * * effective October 9, 1975:

Bridgeport, CT—Igor I. Sikorsky Memorial Arpt. ILS Rwy 6 Orig.
Everett, WA—Snohomish County (Paine Field), ILS Rwy 16, Amdt. 15.

* * * effective September 22, 1975:

Dayton, OH—James M. Cox-Dayton Municipal, ILS Rwy 6L, Amdt. 2, Canceled.

5. Section 97.31 is amended by originating, amending, or cancelling the following RADAR SIAPs, effective November 13, 1975:

Washington, D.C.—Dulles Int'l Arpt., Radar-1, Amdt. 8.

6. Section 97.33 is amended by originating, amending, or cancelling the following RNAV SIAPs, effective November 13, 1975:

Joliet, IL—Joliet Municipal Arpt., RNAV Rwy 12, Amdt. 6.
Manassas, VA—Manassas Municipal Harry P. Davis Field, RNAV Rwy 16, Amdt. 3.
Washington, D.C.—Dulles Int'l Arpt., RNAV Rwy 1R, Amdt. 2.
Washington, D.C.—Dulles Int'l Arpt., RNAV Rwy 12, Amdt. 4.
Washington, D.C.—Dulles Int'l Arpt., RNAV Rwy 19R, Amdt. 3.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 25, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-26305 Filed 10-1-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Requirement To Report Restrictive Trade Practices or Boycott Requests; Revision

It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States. In accordance with this policy, all exporters are required to report such requests to the Office of Export Administration, and are encouraged to refuse to take any action that has the effect of furthering or supporting such restrictive trade practices or boycotts. In submitting these reports, exporters have not been required to indicate whether or not they would comply with the requests.

In order to provide more complete information with which to analyze the effects of boycott activity on U.S. trade, the Export Administration Regulations are being revised to require that in all reports submitted on or after October 1, 1975, exporters include a statement as to whether or not the exporter intends to comply with the requests. Form DIB-621P is being revised to reflect this new reporting requirement by making the response to Item 10 mandatory. Earlier versions of Form DIB-621P may still be used: *Provided*, The exporter completes

Item 10. Letters submitted to report multiple requests must now indicate whether or not the requests will be complied with.

§ 369.2 [Amended]

Accordingly, § 369.2 of the Export Administration Regulations (15 CFR 369.2) is amended as follows:

1. By adding to the end of § 369.2(b)(1) the following:

* * * All items on the form must be completed, including Item 10. If the exporter uses a version of the reporting form that indicates completion of Item 10 is optional, Item 10 must nevertheless be completed. If the exporter has not decided what his action will be, he must inform the Office of Export Administration within five business days of making a decision.

2. by revising § 369.2(b)(2)(viii) to read as follows: (viii) The number of requests the exporter has complied with or intends to comply with. If the exporter is undecided, he is required to submit a further report within five (5) business days of making a decision on each such request.

Effective date of action: October 1, 1975.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.75-26300 Filed 10-1-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11673; File No. S7-585[1a]]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Securities Information Processors

Notice is hereby given that the Securities and Exchange Commission (the "Commission"), in accordance with the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), and pursuant to its authority under sections 2, 3, 11A and 23 of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78b, 78c, 78k-1 and 78w, today adopted Rule 11Ab2-1 under the Act and related Form SIP.[1] The Commission is doing so without general notice of rulemaking and without opportunity for public procedure upon its finding that the need to implement a registration procedure for considering whether to declare registration applications effective would make such notice and public procedure impracticable, unnecessary and contrary to the public interest.

Rule 11Ab2-1 provides that each exclusive securities information processor required to be registered pursuant to section 11A(b)(1) of the Act shall file an application for registration on Form SIP.

Background. New section 11A(b)(1) of the Act, 15 U.S.C. 78k-1(b)(1), as added by the Securities Acts Amendments of 1975[1] (the "1975 Amendments"), makes it unlawful for any securities information processor, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a securities information processor unless registered with the Commission or except as otherwise provided in that Section. That Section also provides that securities information processors not acting as exclusive processors of any information with respect to quotations for or transactions in securities are exempt from the requirement to register in accordance with section 11A(b)(1) unless the Commission, by rule or order, finds that the registration of such non-exclusive securities information processors is necessary or appropriate in the public interest, for the protection of investors, or for the achievement of the purposes of Section 11A of the Act. Until such time as the Commission promulgates such rule or orders, only those securities information processors which act as the exclusive processors of any information with respect to quotations for, or transactions in, securities are required to register. Section 31(a) of the 1975 Amendments provides that section 11A(b) of the Act shall become effective on December 1, 1975.[2]

Section 11A(b)(2) provides that a securities information processor may be registered by filing with the Commission an application for registration in such form as the Commission, by rule, may prescribe. The adoption today of Rule 11-Ab2-1 and related Form SIP establishes the procedure by which securities information processors may apply to the Commission for registration.

Section 3(a)(22) of the Act defines the terms "securities information processor" and "exclusive processor" as used in section 11A(b) of the Act as follows:

> The term "securities information processor" means any person engaged in the business of (i) collecting, processing, or preparing for distribution or publication, or assisting, participating in, or coordinating the distribution or publication of, information with respect to transactions in or quotations for any security (other than an exempted security) or (ii) distributing or publishing (whether by means of a ticker tape, a communications network, a terminal display device, or otherwise) on a current and continuing basis, information with respect to such transactions or quotations * * *.
>
> The term "exclusive processor" means any securities information processor or self-regulatory organization which, directly or indirectly, engages on an exclusive basis on behalf of any national securities exchange or registered securities association or any national securities exchange or registered securities association which engages on an exclusive basis on its own behalf in collecting, processing, or preparing for distribution or publication any information with respect to (i) transactions or quotations on or effected or made by means of any facility of such exchange or (ii) quotations distributed or published by means of any electronic system operated or controlled by such association.

In addition, in section 3(a)(22), self-regulatory organizations, among others, are excluded from the definition of the term "securities information processor."

A self-regulatory organization therefore may be an exclusive processor of securities information, but such self-regulatory organization is nevertheless excluded from designation as a securities information processor and is thus exempt from registration under section 11A(b)(1) of the Act.

Furthermore, the legislative history of the 1975 Amendments clearly indicates that the exclusion of self-regulatory organizations from the definition of securities information processors was not intended to encompass subsidiaries and affiliates of those self-regulatory organizations.[3] The Committee Report on S. 249, from which sections 11A and 3(a)(22) of the Act were derived, states that:

> [I]n accordance with this provision [Section 11A(b)(1)], central processing facilities such as the Securities Industry Automation Corporation ("SIAC") would also be required to register with the SEC. Stock exchanges and the NASD would be exempt from registration, although their subsidiaries and affiliates would not be exempt.[4]

The Report also states that the Senate bill recognized

> that where a self-regulatory organization or organizations utilize an exclusive processor, that processor takes on certain of the characteristics of a public utility and should be regulated accordingly.[5]

At no point in the legislative history is there any indication that subsidiaries or affiliates of self-regulatory organizations were intended to be exempted from the functions of a securities information processor.[6]

The statute, as described above, thus requires the registration of all persons who, subsequent to December 1, 1975, are securities information processors and use the mail or any means or instrumentality of interstate commerce to perform the functions of a securities information processor on an exclusive basis on behalf of any national securities exchange or registered securities association.[7] At the present time, the Commission is aware of six "persons" whose activities appear to be within the section 3(a)(22) definition of a securities information processor and who appear to be performing the functions of a securities information processor on an exclusive basis.[8] These six are:

1. The Consolidated Tape Association ("CTA") is an association created for the purpose of coordinating and administering a plan for the dissemination on a current and continuing basis of last sale prices relating to completed transactions in eligible securities traded on a national securities exchange ("the Plan"). The Plan was submitted to, and declared effective by, the Commission pursuant to Rule 17a-15 of the Act. CTA is a policy-making body which has the power and exercises the authority conferred upon it by the Plan, including the authority to

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[1a] See FR Doc. 75-26933 in this issue.
See footnotes at end of document.

develop procedures and make administrative decisions necessary to facilitate operation of the consolidated tape in accordance with the provisions of the Plan and to monitor compliance therewith. CTA is a securities information processor which engages on an exclusive basis, on behalf of its participant national securities exchanges and registered securities association and other persons which are reporting parties, in administering the Plan. The Plan provides for the preparation, processing and dissemination of information printed on the consolidated tape and states that SIAC (see below) shall be initially engaged to serve as the recipient and processor of last sale prices reported to it for inclusion on the consolidated tape.

2. The Options Price Reporting Authority ("OPRA") is an organization comprised of those national securities exchanges which have a plan for trading listed options declared effective by the Commission pursuant to former Rule 9b-1 under the Act.[2] OPRA administers a plan for the reporting of options last sale price information (the "Options Plan") and makes all policy decisions under the Options Plan including the setting of standards determining the qualifications of subscribers and governing the method and format for reporting options last sale data, prescribing forms and contracts to be entered into with vendors and subscribers, and determining policy questions relating to budgetary and financial matters. OPRA is a securities information processor which engages on an exclusive basis on behalf of its participant exchanges in administering the preparation and dissemination of last sale price reports for eligible securities over a consolidated options tape network and, on a current basis, over a network to vendors and news services. OPRA, like CTA, also has engaged SIAC to receive and process options last sale price information.

3. The Securities Industry Automation Corporation ("SIAC") is a wholly-owned subsidiary of the New York ("NYSE") and American ("Amex") Stock Exchanges. SIAC is a securities information processor which engages on an exclusive basis on behalf of CTA, OPRA and their member, participant and reporting national securities exchanges and registered securities association in collecting, processing and preparing for distribution the information disseminated by the consolidated tape and the consolidated options tape. SIAC also engages on an exclusive basis on behalf of the NYSE and Amex in collecting, processing, and preparing for distribution or publication, by or for all other persons, information with respect to transactions and quotations on those exchanges.

4. Bunker Ramo Corporation ("Bunker Ramo") is a publicly-owned corporation which offers a number of securities information services to the exchange, broker-dealer, and private investor communities. Bunker Ramo is a securities information processor engaged on an exclusive basis on behalf of the National Association of Securities Dealers ("NASD"), a registered securities association, in collecting, processing, and preparing quotations for distribution or publication on NASDAQ. It is understood that in or about February 1976 the NASD will acquire NASDAQ from Bunker Ramo and that the latter will operate NASDAQ under contract with the NASD.

5. Pacific Stock Exchange Service Corp. ("Service Corp.") is a wholly-owned subsidiary of the Pacific Stock Exchange, Inc. ("PSE"). The Service Corp. is a securities information processor which, among other things, engages on an exclusive basis on behalf of the PSE in collecting, processing, and preparing for distribution by or for all other persons information with respect to transactions on that exchange.

6. Quotron Systems, Inc. ("Quotron") is a publicly-owned company which, among other things, performs various securities information processing functions on behalf of the Midwest ("MSE") and Boston ("BSE") Stock Exchanges. Quotron engages on an exclusive basis on behalf of the MSE and BSE in collecting, processing, and preparing for distribution or publication by or for other persons information with respect to transactions and quotations on those exchanges.

Application for exemption from registration. It should be noted that section 11A(b)(1) of the Act authorizes the Commission to exempt conditionally or unconditionally any securities information processor or class of securities information processors from any provision of that Section or the rules and regulations thereunder. To grant such an exemption, the Commission must find that the exemption "is consistent with the public interest, the protection of investors, and the purposes of this section, including the maintenance of fair and orderly markets in securities and the removal of impediments to and perfection of the mechanism of a national market system." Interested persons are invited to consider the need for registration in light of section 11A(b)(1) and sections 11A(b)(3) and (5), and sections 17(a) and (b) of the Act, among others, insofar as they provide a framework for surveillance and regulation of registered securities information processors. Any application for an exemption from registration, therefore, not only should show how such an exemption would be consistent with the statutory purposes mentioned above but also should demonstrate why, by virtue of the applicant's organization, operation or other characteristics, the applicant should be exempted from registration, the requirements of section 11A(b) and the Commission's authority under sections 17(a) and (b).

Adoption of Rule 11Ab2-1. Rule 11Ab2-1(a) provides that applications for registration as securities information processors shall be filed on Form SIP in accordance with the instructions contained therein. Paragraph (b) of Rule 11Ab2-1 provides that if any information contained in items 1 through 13 or item 21 of Form SIP becomes inaccurate, misleading, or incomplete for any reason, the securities information processor shall promptly file an amendment to Form SIP correcting such information. In addition, paragraph (c) of Rule 11Ab2-1 provides that the Commission may exempt, conditionally or unconditionally, any securities information processor from any provision of the rules and regulations under section 11A(b). Paragraph (d) of Rule 11Ab2-1 provides that every amendment filed pursuant to Rule 11Ab2-1 shall constitute a "report" within the meaning of sections 17(a), 18(a) and 32(a) of the Act.

The Commission finds that notice and public procedure are impracticable, unnecessary and contrary to the public interest with respect to the adoption of Rule 11Ab2-1 and related Form SIP, and that such Rule and Form should be adopted, effective immediately, in order to provide an orderly procedure for consideration of applications for registration as securities information processors.

Section 11A(b)(3) of the Act provides that the Commission shall, upon the filing of an application for registration pursuant to section 11A(b)(2), publish notice of the filing and afford interested persons an opportunity to submit written data, views and arguments concerning such application. Section 11A(b)(3) also provides that within 90 days of the publication of such notice the Commission shall by order grant such registration or institute proceedings to determine whether such registration should be denied. The Commission finds that the immediate adoption of Rule 11Ab2-1 is necessary to allow sufficient time for the following actions required by the statute: 1) Completion and filing with the Commission of Form SIP by applicants for registration; 2) receipt by the Commission of Form SIP, publication of notice of each filing and invitation for interested persons to submit written data, views, and arguments concerning each filed application; 3) determination by the Commission whether the applicant is so organized and has the capability to comply with the standards prescribed in section 11A(b)(3) of the Act; 4) the making by the Commission of the required findings by December 1, 1975, which, as previously noted, is the date by which exclusive securities information processors are required to be registered.

In compliance with section 23(a) of the Act, the Commission has considered the impact which the adoption of Rule 11Ab2-1 and related Form SIP would have on competition. The Commission finds that the adoption of Rule 11Ab2-1 and Form SIP will not impose any burden on competition.

Adoption of Form SIP. Pursuant to Rule 11Ab2-1, a securities information processor which is required to be registered with the Commission in accordance with section 11A(b)(1) is required to apply for such registration on Form SIP.

After receipt of a completed application for registration on Form SIP, the Commission, acting pursuant to section 11A(b)(3) of the Act, will publish notice of the filing and afford interested per-

See footnotes at end of document.

sons the opportunity to submit written data, views and arguments concerning such application. Before granting an applicant's registration, the Commission is required under section 11A(b)(3) of the Act to find that the applicant:

is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a securities information processor, comply with the provisions of this title and the rules and regulations thereunder, carry out its functions in a manner consistent with the purposes of this section, and, insofar as it is acting as an exclusive processor, operate fairly and efficiently * * *.

The information to be provided by Form SIP is required to enable the Commission to make such findings, or if it appears such findings cannot be made, to institute proceedings to determine whether registration should be denied. If an applicant or registrant, for good cause, believes it should be exempt from responding to any item or exhibit of Form SIP, the applicant or registrant may apply to the Commission for such exemption and the Commission will consider such application under Rule 11Ab2-1(c). Each application shall include a statement of the reasons supporting each such request.

In the application for registration as a securities information processor, the applicant may request that confidential treatment be accorded, under any of the applicable exemptions provided in the Freedom of Information Act (5 U.S.C. 552(b)), to any of the information required to be submitted on Form SIP. Such information should be provided separately, along with a statement of the reasons supporting the request, with specific reference to the Freedom of Information Act exemption relied upon.

The Commission requests each securities information processor required to be registered pursuant to section 11A(b)(1) to file Form SIP by October 20, 1975, in order that the Commission may solicit comments on such applications and thereafter complete its review of those applications and comments before December 1, 1975.

Request for comments. While the Commission has been unable to provide notice and public procedure with regard to the adoption of Rule 11Ab2-1 and Form SIP, the Commission invites public comment on the Rule and Form as adopted and will review such rule and form in light of all comments received. Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than November 1, 1975. All Communications should refer to File No. S7-585 and will be available for public inspection in the Commission's Public Reference Room located at 1100 L Street, NW., Room 6101, Washington, D.C.

(Secs. 2, 3, 23, 48 Stat. 881, 882, 901, as amended by secs. 2, 3, 18, 89 Stat. 97, 97-104, 155-156; sec. 7, 89 Stat. 111 (15 U.S.C. 78b, 78c, and 78w, as amended by Pub. L. No. 94-29; 15 U.S.C. 78k-1, as added by Pub. L. No. 94-29))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 23, 1975.

TEXT OF THE RULE

Rule 11Ab2-1 (17 CFR 240.11Ab2-1), as hereby adopted, reads as follows:

§ 240.11Ab2-1 Registration of securities information processors: Form of application and amendments.

(a) An application for the registration of a securities information processor shall be filed on Form SIP in accordance with the instructions contained therein.

(b) If any information reported in items 1-13 or item 21 of Form SIP or in any amendment thereto is or becomes inaccurate for any reason, whether before or after the registration has been granted, the securities information processor shall promptly file an amendment on Form SIP correcting such information.

(c) The Commission, upon its own motion or upon application by any securities information processor, may conditionally or unconditionally exempt any securities information processor from any provision of the rules or regulations adopted under section 11A(b).

(d) Every amendment filed pursuant to this section shall constitute a "report" within the meaning of sections 17(a), 18(a) and 32(a) of the Act.

ADOPTION OF FORM

Part 249—Forms, Securities Exchange Act of 1934, is hereby amended by adding Subpart K—Forms for Registration of, and Reporting by, Securities Information Processors, and § 249.1001 to Subpart K as follows:

Subpart K—Forms for Registration of, and Reporting by Securities Information Processors

§ 249.1001 Form SIP,[10] for application for registration as a securities information processor or to amend such an application or registration.

This form shall be used for application for registration as a securities information processor, pursuant to section 11A(b) of the Securities Exchange Act of 1934 and Rule 11Ab2-1 (§ 240.11Ab2-1 of this chapter) thereunder, or to amend such an application or registration.

[FR Doc.75-26372 Filed 10-1-75;8:45 am]

[1] Pub. L. No. 94-29 (June 4, 1975).

[2] Section 31(a) of the 1975 Amendments states that section 11A(b) of the Act becomes effective 180 days after the date of enactment of the 1975 Amendments, which was June 4, 1975.

[3] Self-regulatory organizations are excluded from the section 3(a)(22) definition of a securities information processor. Section 3(a)(26) includes any national securities exchange within the definition of a self-regulatory organization and section 3(a)(1) includes within the definition of an "exchange" the market place and the facilities maintained by such exchange. The term "facility" when used with respect to an exchange is defined in section 3(a)(2). The legislative history precludes, however, for the purpose of the registration of securities information processors, any interpretation which identifies an affiliate or subsidiary of an exchange as a market place or facility maintained by such exchange. See text, infra.

[4] Securities Acts Amendments of 1975, Report of the Senate Comm. on Banking, Housing and Urban Affairs to Accompany S.249, S. Rep. No. 75, 94th Cong., 1st Sess. 10 (1975).

[5] Securities Acts Amendments of 1975, Conference Report to Accompany S.249, Joint Explanatory Statement of the Comm. of Conference, H.R. Rep. No. 229, 94th Cong., 1st Sess. 93 (1975).

[6] In comments filed by the New York Stock Exchange during the hearings on S.249, the NYSE requested that the definition of securities information processor in S.249 be amended to "exclude any subsidiary controlled by a national securities exchange." The NYSE stated that registration of its subsidiary, SIAC, should not be necessary. Hearings on S. 249 before the Subcomm. on Securities of the Comm. on Banking, Housing and Urban Affairs, 94th Cong., 1st Sess., 402 (1975). As indicated above, that suggestion was not adopted by the Congress.

[7] Section 3(a)(9) of the Act defines a person as "a natural person, company, government, or political subdivision, agency, or instrumentality of government." Section 3(a)(19) of the Act provides that "company" shall have the same meaning as in the Investment Company Act of 1940. That Act, in section 2(a)(8) defines "company" as "a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; or any receiver, trustee in bankruptcy or similar official or any liquidating agent for any of the foregoing, in his capacity as such."

[8] The list of exclusive processors is not intended to be exhaustive, but rather to provide examples of the type of person which must initially register under the Act. The Commission wishes to make clear that omission of a person from the list is not in any way indicative of any view by the Commission that such person is not an exclusive processor within the meaning of the Act.

[9] Former Rule 9b-1 was rescinded upon the adoption of Rule 19b-4, Securities Exchange Act Release No. 11604 (August 19, 1975), 40 FR 40509 (1975). The Commission stated in that Release that rules of exchanges constituting part of their plans for the regulating of options which were in effect on June 4, 1975, would continue in effect.

[10] Text of Form SIP filed as part of the original document.

See footnotes at end of document.

[Release No. IC-8959]

PART 271—INTERPRETIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Filing of Application for Order Permitting Registration of Foreign Investment Companies

BACKGROUND

On December 2, 1974, the Commission issued a request for public comments (Investment Company Act Release No. 8596, 39 FR 44516) concerning the standards for permitting registration of foreign investment companies under the Investment Company Act of 1940 (the "Act") [15 U.S.C. 80a-1 et seq]. A number of helpful comments were received from a wide range of interested persons including United States investors, investment companies and investment ad-

visers, representatives of the securities industry and accounting and legal professions and other United States organizations, foreign investment companies, and representatives of foreign governments and other foreign organizations. The views expressed varied widely, reflecting the disparity of interests of the commentators.

Some commentators urged relaxation of the requirements for registration so that, for example, a company organized in a country in which United States investment companies are permitted to sell their shares would be permitted to sell its shares here on a generally reciprocal basis. On the other hand, some commentators urged no relaxation of the requirements for registration and suggested that if foreign investment companies were not subject to all provisions of the Act, then domestic investment companies should not be either. Several commentators suggested that decisions should be made on a case-by-case basis and should be based on more than compliance with the Standard Rules of the Organization for Economic Cooperation and Development ("OECD Rules").

THE COMMISSION'S POSITION

After review of this matter and consideration of all the comments received, the Commission has determined that certain factual and legal questions which are crucial to the determinations which must be made pursuant to the Act can best be resolved on a case-by-case basis and in the context of formal applications filed by individual companies for exemptions from specific provisions of the Act and for orders permitting such companies to register under the Act, and to sell their shares in the United States. Under this procedure, interested persons would have an opportunity to make their views known at such time as the Commission publishes notice of its intention to grant such relief.

The Commission believes that it is premature to establish rules, comparable to Rule 7d–1 under the Act [17 CFR 270.7d–1], on a general, or even a country-by-country, basis. Rule 7d–1 provides, in general, that a Canadian management investment company may obtain an order pursuant to section 7(d) of the Act [15 U.S.C. 80a–7(d)] if it complies with certain specified conditions and arrangements. In this connection, it is important to note that Rule 7d–1 was adopted only after the Commission and its staff developed case-by-case experience with Canadian investment companies. Moreover, the issues involved in registration of foreign investment companies are far more complex than those previously encountered with the Canadian and other foreign companies which were permitted to register under Rule 7d–1, since, in addition to satisfying the standards of Rule 7d–1, such companies generally were organized and managed by United States citizens, were selling their shares predominantly in the United States and were organized in countries with a strong common law tradition.

The Commission recognizes that there are differences in foreign law applicable to a foreign investment company and that compliance with such laws might prevent compliance with all of the requirements of the Act. Similarly, it appears that the capital markets, securities industry and accounting standards in such countries differ from those in the United States. The protections accorded to investors by the legal and regulatory system to which a foreign investment company is subject, however, should be substantially equivalent to those provisions of the Act which the Commission determines should be applicable to the foreign investment company. In this context, the Commission has supported the recommendations of the OECD that member countries

when considering applications for admission to public sale in their own territory of the securities of foreign institutions for collective investment which comply with the Standard Rules, give substantial weight, within the framework of their legislation, to the fact of such compliance.

Accordingly, because of the difficulty in satisfying the standards of section 7(d) of the Act[1] and the other exemptive standards in the Act, and because of the substantial changes which have taken place in the international capital markets since 1940, the Commission continues to support any legislative effort to consider whether section 7(d) continues to be consistent with the public interest and with the protection of investors.[2] Nevertheless, the Commission recognizes that administrative action in this area may be constructive.

APPLICATIONS

The Commission recognizes that the conditions and arrangements required by Rule 7d–1 under the Act may effectively bar the registration of interested foreign investment companies. While the Commission remains bound by the standards of section 7(d) of the Act in determining whether an order permitting registration should be issued, compliance with the conditions and arrangements in Rule 7d–1 need not necessarily be the only means of satisfying the statutory standards. For example, in lieu of the requirements that a company's assets be kept in the United States and that a majority of its directors and officers be citizens of the United States, it may be possible for the company and its management to obtain a bond which would assure collection on any judgment rendered by a United States court against them for violation of the federal securities laws.

The Commission also has authority under sections 6(c) and 6(e) of the Act [15 U.S.C. 80a–6(c), 80–6(e)][3] to exempt conditionally an applicant from any provision of the Act. Section 6(c) contains no qualifications as to the provisions of the Act from which an exemption may be granted. The Commission has determined that in establishing an appropriate regulatory framework for

See footnotes at end of document.

foreign investment companies which cannot satisfy the requirements of Rule 7d–1, relief, pursuant to the terms of section 7(d), section 6(c), or pursuant to the terms of other applicable sections of the Act, may be appropriate. In reviewing all requests for permission to register under the Act, it may also be appropriate to take into account the differing laws, regulations, customs and business conditions of particular countries in which such companies are organized and the adequacy of existing regulation in such countries. Moreover, it may be appropriate to take into account the unique nature of the investment portfolio and management of the foreign investment company. The Commission, as stated above, can best make the necessary determinations in the context of a specific application.

The Commission will entertain requests for orders which would permit applicants to register under the Act pursuant to section 7(d), which may incorporate other requests for exemption from certain provisions of the Act pursuant to section 6(c) or other applicable sections of the Act. However, as a minimum prerequisite to filing, in order to help assure that an applicant (1) is a bona fide and established company, (2) is subject to actual regulation by an appropriate foreign governmental authority, (3) would not be dependent solely on sales in the United States, (4) would be a vehicle for investment primarily in foreign securities, (5) would subject itself and its management to service of process, and (6) would provide adequate disclosure to investors in the United States, the Commission generally would expect that an applicant would meet the following standards:

1. An applicant should have been in operation for at least three years and should have, at the time of registration, a minimum of $50 million in net assets and should have no less than $25 million in net assets while it offers its shares for sale in the United States.

2. An applicant should have, at the time of registration, a minimum of 500 shareholders who are residents of the country in which the applicant is organized and the value of whose aggregate investment is at least $25 million. In addition, an applicant should limit the number of shares to be sold to United States investors to 50 percent of its total outstanding shares at the time of sale. An applicant also should have more than 60 percent of the value of its portfolio invested in securities of issuers in the country under the laws of which such applicant is organized or at least 75 percent in securities of non-United States issuers.

3. An applicant should undertake to provide a prospectus to all United States investors, which shall state clearly (a) the name of the applicant including, if not already part of such name, the name of the country under whose laws applicant is organized; (b) all conditions and arrangements to which applicant is subject pursuant to any order obtained under the Act; (c) all material regulatory

provisions of the Act to which applicant is not subject by the terms of any such order; (d) a copy, in English, of the applicable foreign law to which applicant is subject; and (e) any other information which is necessary or appropriate to meet the disclosure requirements of the Act and the Securities Act of 1933 [15 U.S.C. 77a et seq.].

4. An application prepared pursuant to these guidelines should be filed in accordance with the procedures set forth in Rule 0-5 [17 CFR 270.0-5] and other rules under the Act; and should indicate a willingness to file consents to service of process by applicant and its non-resident officers, directors and investment advisers and managers.

The Commission wishes to emphasize that the standards set forth above are intended to serve as guidelines for what will be generally required as minimum criteria for favorable consideration of applications which do not conform to the standards of Rule 7d-1 or which request exemption from provisions of the Act. In any event, each application will be considered on its own merits in the context of the standards of section 7(d).

In order to facilitate preparation of any such applications, and in order to assist the Commission in considering such application, each application should contain the following:

(1) *Identification.* This should include the name of the applicant, its form of organization, the country in which it is organized and country (countries) to whose regulation it is subject, the country (countries) in which its shares are offered or proposed to be offered for sale, the length of time such company has operated in the above country (countries); its fundamental investment policies including any limitations or requirements regarding investments in issuers domiciled or doing business in particular countries and how such policies may be changed; identification of its investment adviser, principal underwriter, custodian, controlling persons, directors, and officers and how such persons are selected and may be changed; a description of its organization and operations including its capital structure, sales load, net asset value calculation and decision-making mechanisms; and its current net assets and number of shareholders.

(2) *Operating restrictions.* A description of any restrictions on transactions between the applicant and any affiliated persons.

(3) *Applicable foreign law and regulatory system.* This should include a summary of the foreign law to which the company is subject, a statement of such company's compliance with such law, including an indication and explanation of any noncompliance;[4] a description of the inspection and enforcement systems in the country to which such company is subject including any requirements regarding standards for maintaining and making available the books and records of such company, for example, by the appropriate governmental authority; a description of the applicable accounting and auditing standards to which such company is subject, particularly noting differences with United States standards; and a certification by the appropriate governmental authority or authorities of the country to which such company is subject that the statement regarding the applicable foreign law, including the inspection and enforcement systems, is accurate.

(4) *Comparison with the act.* This should include a statement of each provision of the Act with which applicant is unable or unwilling to comply, together with a statement of the facts by reason of which, in applicant's opinion, an exemption from such provision is appropriate including, if applicable, a description of equivalent protections which would be provided to United States investors.

(5) *Enforceability of the act.* This should include a description of conditions to assure that "it is both legally and practically feasible effectively to enforce the provisions of [the Act] against such company" and should describe the extent to which applicant is unable or unwilling to comply with each undertaking and arrangement in subparagraph (b) of Rule 7d-1 under the Act, including a description of equivalent conditions.

(6) *Comparison with OECD rules.* This should include a statement as to whether the country to which the applicant is subject has adopted the OECD Rules, and whether, in any event, applicant is in compliance with the provisions of the OECD Rules, including a statement of the facts by reason of which, in applicant's opinion, noncompliance with such provisions is appropriate and a description of equivalent protections accorded to investors.

(7) *Supporting documents.* This should include English language versions of (a) applicant's prospectuses or equivalent materials for the last three years, (b) applicant's annual report for the last three years, (c) applicant's reports to foreign regulatory authorities for the past three years,[5] (d) a proposed Form N-8B-1, which need not be executed, and which will be construed solely as an exhibit to the application and not as the filing of a registration statement under Section 8(b) of the Act [15 U.S.C. 80a-8(b)], and (e) any additional information and documentation which the applicant desires to submit.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 26, 1975.

[FR Doc.75-26371 Filed 10-1-75;8:45 am]

[1] Section 7(d) of the Act prohibits a foreign investment company from registering under the Act; however, it also provides that a foreign investment company may receive an order permitting its registration under the Act if the Commission finds, "by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of [the Act] against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors."

[2] In 1973, the Commission proposed the "Foreign Portfolio Sales Corporation Act of 1973" which included such an amendment This proposal was introduced in the 93rd Congress as H.R. 8256.

[3] Section 6(c) of the Act provides that, the Commission * * * may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of [the Act] or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of [the Act].

Section 6(e) of the Act provides that, if, in connection with any rule, regulation, or order under this section exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of [the Act] pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their company as though such company were a registered investment company.

[4] Besides admitted noncompliance, there should be included a summary, and the opinion of applicant's legal counsel on the merits, of any litigation brought by either private litigants or governmental authorities against applicant or its affiliates with regard to their actions as affiliates of the applicant.

[5] To the extent such reports are not matters of public record, and applicant does not desire them to be, it should be noted that Section 45(a) of the Act [15 U.S.C. 80a-44(a)] provides a procedure for obtaining an order making specified documents not available to the public. The decision on any such request would take into account the requirements of the Freedom of Information Act (5 U.S.C. 552).

Title 21—Foods and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

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

Griseofulvin (Ultramicrosize) Tablets

Correction

In FR Doc. 75-23716 appearing at page 41522 in the issue of Monday, September 8, 1975, the following changes should be made in § 436.317:

1. In the sixth line from the bottom of paragraph (a)(4), the last word "chock-", should read "clock-".

2. The formula in paragraph (d)(3) should read as follows:

$$\text{Percent griseofulvin dissolved} = \frac{A_u \times W_s \times V \times 10}{A_s \times P}$$

Where:

A_u = Absorbance of the sample solution minus the absorbance of the sample-blank solution;

W_s = Weight of the working standard in milligrams;

V = Volume of the dissolution medium in liters;

A_s = Absorbance of the standard solution minus the absorbance of the standard-blank solution;

P = Labeled potency of the sample in milligrams of griseofulvin per tablet.

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 221—OPERATION AND MAINTENANCE CHARGES

Tribal and Trust Patent Indian Lands on San Carlos Irrigation Project, Arizona

On page 36376 of the FEDERAL REGISTER of August 20, 1975, there was published a notice of proposal to modify §§ 221.110, 221.111, 221.112, and 221.114 of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments and excess water charges on the San Carlos Irrigation Project, Arizona.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions, nor objections were received, and the proposed revisions are hereby adopted without change, as set forth below. The revised sections read as follows:

§ 221.110 Basic charge.

Pursuant to section 5 of the Act of June 7, 1924 (43 Stat. 476) and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Arizona. For the calendar year 1976 and subsequent years, unless changed by further order, the basic rate assessed Indian owned land leased and operated by non-Indians is hereby fixed at $18.00 per acre. The basic charge shall entitle each acre of such leased land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for those lands leased will be payable as provided in §§ 221.111 and 221.112. Charges for project operation and maintenance costs on account of Indian owned land used by Indians shall not be imposed on the Indian owners of such land. (See Interlocutory Order of the Indian Claims Commission dated January 10, 1974, Gila River Pima-Maricopa Indian Community et al v. The United States of America, Docket No. 236–E.)

§ 221.111 Excess water charge.

For water delivered in excess of two (2) acre-feet per acre of Indian land leased to a non-Indian, there shall be charged $0.50 per acre-foot per acre for the first acre-foot of excess water or fraction thereof delivered, and $1.50 per acre foot or fraction thereof per acre of water delivered in excess of three (3) acre-feet per acre: *Provided*, There shall be no charge for free water delivered in accordance with existing regulations.

§ 221.112 Time and place of payment.

Basic charges shall become due on January 1 of each year and shall be payable on or before March 1st: *Provided*, No water shall be delivered to lands leased to non-Indians prior to payment of said basic charge. Payment for excess water as provided in § 221.111 shall be made at the time of request or prior to the delivery thereof. Payment of these assessments and charges shall be made at the office of the Pima Agency Superintendent, Sacaton, Arizona.

§ 221.114 Application for water service.

An application for water service shall be made to and approved by the Superintendent prior to the first delivery of water. For all subsequent deliveries of water, the water user will notify the watermaster or ditchrider when delivery is desired.

JOHN ANTICHOKER, Jr.,
Area Director.

[FR Doc.75-26377 Filed 10-1-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7378]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Determination of Sources of Income; Income Derived by a Foreign Central Bank of Issue From Obligations of the United States or From Bank Deposits

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for July 23, 1974 (39 FR 26738), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform such regulations to the amendments of the Internal Revenue Code of 1954 made by section 102 (a), (b), and (c) of the Foreign Investors Tax Act of 1966 (Pub. L. 89–809, 80 Stat. 1541, 1543), relating to sources of income, and by section 435(a) of the Tax Reform Act of 1969 (Pub. L. 91–172, 83 Stat. 625), relating to foreign deposits in United States banks, and to make certain other changes. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the amendment of the regulations as proposed are adopted by this document, subject to the changes indicated below.

Section 102(a)(1) of the Foreign Investors Tax Act of 1966 amended section 861(a)(1)(A) of the Code, and added section 861(c), to provide that certain interest paid or credited before January 1, 1973, and received by a nonresident alien individual or foreign corporation in a taxable year beginning after December 31, 1966, was not to be treated as income from sources within the United States if the interest was not effectively connected with the conduct of a trade or business in the United States. This rule applies to interest paid on deposits with persons carrying on the banking business in the United States or with certain savings and loan institutions and to interest earned on amounts held by insurance companies under an agreement to pay interest thereon. Interest paid or credited on such deposits or amounts after December 31, 1972, was to be treated as income from sources within the United States even though not effectively connected with the conduct of a trade or business in the United States. However, this terminal date of December 31, 1972, was postponed to December 31, 1975, by section 435(a)(2) of the Tax Reform Act of 1969 (Pub. L. 91–172, 83 Stat. 625); and to December 31, 1976, by section 8 of the Act of January 3, 1975 (Pub. L. 93–625, 88 Stat. 2116).

Section 102(a)(2) of the Foreign Investors Tax Act of 1966 eliminated the rule in section 861(a)(1)(B) of the Code that interest paid by a resident foreign corporation having less than 20 percent of its gross income from sources within the United States was not to be treated as income from sources within the United States. Instead, it added a new rule in section 861(a)(1)(C) that interest paid by a resident foreign corporation having less than 50 percent of its gross income as effectively connected with a U.S. trade or business was not to be treated as income from sources within the United States. In addition, it provided a new rule in section 861(a)(1)(D) of the Code that a proportionate part of the interest paid by a resident foreign corporation was to be treated as income from sources within the United States if 50 percent or more of its gross income for a specified period was effectively connected with the conduct by such corporation of a trade or business in the United States. An exception to these new rules in section 861(a)(1)(C) and (D): *Provided, however*, That interest paid or credited after December 31, 1972, by the U.S. banking branch of a resident foreign corporation was to be treated as income from sources within the United States, but section 435(a)(1) of the Tax Reform Act of 1969 (Pub. L. 91–172, 83 Stat. 625) accelerated this exception so as to apply to amounts paid or credited after December 31, 1969. Section 102(a)(2) of the 1966 Act also added a new section 861(a)(1)(F) to the Code to provide that, for taxable years beginning after December 31, 1966, interest paid by a foreign banking branch of a U.S. corporation or U.S. partnership is not to be treated as income from sources within the United States.

Section 102(a)(4) of the Foreign Investors Tax Act of 1966 expanded the exemption previously accorded under section 895 of the Code to foreign central banks of issue. First, the section was made applicable also to the Bank for International Settlements. Secondly, the exemption applicable to income from obligations of the United States was extended to income from obligations of any agency or instrumentality of the United States. Thirdly, the exemption was extended to interest on deposits with persons carrying on the banking business, including any such interest paid or credited after December 31, 1976 (the date section 861(a)(1)(A) and (c) cease to apply).

Section 102(b) of the Foreign Investors Tax Act of 1966 amended section 861(a)(2)(B) of the Code to change the 50-percent rule therein for determining the source of dividends paid by a foreign corporation to depend on whether the paying corporation has derived gross income effectively connected with the conduct of a trade or business in the United States rather than having gross income from sources within the United Statets. In addition, the 100/85ths rule for treating part of the dividend from foreign sources for purposes of the foreign tax credit was made inapplicable to dividends for which a 100-percent dividends deduction is allowable under section 245 (b) of the Code, as added by section 104 (e)(1) of the 1966 Act (80 Stat. 1558).

Section 102(c) of the Foreign Investors Tax Act of 1966 amended section 861(a)(3)(C)(ii) of the Code, relating to the 90-day and $3,000 test for determining the source of income derived from personal services performed in the United States, to broaden the rule therein so as to have it apply to services performed by the nonresident alien individual for an office or place of business maintained in a foreign country or possession of the United States by an individual who is a citizen or resident of the United States or by a domestic partnership.

The amendments by section 102 of the Foreign Investors Tax Act of 1966 apply to taxable years beginning after December 31, 1966, or, in the case of the revised rules on dividends, to amounts received after December 31, 1966. The amendment by section 435(a)(1) of the Tax Reform Act of 1969 is effective with respect to amounts paid or credited after December 31, 1969.

In order to avoid confusion in making such amendments to the Income Tax Regulations as were necessary to conform to the changes made by the Foreign Investors Tax Act of 1966, the decision was reached to replace the pertinent regulations with completely new regulations applicable only to taxable years beginning after December 31, 1966, and to refer to those sections in the Code of Federal Regulations (revised as of January 1, 1972) where the corresponding rules for taxable years beginning before January 1, 1967, may be found.

Proposed § 1.861-2(a) has been revised by the broadening of the rule on interest on refunds of Federal income tax. The revised rule on refunds conforms to S. Rep. No. 558, 73d Con. 38 (1934), 1939-1 (Part 2) C.B. 615.

New § 1.861-2(b)(6), relating to section 4912(c) debt obligations, contains the substance of the rules adopted by T.D. 7314, as published in the FEDERAL REGISTER for May 23, 1974, 39 FR 18073, 1974-1 C.B. 172.

The rules in proposed § 1.861-2(d) respecting the filing of a statement in regard to excluded interest have been modified so as to be less restrictive than those that were proposed. Similar changes have been made in proposed § 1.861-3(c) respecting the statement on excluded dividends.

A new rule, and two examples, on the inclusion of amounts in gross income in the case of personal services performed in the United States have been added to § 1.861-4(b)(1) for taxable years beginning after December 31, 1975. The purpose of the change is to alleviate the rigidity of the rule now contained in § 1.861-4(b). Example (1) is taken from Rev. Rul. 67-153, 1967-1 C.B. 221, and example (2) is taken from Publication 54 (Tax Guide for U.S. Citizens Abroad), 1975 edition.

Proposed § 1.862-1(a) has been revised to include a rule that interest paid on an obligation of a nonresident of the United States by a resident of the United States acting in his capacity as a guarantor of the obligation of the nonresident will be treated as income from sources without the United States. It is based in principle on Rev. Rul. 70-377, 1970-2 C.B. 175, and § 1.861-2(a)(5).

In view of the foregoing considerations, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.861, as set forth in paragraph 1 of the notice of proposed rulemaking, is revised as follows:

(1) The word "and" at the end of paragraph (a)(1)(F) is deleted,

(2) A comma followed by the word "and" is added in lieu of the period at the end of paragraph (a)(1)(G),

(3) New paragraph (a)(1)(H) is added,

(4) The last sentence of paragraph (c) is changed, and

(5) The historical note at the end of § 1.861 is changed.

These revised and added provisions read as set forth below.

PAR. 2. Section 1.861-2, as set forth in paragraph 2 of the notice of proposed rulemaking, is revised as follows:

(1) Paragraph (a) is changed,

(2) The term "(A) Through (F)" appearing in the first sentence of paragraph (b) is revised to read "(A) through (H)",

(3) The term "January 1, 1976" appearing in the first sentence of paragraph (b)(1)(i) is revised to read "January 1, 1977",

(4) Paragraph (b)(1)(i)(a) is changed,

(5) The last sentence of paragraph (b)(1)(iii) is changed,

(6) The first sentence of paragraph (b)(2) is changed,

(7) Paragraph (b)(3) is changed,

(8) New subparagraph (6) is added to paragraph (b),

(9) Paragraph (c)(4)(ii) is changed,

(10) New paragraph (c)(4)(iii) is added, and

(11) Paragraph (d) is changed.

These revised and added provisions read as set forth below.

PAR. 3. Section 1.861-3, as set forth in paragraph 3 of the notice of proposed rulemaking, is revised as follows:

(1) Paragraph (a)(3)(i) is changed,

(2) Paragraph (b)(3) is changed, and

(3) Paragraph (c) is changed.

These revised provisions read as set forth below.

PAR. 4. The amendment of § 1.861-4, as set forth in paragraph 4 of the notice of proposed rulemaking, is changed by revising paragraph (a) and by adding a revision of paragraph (b). The revised and added provisions read as set forth below.

PAR. 5. The amendment of § 1.862-1, as set forth in paragraph 7 of the notice of proposed rulemaking, is changed to read as set forth below.

PAR. 6. The amendment of § 1.895-1, as set forth in paragraph 11 of the notice of proposed rulemaking, is changed by revising paragraphs (b) and (c) to read as set forth below.

PAR. 7. The amendment of § 1.1441-4, as set forth in paragraph 15 of the notice of proposed rulemaking, is changed to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner.

Approved: September 25, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.861 is amended by revising all of section 861(a)(1) except the part preceding paragraph (A) thereof, by revising subsection (a)(2)(B) and (C) and (3)(C)(ii) of section 861, by adding new subparagraph (D) to section 861(a)(2), by adding new subsections (c), (d), and (e) to section 861, and by revising the historical note, as follows:

§ 1.861 Statutory provisions; income from sources within the United States.

SEC. 861. *Income from sources within the United States*—(a) *Gross income from sources within United States.* * * *

(1) *Interest.* * * *

(A) Interest on amounts described in subsection (c) received by a nonresident alien individual or a foreign corporation, if such interest is not effectively connected with the conduct of a trade or business within the United States,

(B) Interest received from a resident alien individual or a domestic corporation, when it is shown to the satisfaction of the Secretary or his delegate that less than 20 percent of the gross income from all sources of such individual or such corporation has been derived from sources within the United States, as determined under the provisions of this part, for the 3-year period ending with the close of the taxable year of such individual or such corporation preceding the payment of such interest, or for such part of such period as may be applicable,

(C) Interest received from a foreign corporation (other than interest paid or credited by a domestic branch of a foreign corporation, if such branch is engaged in the commercial banking business), when it is shown to the satisfaction of the Secretary or his delegate that less than 50 percent of the gross income from all sources of such foreign corporation for the 3-year period ending with the close of its taxable year preceding the payment of such interest (or for such part of such period as the corporation has been in existence) was effectively connected with the conduct of a trade or business within the United States,

(D) In the case of interest received from a foreign corporation (other than interest paid or credited by a domestic branch of a foreign corporation, if such branch is engaged in the commercial banking business), 50 percent or more of the gross income of which from all sources for the 3-year period ending with the close of its taxable year preceding the payment of such interest (or for such part of such period as the corporation has been in existence) was effectively connected with the conduct of a trade or business within the United States, an amount of such interest which bears the same ratio to such interest as the gross income of such foreign corporation for such period which was not effectively connected with the conduct of a trade or business within the United States bears to its gross income from all sources,

(E) Income derived by a foreign central bank of issue from bankers' acceptances,

(F) Interest on deposits with a foreign branch of a domestic corporation or a domestic partnership, if such branch is engaged in the commercial banking business,

(G) Interest on a debt obligation which was part of an issue with respect to which an election has been made under section 4912 (c) and which, when issued (or treated as issued under section 4912(c)(2)), had a maturity not exceeding 15 years and, when issued, was purchased by one or more underwriters with a view to distribution through resale, but only with respect to interest attributable to periods after the date of such election, and

(H) Interest on a debt obligation which was part of an issue which—

(i) Was part of an issue outstanding on April 1, 1971,

(ii) Was guaranteed by a United States person,

(iii) Was treated under chapter 41 as a debt obligation of a foreign obligor,

(iv) As of June 30, 1974, had a maturity of not more than 15 years, and

(v) When issued, was purchased by one or more underwriters for the purpose of distribution through resale.

(2) *Dividends.* * * *

(B) From a foreign corporation unless less than 50 percent of the gross income from all sources of such foreign corporation for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was effectively connected with the conduct of a trade or business within the United States; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period which was effectively connected with the conduct of a trade or business within the United States bears to its gross income from all sources; but dividends (other than dividends for which a deduction is allowable under section 245(b)) from a foreign corporation shall, for purposes of subpart A of part III (relating to foreign tax credit), be treated as income from sources without the United States to the extent (and only to the extent) exceeding the amount which is 100/85ths of the amount of the deduction allowable under section 245 in respect of such dividends, or

(C) From a foreign corporation to the extent that such amount is required by section 243(d) (relating to certain dividends from foreign corporations) to be treated as dividends from a domestic corporation which is subject to taxation under this chapter, and to such extent subparagraph (B) shall not apply to such amount, or

(D) From a DISC or former DISC (as defined in section 992(a)) except to the extent attributable (as determined under regulations prescribed by the Secretary or his delegate) to qualified export receipts described in section 993(a)(1) (other than interest and gains described in section 995(b)(1)).

(3) *Personal services.* * * *

(C) * * *

(ii) An individual who is a citizen or resident of the United States, a domestic partnership, or a domestic corporation, if such labor or services are performed for an office or place of business maintained in a foreign country or in a possession of the United States by such individual partnership, or corporation.

* * * * *

(c) *Interest on deposits, etc.* For purposes of subsection (a)(1)(A), the amounts described in this subsection are—

(1) Deposits with persons carrying on the banking business,

(2) Deposits or withdrawable accounts with savings institutions chartered and supervised as savings and loan or similar associations under Federal or State law, but only to the extent that amounts paid or credited on such deposits or accounts are deductible under section 591 (determined without regard to section 265) in computing the taxable income of such institutions, and

(3) Amounts held by an insurance company under an agreement to pay interest thereon.

Effective with respect to amounts paid or credited after December 31, 1976, subsection (a)(1)(A) and this subsection shall cease to apply.

(d) *Special rules for application of paragraphs (1)(B), (1)(C), (1)(D), and (2)(B) of subsection (a)—(1) New entities.* For purposes of paragraphs (1)(B), (1)(C), (1)(D), and (2)(B) of subsection (a), if the resident alien individual, domestic corporation, or foreign corporation, as the case may be, has no gross income from any source for the 3-year period (or part thereof) specified, the 20 percent test or the 50 percent test, as the case may be, shall be applied with respect to the taxable year of the payor in which payment of the interest or dividends, as the case may be, is made.

(2) *Transition rule.* For purposes of paragraphs (1)(C), (1)(D), and (2)(B) of subsection (a), the gross income of the foreign corporation for any period before the first taxable year beginning after December 31, 1966, which is effectively connected with the conduct of a trade or business within the United States is an amount equal to the gross income for such period from sources within the United States.

(e) *Election to treat income from certain aircraft and vessels as income from sources within the United States*—(1) *In general.* For purposes of subsection (a) and section 862(a), if a taxpayer owning an aircraft or vessel which is section 38 property (or would be section 38 property) but for section 48(a)(5) leases such aircraft or vessel to a United States person, other than a member of the same controlled group of corporations (as defined in section 1563) as the taxpayer, and if such aircraft or vessel is manufactured or constructed in the United States, the taxpayer may elect, for any taxable year ending after the commencement of such lease, to treat all amounts includible in gross income with respect to such aircraft or vessel (whether during or after the period of any such lease), including gain from sale or other disposition of such aircraft or vessel, as income from sources within the United States.

[Sec. 861 as amended by sec. 3(b), Act of Sept. 14, 1960 (Pub. L. 86-779, 74 Stat. 998); sec. 9(c), Rev. Act 1962 (76 Stat. 1001); sec. 102 (a), (b), and (c), Foreign Investors Tax Act 1966 (80 Stat. 1541, 1543); sec. 435 (a), Tax Reform Act 1969 (83 Stat. 625); sec. 3(a)(2), Interest Equalization Tax Extension Act 1971 (85 Stat. 15); secs. 314(a) and 503, Rev. Act 1971 (85 Stat. 528, 550); secs. 8 and 9 (a), Act of Jan. 3, 1975 (Pub. L. 93-625, 88 Stat. 2116)]

Par. 2. Section 1.861-2 is amended to read as follows:

§ 1.861-2 Interest.

(a) *In general.* (1) Gross income consisting of interest from the United States or any agency of instrumentality thereof (other than a possession of the United States or an agency or instrumentality of a possession), a State or any political subdivision thereof, or the District of Columbia, and interest from a resident of the United States on a bond, note, or other interest-bearing obligation issued or assumed by such person shall be treated as income from sources within the United States. Thus, for example, income from sources within the United States includes interest received on any refund of income tax imposed by the United States, a State of any political subdivision thereof, or the District of Columbia. Interest other than that described in this paragraph is not to be treated as income from sources within the United States.

(2) The term "resident of the United States", as used in this paragraph, includes (i) an individual who at the time of payment of the interest is a resident of the United States, (ii) a domestic corporation, (iii) a domestic partnership which at any time during its taxable year is engaged in trade or business in the United States, or (iv) a foreign corporation or a foreign partnership, which at any time during its taxable year is engaged in trade or business in the United States.

(3) The method by which, or the place where, payment of the interest is made is immaterial in determining whether interest is derived from sources within the United States.

(4) For purposes of this section, the term "interest" includes all amounts treated as interest under section 483, and the regulations thereunder. It also includes original issue discount, as defined in section 1232(b)(1), whether or not the underlying bond, debenture, note, certificate, or other evidence of indebtedness is a capital asset in the hands of the taxpayer within the meaning of section 1221.

(5) If interest is paid on an obligation of a resident of the United States by a nonresident of the United States acting in the nonresident's capacity as a guarantor of the obligation of the resident, the interest will be treated as income from sources within the United States.

(6) In the case of interest received by a nonresident alien individual or foreign corporation this paragraph (a) applies whether or not the interest is effectively connected for the taxable year with the conduct of a trade or business in the United States by such individual or corporation.

(b) *Interest not derived from U.S. sources.* Notwithstanding paragraph (a) of this section, interest shall be treated

as income from sources without the United States to the extent provided by subparagraphs (A) through (H), of section 861(a)(1) and by the following subparagraphs of this paragraph.

(1) *Interest on bank deposits and on similar amounts.* (i) Interest paid or credited before January 1, 1977, to a nonresident alien individual or foreign corporation on—

(*a*) Deposits with persons, including citizens of the United States or alien individuals and foreign or domestic partnerships or corporations, carrying on the banking business in the United States,

(*b*) Deposits or withdrawable accounts with savings institutions chartered and supervised as savings and loan or similar associations under Federal or State law, or

(*c*) Amounts held by an insurance company under an agreement to pay interest thereon,

shall be treated as income from sources without the United States if such interest is not effectively connected for the taxable year with the conduct of a trade or business in the United States by such nonresident alien individual or foreign corporation. If such interest is effectively connected for the taxable year with the conduct of a trade or business in the United States by such nonresident alien individual or foreign corporation, it shall be treated as income from sources within the United States under paragraph (a) of this section unless it is treated as income from sources without the United States under another subparagraph of this paragraph. For a special rule for determining whether such interest is effectively connected for the taxable year with the conduct of a trade or business in the United States, see paragraph (c)(1)(ii) or § 1.864–4.

(ii) Subdivision (i)(*b*) of this subparagraph applies to interest on deposits or withdrawable accounts described therein only to the extent that the interest paid or credited by the savings institution described therein is deductible under section 591 in determining the taxable income of such institution; and, for this purpose, whether an amount is deductible under section 591 shall be determined without regard to section 265, relating to deductions allocable to tax-exempt income. Thus, for example, such subdivision does not apply to amounts paid by a savings and loan or similar association on or with respect to its nonwithdrawable capital stock or on or with respect to funds held in restricted accounts which represent a proprietary interest in such association. Subdivision (i)(*b*) of this subparagraph also applies to so-called dividends paid or credited on deposits or withdrawable accounts if such dividends are deductible under section 591 without reference to section 265.

(iii) For purposes of subdivision (i)(*c*) of this subparagraph, amounts held by an insurance company under an agreement to pay interest thereon include policyholder dividends left with the company to accumulate, prepaid insurance premiums, proceeds of policies left on deposit with the company, and overcharges of premiums. Such subdivision does not apply to (*a*) the so-called "interest element" in the case of annuity or installment payments under life insurance or endowment contracts or (*b*) interest paid by an insurance company to its creditors on notes, bonds, or similar evidences of indebtedness, if the debtor-creditor relationship does not arise by virtue of a contract of insurance with the insurance company.

(iv) For purposes of subdivision (i) of this subparagraph, interest received by a partnership shall be treated as received by each partner of such partnership to the extent of his distributive share of such item.

(2) *Interest from a resident alien individual or domestic corporation deriving substantial income from sources without the United States.* Interest received from a resident alien individual or a domestic corporation shall be treated as income from sources without the United States when it is shown to the satisfaction of the district director (or, if applicable, the Director of International Operations) that less than 20 percent of the gross income from all sources of such individual or corporation has been derived from sources within the United States, as determined under the provisions of sections 861 to 863, inclusive, and the regulations thereunder, for the 3-year period ending with the close of the taxable year of such individual or corporation preceding its taxable year in which such interest is paid or credited, or for such part of such period as may be applicable. If 20 percent or more of the gross income from all sources of such individual or corporation has been derived from sources within the United States, as so determined, for such 3-year period (or part thereof), the entire amount of the interest from such individual or corporation shall be treated as income from sources within the United States.

(3) *Interest from a foreign corporation not deriving major portion of its income from a U.S. business.* (i) Interest from a foreign corporation which, at any time during the taxable year, is engaged in trade or business in the United States shall be treated as income from sources without the United States when it is shown to the satisfaction of the district director (or, if applicable, the Director of International Operations) that (*a*) less than 50 percent of the gross income from all sources of such foreign corporation for the 3-year period ending with the close of its taxable year preceding its taxable year in which such interest is paid or credited (or for such part of such period as the corporation has been in existence) was effectively connected with the conduct by such corporation of a trade or business in the United States, as determined under section 864(c) and § 1.864–3, or (*b*) such foreign corporation had gross income for such 3-year period (or part thereof) but none was effectively connected with the conduct of a trade or business in the United States.

(ii) If 50 percent or more of the gross income from all sources of such foreign corporation for such 3-year period (or part thereof) was effectively connected with the conduct by such corporation of a trade or business in the United States, see section 861(a)(1)(D) and paragraph (c)(1) of this section for determining the portion of interest from such corporation which is treated as income from sources within the United States.

(iii) For purposes of this subparagraph the gross income which is effectively connected with the conduct of a trade or business in the United States includes the gross income which, pursuant to section 882(d) or (e) and the regulations thereunder, is treated as income which is effectively connected with the conduct of a trade or business in the United States.

(iv) This subparagraph does not apply to interest paid or credited after December 31, 1969, by a branch in the United States of a foreign corporation if, at the time of payment or crediting, such branch is engaged in the commercial banking business in the United States; furthermore, such interest is treated under paragraph (a) of this section as income from sources within the United States unless it is treated as income from sources without the United States under subparagraph (1) or (4) of this paragraph.

(4) *Bankers' acceptances.* Interest derived by a foreign central bank of issue from bankers' acceptances shall be treated as income from souces without the United States. For this purpose, a foreign central bank of issue is a bank which is by law or government sanction the principal authority, other than the government itself, issuing instruments intended to circulate as currency. Such a bank is generally the custodian of the banking reserves of the country under whose laws it is organized.

(5) *Foreign banking branch of a domestic corporation or partnership.* Interest paid or credited on deposits with a branch outside the United States (as defined in section 7701(a)(9)) of a domestic corporation or of a domestic partnership shall be treated as income from sources without the United States if, at the time of payment or crediting, such branch is engaged in the commercial banking business. For purposes of applying this subparagraph, it is immaterial (i) whether the domestic corporation or domestic partnership is carrying on a banking business in the United States, (ii) whether the recipient of the interest is a citizen or resident of the United States, a foreign corporation, or a foreign partnership, (iii) whether the interest is effectively connected with the conduct of a trade or business in the United States by the recipient, or (iv) whether the deposits with the branch located outside the United States are payable in the currency of a foreign country. Notwithstanding the provisions of § 1.863–6, interest to which this subparagraph applies shall be treated as income from sources within the foreign country, possession of the United States, or other territory in which the branch is located.

(6) *Section 4912(c) debt obligations*—(i) *In general.* Under section 861(a)(1)(G), interest on a debt obligation shall not be treated as income from sources within the United States if—

(*a*) The debt obligation was part of an issue of debt obligations with respect to which an election has been made under section 4912(c) (relating to the treatment of such debt obligations as debt obligations of a foreign obligor for purposes of the interest equalization tax),

(*b*) The debt obligation had a maturity not exceeding 15 years (within the meaning of subdivision (ii) of this subparagraph) on the date it is originally issued or on the date it is treated under section 4912(c)(2) as issued by reason of being assumed by a certain domestic corporation,

(*c*) The debt obligation, when originally issued, was purchased by one or more underwriters (within the meaning of subdivision (iii) of this subparagraph) with a view to distribution through resale (within the meaning of subdivision (iv) of this subparagraph), and

(*d*) The interest on the debt obligation is attributable to periods after the effective date of an election under section 4912(c) to treat such debt obligations as debt obligations of a foreign obligor for purposes of the interest equalization tax.

(ii) *Maturity not exceeding 15 years.* The date the debt obligation is issued or treated as issued is not included in the 15 year computation, but the date of maturity of the debt obligation is included in such computation.

(iii) *Purchased by one or more underwriters.* For purposes of this subparagraph, the debt obligation when originally issued will not be treated as purchased by one or more underwriters unless the underwriter purchases the debt obligation for his own account and bears the risk of gain or loss on resale. Thus, for example, a debt obligation, when originally issued, will not be treated as purchased by one or more underwriters if the underwriter acts only in the capacity of an agent of the issuer. Neither will a debt obligation, when originally issued, be treated as purchased by one or more underwriters if the agreement between the underwriter and issuer is merely for a "best efforts" underwriting, for the purchase by the underwriter of all or a portion of the debt obligations remaining unsold at the expiration of a fixed period of time, or for any other arrangement under the terms of which the debt obligations are not purchased by the underwriter with a view to distirbution through resale. The fact that an underwriter is related to the issuer will not prevent the underwriter from meeting the requirements of this subparagraph. In determining whether a related underwriter meets the requirements of this subparagraph consideration shall be given to whether the purchase by the underwriter of the debt obligation from the issuer for resale was effected by a transaction subject to conditions similar to those which would have been imposed between independent persons.

(iv) *With a view to distribution through resale.* (*a*) An underwriter who purchased a debt obligation shall be deemed to have purchased it with a view to distribution through resale if the requirements of (*b*) or (*c*) of this subdivision (iv) are met.

(*b*) The requirement of this subdivision (*b*) is that—

(*1*) The debt obligation is registered, approved, or listed for trading on one or more foreign securities exchanges or foreign established securities markets within 4 months after the date on which the underwriter purchases the debt obligation, or by the date of the first interest payment on the debt obligation, whichever is later, or

(2) The debt obligation, or any substantial portion of the issue of which the debt obligation is a part, is actually traded on one or more foreign securities markets on or within 15 calendar days after the date on which the underwriter purchases the debt obligation.

For purposes of this subdivision (iv), a foreign established securities market includes any foreign over-the-counter market as reflected by the existence of an inter-dealer quotation system for regularly disseminating to brokers and dealers quotations of obligations by identified brokers or dealers, other than quotations prepared and distributed by a broker or dealer in the regular course of his business and containing only quotations of such broker or dealer.

(*c*) The requirements of this subdivision (*c*) are that, except as provided in (*d*) of this subdivision, the underwriter is under no written or implied restriction imposed by the issuer with respect to whom he may resell the debt obligation and either—

(*1*) Within 30 calendar days after he purchased the debt obligation the underwriter or underwriters either (*i*) sold it or (*ii*) sold at least 95 percent of the face amount of the issue of which the debt obligation is a part, or

(2) (*i*) The debt obligation is evidenced by an instrument which, under the laws of the jurisdiction in which it is issued, is either negotiable or transferable by assignment (whether or not it is registered for trading), and (*ii*) it appears from all the relevant facts and circumstances, including any written statements or assurances made by the purchasing underwriter or underwriters, that such debt obligation was purchased with a view to distribution through resale.

(*d*) The requirements of (*c*) of this subdivision may be met whether or not the underwriter is restricted from reselling the debt obligations—

(*1*) To a United States person (as defined in section 7701(a)(30)) or

(2) To any particular person or persons pursuant to a restriction imposed by, or required to be met in order to comply with, United States or foreign securities or other law.

(v) *Statement with return.* Any taxpayer who is required to file a tax return and who excludes from gross income interest of the type specified in this subparagraph must comply with the requirements of paragraph (d) of this section.

(vi) *Effect of termination of IET.* If the interest equalization tax expires, the provisions of section 861(a)(1)(G) and this subparagraph shall apply to interest paid on debt obligations only with respect to which a section 4912(c) election was made.

(vii) *Definition of term underwriter.* For purposes of section 861(a)(1)(G) and this subparagraph, the term "underwriter" shall mean any underwriter as defined in section 4919(c)(1).

(c) *Special rules*—(1) *Proration of interest from a foreign corporation deriving major portion of its income from U.S. business.* If, after applying the first sentence of paragraph (b)(3) of this section to interest to which that paragraph applies, it is determined that the interest may not be treated as income from sources without the United States, the amount of the interest from the foreign corporation which at some time during the taxable year is engaged in trade or business in the United States which is to be treated as income from sources within the United States shall be the amount that bears the same ratio to such interest as the gross income of such foreign corporation for the 3-year period ending with the close of its taxable year preceding its taxable year in which such interest is paid or credited (or for such part of such period as the corporation has been in existence) which was effectively connected with the conduct by such corporation of a trade or business in the United States bears to its gross income from all sources for such period.

(2) *Payors having no gross income for period preceding taxable year of payment.* If the resident alien individual, domestic corporation, or foreign corporation, as the case may be, paying interest has no gross income from any source for the 3-year period (or part thereof) specified in subparagraph (2) or (3) of paragraph (b) of this section, or subparagraph (1) of this paragraph, the 20-percent test or the 50-percent test, or the apportionment formula, as the case may be, described in such subparagraph shall be applied solely with respect to the taxable year of the payor in which the interest is paid or credited. This subparagraph applies whether the lack of gross income for the 3-year period (or part thereof) stems from the business inactivity of the payor, from the fact that the payor is a corporation which is newly created or organized, or from any other cause.

(3) *Transitional rule.* For purposes of applying paragraph (b)(3) of this section, and subparagraph (1) of this paragraph, the gross income of the foreign corporation for any period before the first taxable year beginning after December 31, 1966, which is from sources within the United States (determined as provided by sections 861 through 863, and the regulations thereunder, as in effect immediately before amendment by section 102 of the Foreign Investors Tax Act of 1966 (Pub. L. 89-809, 80 Stat. 1541)) shall be treated as gross income for such

period which is effectively connected with the conduct of a trade or business in the United States by such foreign corporation.

(4) *Gross income determinations.* In making determinations under subparagraph (2) or (3) of paragraph (b) of this section, or subparagraph (1) or (3) of this paragraph—

(i) The gross income of a domestic corporation or a resident alien individual is to be determined by excluding any items specifically excluded from gross income under chapter 1 of the Code, and

(ii) The gross income of a foreign corporation which is effectively connected with the conduct of a trade or business in the United States is to be determined under section 882(b)(2) and by excluding any items specifically excluded from gross income under chapter I of the Code, and

(iii) The gross income from all sources of a foreign corporation is to be determined without regard to section 882(b) and without excluding any items otherwise specifically excluded from gross income under chapter 1 of the Code.

(d) *Statement with return.* Any taxpayer who is required to file a return and applies any provision of this section to exclude an amount of interest from his gross income must file with his return a statement setting forth the amount so excluded, the date of its receipt, the name and address of the obligor of the interest, and, if known, the location of the records which substantiate the amount of the exclusion. A statement from the obligor setting forth such information and indicating the amount of interest to be treated as income from sources within the United States may be used for this purpose. See §§ 1.6012-1(b)(1)(i) and 1.6012-2(g)(1)(i).

(e) *Effective date.* This section applies with respect to taxable years beginning after December 31, 1966. For corresponding rules applicable to taxable years beginning before January 1, 1967, see 26 CFR 1.861-2 (Rev. as of Jan. 1, 1972).

PAR. 3. Section 1.861-3 is amended by revising paragraph (a)(3), by redesignating paragraph (b) as paragraph (c), by adding a new paragraph (b), by revising paragraph (c) as so redesignated, and by adding a new paragraph (d). These revised and added provisions read as follows:

§ 1.861-3 Dividends.

(a) *General.* * * *

(3) *Dividend from a foreign corporation*—(i) *In general.* (a) A dividend described in this subparagraph is a dividend from a foreign corporation (other than a dividend to which subparagraph (4) of this paragraph applies) unless less than 50 percent of the gross income from all sources of such foreign corporation for the 3-year period ending with the close of its taxable year preceding the taxable year in which occurs the declaration of such dividend (or for such part of such period as the corporation has been in existence) was effectively connected with the conduct by such corporation of a trade or business in the United States, as determined under section 864(c) and § 1.864-3. Thus, no portion of a dividend from a foreign corporation shall be treated as income from sources within the United States under section 861 (a) (2) (B) if less than 50 percent of the groups income of such foreign corporation from all sources for such 3-year period (or part thereof) was effectively connected with the conduct of a trade or business in the United States or if such foreign corporation had gross income for such 3-year period (or part thereof) but none was effectively connected with the conduct by such corporation of a trade or business in the United States.

(b) If 50 percent or more of the gross income from all sources of such foreign corporation for such 3-year period (or part thereof) was effectively connected with the conduct by such corporation of a trade or business in the United States, the amount of the dividend which is to be treated as income from sources within the United States under section 861(a)(2)(B) shall be the amount that bears the same ratio to such dividend as the gross income of such foreign corporation for such 3-year period (or part thereof) which was effectively connected with the conduct by such corporation of a trade or business in the United States bears to its gross income from all sources for such period.

(c) For purposes of this subdivision (i), the gross income which is effectively connected with the conduct of a trade or business in the United States includes the gross income which, pursuant to section 882 (d) or (e), is treated as income which is effectively connected with the conduct of a trade or business in the United States.

(ii) *Rule applicable in applying limitation on amount of foreign tax credit.* For purposes of determining under section 904 the limitation upon the amount of the foreign tax credit—

(a) So much of a dividend from a foreign corporation as exceeds (and only to the extent it so exceeds) the amount which is 100/85ths of the amount of the deduction allowable under section 245 (a) in respect of such dividend, plus

(b) An amount which bears the same proportion to any section 78 dividend to which the dividend from the foreign corporation gives rise as the amount of the excess determined under (a) of this subdivision bears to the total amount of the dividend from the foreign corporation,

shall, notwithstanding subdivision (i) of this subparagraph, be treated as income from sources without the United States. This subdivision applies to a dividend for which no dividends-received deduction is allowed under section 245 or for which the 85 percent dividends-received deduction is allowed under section 245(a) but does not apply to a dividend for which a deduction is allowable under section 245 (b). All of a dividend for which the 100 percent dividends-received deduction is allowed under section 245(b) shall be treated as income from sources within the United States for purposes of determining under section 904 the limitation upon the amount of the foreign tax credit. If the amount of a distribution of property other than money (constituting a dividend under section 316) is determined by applying section 301(b)(1)(C), such amount must be used as the dividend for purposes of applying (a) of this subdivision even though the amount used for purposes of section 245(a) is determined by applying section 301(b)(1)(D). In making determinations under this subdivision, a dividend (other than a section 78 dividend referred to in (b) of this subdivision) shall be determined without regard to section 78.

(iii) *Illustrations.* The application of this subparagraph may be illustrated by the following examples:

Example (1). D, a domestic corporation, owns 80 percent of the outstanding stock of M, a foreign manufacturing corporation. M, which makes its returns on the basis of the calendar year, has earnings and profits of $200,000 for 1971 and 60 percent of its gross income for that year is effectively connected for 1971 with the conduct of a trade or business in the United States. For an uninterrupted period of 36 months ending on December 31, 1970, M has been engaged in trade or business in the United States and has received gross income effectively connected with the conduct of a trade or business in the United States amounting to 60 percent of its gross income from all sources for such period. The only distribution by M to D for 1971 is a cash dividend of $100,000; of this amount, $60,000 ($100,000 × 60%) is treated under subdivision (i) of this subparagraph as income from sources within the United States, and $40,000 ($100,000 − $60,000) is treated under § 1.862-1(a)(2) as income from sources without the United States. Accordingly, under section 245(a), D is entitled to a dividends-received deduction of $51,000 ($60,000 × 85%), and under subdivision (ii) of this subparagraph $40,000 ($100,000 − [$51,000 × 100/85]) is treated as income from sources without the United States for purposes of determining under section 904(a) (1) or (2) the limitation upon the amount of the foreign tax credit.

Example (2). (a) The facts are the same as in example (1) except that the distribution for 1971 consists of property which has a fair market value of $100,000 and an adjusted basis of $30,000 in M's hands immediately before the distribution. The amount of the dividend under section 316 is $58,000, determined by applying section 301(b)(1)(C) as follows:

Portion of adjusted basis of property attributable to gross income of M effectively connected for 1971 with conduct of trade or business in United States ($30,000 × 60%)	$18,000
Portion of fair market value of property attributable to gross income of M not effectively connected for 1971 with conduct of trade or business in United States ($100,000 × 40%)	40,000
Total dividend	58,000

(b) Of the total dividend, $34,800 ($58,000 × 60% (percentage applicable to 3-year period)) is treated under subdivision (i) of this subparagraph as income from sources within the United States, and $23,200 ($58,000 × 40%) is treated under § 1.862-1(a)(2) as income from sources without the United States. However, by reason of section 245(c)

the adjusted basis of the property ($30,000) is used under section 245(a) in determining the dividends-received deduction. Thus, under section 245(a), D is entitled to a dividends-received deduction of $15,300 ($30,000×60%×85%).

(c) Under subdivision (ii) of this subparagraph, the amount of the dividend for purposes of applying (a) of that subdivision is the amount ($58,000) determined by applying section 301(b)(1)(C) rather than the amount ($30,000) determined by applying section 301(b)(1)(B). Accordingly, under subdivision (ii) of this subparagraph $40,000 ($58,000−[$15,300×100/85]) is treated as income from sources without the United States for purposes of determining under section 904(a) (1) or (2) the limitation upon the amount of the foreign tax credit.

Example (3). (a) D, a domestic corporation which makes its returns on the basis of the calendar year, owns 100 percent of the outstanding stock of N, a foreign corporation which is not a less developed country corporation under section 902(d). N, which makes its returns on the basis of the calendar year, has total gross income for 1971 of $100,000, of which $80,000 (including $60,000 from sources within foreign country X) is effectively connected for that year with the conduct of a trade or business in the United States. For 1971 N is assumed to have paid $27,000 of income taxes to country X and to have accumulated profits of $81,000 for purposes of section 902(c)(1)(A). N's accumulated profits in excess of foreign income taxes amount to $54,000. For 1971 D receives a cash dividend of $42,000 from N, which is D's only income for that year.

(b) For 1971 D chooses the benefits of the foreign tax credit under section 901, and as a result is required under section 78 to include in gross income an amount equal to the foreign income taxes of $21,000 ($27,000×$42,000/$54,000) it is deemed to have paid under section 902(a)(1). Thus, assuming no other deductions for the taxable year, D has gross income of $63,000 ($42,000+$21,000) for 1971 less a dividends-received deduction under section 245(a) of $28,560 ([$42,000×$80,000/$100,000]×85%), or taxable income for 1971 of $34,440.

(c) Under subdivision (ii) of this subparagraph, for purposes of determining under section 904(a) (1) or (2) the limitation upon the amount of the foreign tax credit, $12,600 is treated as income from sources without the United States, determined as follows:

Excess of dividend from N over amount which is 100/85ths of amount of sec. 245(a) deduction ($42,000−[$28,560×100/85])	$8,400
Proportionate part of sec. 78 dividend ($21,000×$8,400/$42,000)	4,200
Taxable income from sources without the United States	12,600

Example (4). A, an individual citizen of the United States who makes his return on the basis of the calendar year, receives in 1971 a cash dividend of $10,000 from M, a foreign corporation, which makes its return on the basis of the calendar year. For the 3-year period ending with 1970 M has been engaged in trade or business in the United States and has received gross income effectively connected with the conduct of a trade or business in the United States amounting to 80 percent of its gross income from all sources for such period. Of the total dividend, $8,000 ($10,000×80%) is treated under subdivision (i) of this subparagraph as income from sources within the United States and $2,000 ($10,000−$8,000) is treated under § 1.862-1(a)(2) as income from sources without the United States. Since under section 245 no dividends received-deduction is allowable to an individual, A is entitled under subdivision (ii) of this subparagraph to treat the entire dividend of $10,000 ($10,000−[$0×100/85]) as income from sources without the United States for purposes of determining under section 904(a) (1) or (2) the limitation upon the amount of the foreign tax credit.

(b) *Special rules*—(1) *Foreign corporation having no gross income for period preceding declaration of dividend.* If the foreign corporation has no gross income from any source for the 3-year period (or part thereof) specified in paragraph (a)(3)(i) of this section, the 50-percent test, or the apportionment formula, as the case may be, described in such paragraph shall be applied solely with respect to the taxable year of such corporation in which the declaration of the dividend occurs. This subparagraph applies whether the lack of gross income for the 3-year period (or part thereof) stems from the business inactivity of the foreign corporation, from the fact that such corporation is newly created or organized, or from any other cause.

(2) *Transitional rule.* For purposes of applying paragraph (a)(3)(i) of this section, the gross income of the foreign corporation for any period before the first taxable year beginning after December 31, 1966, which is from sources within the United States (determined as provided by sections 861 through 863, and the regulations thereunder, as in effect immediately before amendment by section 102 of the Foreign Investors Tax Act of 1966 (Pub. L. 89-809, 80 Stat. 1541)) shall be treated as gross income for such period which is effectively connected with the conduct of a trade or business within the United States by such foreign corporation.

(3) *Gross income determinations.* In making determinations under subparagraph (2) or (3) of paragraph (a) of this section, or subparagraph (2) of this paragraph—

(i) The gross income of a domestic corporation is to be determined by excluding any items specifically excluded from gross income under chapter 1 of the Code.

(ii) The gross income of a foreign corporation which is effectively connected with the conduct of a trade or business in the United States is to be determined under section 882(b)(2) and by excluding any items specifically excluded from gross income under chapter 1 of the Code, and

(iii) The gross income from all sources of a foreign corporation is to be determined without regard to section 882(b) and without excluding any items otherwise specifically excluded from gross income under chapter 1 of the Code.

(c) *Statement with return.* Any taxpayer who is required to file a return and applies any provision of this section to exclude any dividend from his gross income must file with his return a statement setting forth the amount so excluded, the date of its receipt, the name and address of the corporation paying the dividend, and, if known, the location of the records which substantiate the amount of the exclusion. A statement from the paying corporation setting forth such information and indicating the amount of the dividend to be treated as income from sources within the United States may be used for this purpose. See §§ 1.6012-1(b)(1)(i) and 1.6012-2(g)(1)(i).

(d) *Effective date.* This section applies with respect to dividends received or accrued after December 31, 1966. For corresponding rules applicable with respect to dividends received or accrued before January 1, 1967, see 26 CFR 1.861-3 (Rev. as of Jan. 1, 1972).

PAR. 4. Section 1.861-4 is amended by revising paragraph (a) and by adding a new paragraph (d), as follows:

§ 1.861-4 Compensation for labor or personal services.

(a) *In general.* (1) Gross income from sources within the United States includes compensation for labor or personal services performed in the United States irrespective of the residence of the payer, the place in which the contract for service was made, or the place or time of payment; except that such compensation shall be deemed not to be income from sources within the United States, if—

(i) The labor or services are performed by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during his taxable year,

(ii) The compensation for such labor or services does not exceed in the aggregate a gross amount of $3,000, and

(iii) The compensation is for labor or services performed as an employee of, or under any form of contract with—

(*a*) A nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(*b*) An individual who is a citizen or resident of the United States, a domestic partnership, or a domestic corporation, if such labor or services are performed for an office or place of business maintained in a foreign country or in a possession of the United States by such individual, partnership, or corporation.

(2) As a general rule, the term "day", as used in subparagraph (1)(i) of this paragraph, means a calendar day during any portion of which the nonresident alien individual is physically present in the United States.

(3) Solely for purposes of applying this paragraph, the nonresident alien individual, foreign partnership, or foreign corporation for which the nonresident alien individual is performing personal services in the United States shall not be considered to be engaged in trade or business in the United States by reason of the performance of such services by such individual.

(4) In determining for purposes of subparagraph (1)(ii) of this paragraph whether compensation received by the nonresident alien individual exceeds in the aggregate a gross amount of $3,000, any amounts received by the individual

from an employer as advances or reimbursements for travel expenses incurred on behalf of the employer shall be omitted from the compensation received by the individual, to the extent of expenses incurred, where he was required to account and did account to his employer for such expenses and has met the tests for such accounting provided in § 1.162–17 and paragraph (e)(4) of § 274–5. If advances or reimbursements exceed such expenses, the amount of the excess shall be included as compensation for personal services for purposes of such subparagraph. Pensions and retirement pay attributable to labor or personal services performed in the United States are not to be taken into account for purposes of subparagraph (1)(ii) of this paragraph. (5) For definition of the term "United States", when used in a geographical sense, see sections 638 and 7701(a)(9).

(b) *Amount includible in gross income*—(1) *Taxable years beginning after December 31, 1975.* (i) If a specific amount is paid for labor or personal services performed in the United States, that amount (if income from sources within the United States) shall be included in the gross income. If no accurate allocation or segregation of compensation for labor or personal services performed in the United States can be made, or when such labor or service is performed partly within and partly without the United States, the amount to be included in the gross income shall be determined on the basis that most correctly reflects the proper source of income under the facts and circumstances of the particular case. In many cases the facts and circumstances will be such that an apportionment on the time basis will be acceptable, that is, the amount to be included in gross income will be that amount which bears the same relation to the total compensation as the number of days of performance of the labor or services within the United States bears to the total number of days of performance of labor or services for which the payment is made. In other cases, the facts and circumstances will be such that another method of apportionment will be acceptable.

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). B, a nonresident alien individual, was employed by M from March 1, 1976, to June 12, 1976, a total of 104 days, for which he received compensation in the amount of $12,240. During that period B was present in the United States 59 days. Under his contract B was subject to call at all times by his employer and was in a payment status on a 7-day week basis. There was no specific agreement as to the amount of pay for services performed within the United States; moreover, he received his stipulated salary payments regardless of the number of days per week he actually performed services. Under these circumstances the amount of compensation to be included in gross income as income from sources within the United States will be $6,943.85 ($12,240 x 59/104).

Example (2). C, a citizen of the United States, was a resident of a foreign country during his entire taxable year. He is employed by N, a domestic corporation, and paid a salary of $17,600 per annum. Under his contract C is required to work only on a 5-day week basis, Monday through Friday. During 1976 he was in the United States for 6 weeks, performing services therein for N for 30 work days. During the year he worked 240 days for N for which payment was made, determined by eliminating his vacation period for which no payment was made. Under these circumstances the amount of compensation for personal services performed in the United States is $2,200 ($17,600 x 30/240).

(2) *Taxable years beginning before January 1, 1976.* If a specific amount is paid for labor or personal services performed in the United States, that amount (if income from sources within the United States) shall be included in the gross income. If no accurate allocation or segregation of compensation for labor or personal services performed in the United States can be made, or when such labor or service is performed partly within and partly without the United States, the amount to be included in the gross income shall be determined by an apportionment on the time basis; that is, there shall be included in the gross income an amount which bears the same relation to the total compensation as the number of days of performance of the labor or services within the United States bears to the total number of days of performance of labor or services for which the payment is made.

* * * * *

(d) *Effective date.* This section applies with respect to taxable years beginning after December 31, 1966. For corresponding rules applicable to taxable years beginning before January 1, 1967, see 26 CFR 1.861–4 (Rev. as of Jan. 1, 1972).

PAR. 5. Section 1.861–5 is revised to read as follows:

§ 1.861–5 Rentals and royalties.

Gross income from sources within the United States includes rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, in the United States, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like property. The income arising from the rental of property, whether tangible or intangible, located within the United States, or from the use of property, whether tangible or intangible, within the United States, is from sources within the United States. For taxable years beginning after December 31, 1966, gains described in section 871(a)(1)(D) and section 881(a)(4) from the sale or exchange after October 4, 1966, of patents, copyrights, and other like property shall be treated, as provided in section 871(e)(2), as rentals or royalties for the use of, or privilege of using, property or an interest in property. See paragraph (e) of § 1.871–11.

PAR. 6. Section 1.861–8 is amended by revising paragraph (b) to read as follows:

§ 1.861–8 Computation of taxable income from sources within the United States.

* * * * *

(b) *Personal exemptions.* The deductions for the personal exemptions allowed by section 151 or 642(b) shall not be taken into account for purposes of paragraph (a) of this section but shall be allowed as deductions from the taxable income computed thereunder, if and to the extent that such deductions are allowable for purposes of computing the taxable income of the taxpayer. See sections 641(b), 873, 904(c), and 931(e), and the regulations thereunder.

* * * * *

PAR. 7. Section 1.862–1 is amended by revising paragraph (a) to read as follows:

§ 1.862–1 Income specifically from sources without the United States.

(a) *Gross income.* (1) The following items of gross income shall be treated as income from sources without the United States:

(i) Interest other than that specified in section 861(a)(1) and § 1.861–2 as being derived from sources within the United States;

(ii) Dividends other than those derived from sources within the United States as provided in section 861(a)(2) and § 1.861–3;

(iii) Compensation for labor or personal services performed without the United States;

(iv) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, without the United States, patents, copyrights, secret processes and formulas, good-will, trademarks, trade brands, franchises, and other like property;

(v) Gains, profits, and income from the sale of real property located without the United States; and

(vi) Gains, profits, and income derived from the purchase of personal property within the United States and its sale without the United States.

For rules treating certain interest as income from sources without the United States, see paragraph (b) of § 1.861–2. For the treatment of compensation for labor or personal services performed partly within the United States and partly without the United States, see paragraph (b) of § 1.861–4.

(2) In applying subparagraph (1)(iv) of this paragraph for taxable years beginning after December 31, 1966, gains described in section 871(a)(1)(D) and section 881(a)(4) from the sale or exchange after October 4, 1966, of patents, copyrights, and other like property shall be treated, as provided in section 871(e)(2), as rentals or royalties for the use of, or privilege of using, property or an interest in property. See paragraph (e) of § 1.871–11.

(3) For determining the time and place of sale of personal property for purposes

of subparagraph (1)(vi) of this paragraph, see paragraph (c) of § 1.861–7.

(4) Income derived from the purchase of personal property within the United States and its sale within a possession of the United States shall be treated as derived entirely from within that possession.

(5) If interest is paid on an obligation of a nonresident of the United States by a resident of the United States acting in the resident's capacity as a guarantor of the obligation of the nonresident, the interest will be treated as income from sources without the United States.

(6) For rules treating certain interest as income from sources without the United States, see paragraph (b) of § 1.861–2.

(7) For the treatment of compensation for labor or personal services performed partly within the United States and partly without the United States, see paragraph (b) of § 1.861–4.

* * * * *

PAR. 8. Section 1.863–6 is revised to read as follows:

§ 1.863–6 Income from sources within a foreign country or possession of the United States.

The principles applied in §§ 1.861–1 to 1.863–5, inclusive, for determining the gross and the taxable income from sources within and without the United States shall generally be applied, for purposes of the income tax, in determining the gross and the taxable income from sources within and without a foreign country, or within and without a possession of the United States. This section shall not apply, however, to the extent it is determined by applying § 1.863–3 that a portion of the taxable income is from sources within the United States and the balance of the taxable income is from sources within a foreign country or possession of the United States. In the application of this section the name of the particular foreign country or possession of the United States shall be substituted for the term "United States", and the term "domestic" shall be construed to mean created or organized in such foreign country or possession. In applying section 861 and the regulations thereunder for purposes of this section, references to sections 243, 245, and 931 shall be excluded, and the exception in section 861(a)(3) shall not apply. In the case of any item of income, the income from sources within a foreign country or possession of the United States shall not exceed the amount which, by applying any provision of §§ 1.861–1 to 1.863–5, inclusive, without reference to this section, is treated as income from sources without the United States.

PAR. 9. Section 1.864–2 is amended by revising paragraph (b)(2) (ii) and (iv) to read as follows:

§ 1.864–2 Trade or business within the United States.

* * * * *

(b) *Performance of personal services for foreign employer.* * * *

(2) *Rules of application.* * * *

(ii) Solely for purposes of applying this paragraph, the nonresident alien individual, foreign partnership, or foreign corporation for which the nonresident alien individual is performing personal services in the United States shall not be considered to be engaged in trade or business in the United States by reason of the performance of such services by such individual.

* * * * *

(iv) In determining for purposes of subparagraph (1) of this paragraph whether compensation received by the nonresident alien individual exceeds in the aggregate a gross amount of $3,000, any amounts received by the individual from an employer as advances or reimbursements for travel expenses incurred on behalf of the employer shall be omitted from the compensation received by the individual, to the extent of expenses incurred, where he was required to account and did account to his employer for such expenses and has met the tests for such accounting provided in § 1.162–17 and paragraph (e)(4) of § 1.274–5. If advances or reimbursements exceed such expenses, the amount of the excess shall be included as compensation for personal services for purposes of such subparagraph. Pensions and retirement pay attributable to personal services performed in the United States are not to be taken into account for purposes of subparagraph (1) of this paragraph.

* * * * *

PAR. 10. Section 1.895 is amended by revising section 895 and the historical note to read as follows:

§ 1.895 Statutory provisions; income derived by a foreign central bank of issue from obligations of the United States or from bank deposits.

SEC. 895. *Income derived by a foreign central bank of issue from obligations of the United States or from bank deposits.* Income derived by a foreign central bank of issue from obligations of the United States or of any agency or instrumentality thereof (including beneficial interests, participations, and other instruments issued under section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717)) which are owned by such foreign central bank of issue, or derived from interest on deposits with persons carrying on the banking business, shall not be included in gross income and shall be exempt from taxation under this subtitle unless such obligations or deposits are held for, or used in connection with, the conduct of commercial banking functions or other commercial activities. For purposes of the preceding sentence the Bank for International Settlements shall be treated as a foreign central bank of issue.

[Sec. 895 as added by sec. 1, Act of May 4, 1961 (Pub. L. 87–29, 75 Stat. 64); as amended by sec. 102(a)(4), Foreign Investors Tax Act 1966 (80 Stat. 1543)]

PAR. 11. Section 1.895–1 is amended to read as follows:

§ 1.895–1 Income derived by a foreign central bank of issue, or by Bank for International Settlements, from obligations of the United States or from bank deposits.

(a) *In general.* Income derived by a foreign central bank of issue from obligations of the United States or of any agency or instrumentality thereof, or from interest on deposits with persons carrying on the banking business, is excluded from the gross income of such bank and is exempt from income tax if the bank is the owner of the obligations or deposits and does not hold the obligations or deposits for, or use them in connection with, the conduct of a commercial banking function or other commercial activity by such bank. For purposes of this section and paragraph (i) of § 1.1441–4, obligations of the United States or of any agency or instrumentality thereof include beneficial interests, participations, and other instruments issued under section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717). See 24 CFR Part 1600 et seq.

(b) *Foreign central bank of issue.* (1) A foreign central bank of issue is a bank which is by law or government sanction the principal authority, other than the government itself, issuing instruments intended to circulate as currency. Such a bank is generally the custodian of the banking reserves of the country under whose law it is organized. See also paragraph (b)(5) of § 1.861–2. (2) The exclusion granted by section 895 applies to an instrumentality that is separate from a foreign government, whether or not owned in whole or in part by a foreign government. For example, foreign banks organized along the lines of, and performing functions similar to, the Federal Reserve System qualify as foreign central banks of issue for purposes of this section. (3) The Bank of International Settlements shall be treated as though it were a foreign central bank of issue for purposes of obtaining the exclusion granted by section 895.

(c) *Ownership of United States obligations or bank deposits.* The exclusion does not apply if the obligations or bank deposits from which the income is derived are not owned by the foreign central bank of issue. Obligations held, or deposits made, by a foreign central bank of issue as agent, custodian, trustee, or in any other fiduciary capacity, shall be considered as not owned by such bank for purposes of this section.

(d) *Commercial banking function or other commercial activity.* The exclusion applies only to obligations of the United States or of any agency or instrumentality thereof, or to bank deposits, held for, or used in connection with, the conduct of a central banking function and not to obligations or deposits held for, or used in connection with, the conduct of commercial banking functions or other commercial activities by the foreign central bank.

(e) *Other exclusions.* See section 861(a)(1)(A) and § 1.861–2(b)(1) and (4).

for special rules relating to interest paid or credited before January 1, 1977, on deposits and on similar amounts and for rules on interest derived from bankers' acceptances. For exemption from withholding under § 1.1441–1 on income derived by a foreign central bank of issue, or by the Bank for International Settlements, from obligations of the United States or of any agency or instrumentality thereof, or from bank deposits, see § 1.1441–4(i).

(f) *Effective date.* This section shall apply with respect to taxable years beginning after December 31, 1966. For corresponding rules applicable to taxable years beginning before January 1, 1967, see 26 CFR 1.85–1 (Rev. as of Jan. 1, 1972).

PAR. 12. Section 1.902–1 is amended by revising pragraph (c) to read as follows:

§ 1.902–1 Credit for domestic corporate shareholder of a foreign corporation (before amendment by Revenue Act of 1962).

* * * * *

(c) *Source of income of foreign subsidiaries and country to which tax is deemed to be paid.* For the purpose of section 904(a)(1) (relating to the per-country limitation), a dividend from a foreign corporation (at least 10 percent of whose voting stock is owned by a domestic corporation) shall be deemed to be derived from sources within the foreign country or possession of the United States under the laws of which such foreign corporation is created or organized, to the extent that under section 861(a)(2)(B) (before amendment by section 9(c), Revenue Act of 1962, 76 Stat. 1001) such dividend is treated as income from sources without the United States. In addition, for purposes of section 904 all income, war profits, and excess profits taxes paid, or deemed to be paid under section 902, by such foreign corporation to any foreign country or possession of the United States shall be deemed to be paid to the foreign country or possession under the laws of which such foreign corporation is created or organized.

* * * * *

PAR. 13. Section 1.902–3 is amended by adding a new paragraph (d)(1) to read as follows:

§ 1.902–3 Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).

* * * * *

(d) *Source of income from first-tier corporation and country to which tax is deemed paid—(1) Source of income.* For purposes of section 904(a)(1) (relating to the per-country limitation), in the case of a dividend received by a domestic shareholder from a first-tier corporation there shall be deemed to be derived from sources within the foreign country or possession of the United States under the laws of which the first-tier corporation is created or organized the sum of the amounts which under paragraph (a)(3)(ii) of § 1.861–3 are treated, with respect to such dividend, as income from sources without the United States.

* * * * *

PAR. 14. Section 1.1441–3 is amended by revising paragraph (c)(1) to read as follows:

§ 1.1441–3 Exceptions and rules of special application.

* * * * *

(c) *Interest—(1) Government obligations.* Withholding is required under § 1.1441–1 in the case of interest paid on obligations issued on or after March 1, 1941, by the United States or any agency or instrumentality thereof. See section 103 and the regulations thereunder, relating to the taxation of such interest, and § 1.1461–1, relating to ownership certificates.

* * * * *

PAR. 15. Section 1.1441–4 is amended by adding a new paragraph (i) to read as follows:

§ 1.1441–4 Exemptions from withholding.

* * * * *

(i) *Income of foreign central bank of issue or Bank for International Settlements.* (1) Section 895 provides for the exclusion from gross income of certain income derived by a foreign central bank of issue, or by the Bank of International Settlements, from obligations of the United States or of any agency or instrumentality thereof or from bank deposits. In the absence of knowledge that a foreign central bank of issue, or the Bank for International Settlements, is operating without the scope of the exclusion granted by section 895, the withholding agent is not required to withhold under § 1.1441–1 upon income derived by such bank from obligations of the United States or of any agency or instrumentality thereof, or upon interest derived from deposits with persons carrying on the banking business, if the withholding agent receives from the bank a statement certifying that the bank—

(i) Is a foreign central bank of issue, or the Bank for International Settlements, as the case may be,

(ii) Is the owner of the obligations of the United States or of any agency or instrumentality thereof, or the owner of such bank deposits, as the case may be, and

(iii) Does not, and will not, hold such obligations or such bank deposits for, or use them in connection with, the conduct of a commercial banking function or other commercial activity.

(2) A copy of the statement filed pursuant to subparagraph (1) of this paragraph shall be forwarded by the withholding agent with, and attached to, the Form 1042S required by paragraph (c) of § 1.1461–2 with respect to payments of income made on such obligations or bank deposits during the calendar year.

[FR Doc.75–26298 Filed 9–29–75;10:02 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

CFR Correction

Section 1622.2 appearing on page 23 of the volume 32 CFR Part 1600 to End, Revised as of July 1, 1975 is corrected to read in its entirety as follows:

§ 1622.2 Classes.

Each registrant shall be classified in one of the classes established in this Part.

[39 FR 44015, Dec. 20, 1974]

BASIS

The amendatory language reading, "In § 1622.2, the introductory text is amended to read as follows", as it appeared in FR Doc. 74–29640, (39 FR 44015, Dec. 20, 1974) was incorrectly stated. The amendatory language should have read, "Section 1622.2 is revised to read as follows".

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

Subpart—Special Impact Program Policies and Priorities

The Special Impact Program administered by the Community Services Administration is a national program established by statute which focuses on a limited number of organizations and on the community economic development approach to the elimination of poverty. This subpart establishes the policy of CSA's Office of Economic Development (OED) with respect to the objectives, priorities, and structure of the Special Impact Program and its CDC grantees. This policy statement was developed in cooperation with grantees and represents a landmark effort in the establishment of policy representing both the responsibilities of the administering office and the recipients of financial assistance.

CSA welcomes comments and recommended changes. Please address all correspondence to Louis Ramirez, Associate Director, Office of Economic Development, Community Services Administration, 1200–19th Street, NW., Washington, D.C. 20506. Comments must be received on or before November 3, 1975.

Effective date. This subpart is effective on or before November 3, 1975.

BERT A. GALLEGOS,
Director.

Subpart—Special Impact Program Policies and Priorities

Sec.	
1076.5–1	Applicability.
1076.5–2	Purpose.
1076.5–3	Demonstration aspect of special impact program.
1076.5–4	Role of Office of Economic Development.

Sec.
1076.5–5 Appreciable impact.
1076.5–6 Self-sufficiency.
1076.5–7 Institution building.
1076.5–8 Venture profitability.
1076.5–9 Employment.
1076.5–10 Human development.
1076.5–11 Beneficiaries.

AUTHORITY: Sec. 602, 78 Stat. 530; (42 U.S.C. 2942).

Subpart—Special Impact Program Policies and Priorities

§ 1076.5–1 Applicability.

This subpart applies to all community development corporations (CDCs) financially assisted by CSA under Sections 712 and 747 of the Community Services Act of 1974.

§ 1076.5–2 Purpose.

This subpart establishes the policy of CSA's Office of Economic Development (OED) with respect to the objectives, priorities, and structure of the Special Impact Program and its CDC grantees.

§ 1076.5–3 Demonstration aspect of special impact program.

(a) The Special Impact Program is a national program, with certain specified goals and objectives established by statute and with certain criteria against which program performance is to be measured. While the legislation does not specify a rigid program model, the Special Impact Program is essentially a demonstration program, in that it provides for "special programs of assistance" to specific kinds of organizations (i.e., CDCs and related cooperatives), subject to the limitation of their being of "sufficient size, scope and duration to have an appreciable impact," thereby clearly limiting their number. Unlike the Community Action Program, where 880 agencies are funded nationwide to undertake an almost unlimited range of anti-poverty projects, determined by "local initiative", the Special Impact Program focuses only on a limited number of organizations and on the community economic development approach to the elimination of poverty.

(b) Continued designation of the Special Impact Program as a demonstration program will not prevent vigorous pursuit of additional resources to enlarge and strengthen its impact throughout the country. It will, instead, ensure greater flexibility in the structure and goals of each CDC; allow expansion of the program at a rational pace; reduce public expectation of immediate solutions to long-standing problems; and result in strengthening the concept of community economic development as a mechanism for providing access to economic and social opportunities and advantages.

§ 1076.5–4 Role of Office of Economic Development.

(a) Given the demonstration aspect of the Special Impact Program, it is essential that the Office of Economic Development provide policy direction to the CDCs beyond the technical responsibility of any grant-making Federal agency to insure that funds are properly and legally administered. This direction shall consist primarily of establishing overall program objectives and evaluation criteria, and of determining relative priorities among such objectives. In exercising its policy direction responsibilities, however, OED will provide maximum opportunities for CDCs to participate in the policy development process and to review and comment upon OED proposed policies prior to their being promulgated in final form.

(b) While the Title VII legislation mandates a policy direction role for OED, it also mandates that economic development be pursued through community based corporations, responsive to the residents of the impact area served, which furthers the efforts of the poor to participate more effectively in community life both social and economic. Accordingly, within the broad policy parameters set down by OED in compliance with the legislation, each CDC must be accorded maximum possible autonomy. This means that, consistent with OED policies and priorities, the CDC shall be free to develop a local strategy suited to local needs and conditions for community economic development, including the freedom to request exceptions to OED policies where the CDC can demonstrate that such policies conflict with the particular needs of the impact area. This means that, subject to the agreements negotiated with OED during the funding (or refunding) process, as represented by the approved budget and work program, the CDC shall be free to manage its program over the course of the grant period without interference in its day-to-day operations and without changes in the operating ground rules or conditions governing the grant, unless agreed to be the CDC. Finally, this means that, to the extent permitted by statutory limitations, grant conditions, and OED procedures regulating the release of venture capital funds, the CDC shall be free to control the resources committed to it, including the re-allocation of resources as needed to meet changing conditions and program requirements.

§ 1076.5–5 Appreciable impact.

(a) Special Impact areas face severe shortages of income, jobs, skilled human resources and, perhaps more important, viable institutions responsive to the needs of impact area residents and capable of meeting the staggering challenges posed by impact area problems.

(b) The ultimate goal of the Special Impact Program is, of course, to achieve parity between the impact areas and the areas surrounding them, to correct the tremendous imbalance in institutional capacity, income, jobs and human resources. It is clear, however, that this kind of parity cannot be attained in anything like the short term by the Special Impact Program or by any other community economic development effort now on the horizon.

(c) Moreover, the legislative objective of "appreciable impact" should not be equated with this ultimate goal. Appreciable impact, in statutory terms, is to be directed toward "arresting tendencies toward dependency, chronic unemployment and community deterioration" (emphasis added). In other words, appreciable impact will occur not when parity has been achieved—that is, not when the ultimate goal of eliminating poverty is attained—but when current economic, social, and institutional trends have been reversed, at that point when the continued downward spiral of deterioration has been halted and the long, upward climb begun.

(d) Appreciable impact will thus be measured by a variety of indicators with respect to characteristic "tendencies" that have been "arrested"; by the net inflow, rather than outflow, of jobs and income into the impact area; by the establishment of profitable ventures and property developments which will attract private capital into the impact area; by the increase in skilled managers and workers in the impact area; and by reductions in unemployment and public assistance rolls.

(e) These indicators should not normally be expected to occur simultaneously, since some are essentially preconditions to others. Thus, a stable, viable CDC itself, measured by the presence of active, representative boards; competent, responsive staff; and broad-based support in and ties to the impact area, is an initial indicator that progress toward appreciable impact is being made.

(f) Secondly, successful venture and property developments which give the CDC and its efforts visibility and credibility are subsequent indicators. This should be followed by increases in private capital investment, based on the CDC's own initial successes. Only when these indicators are present should measurable impacts on employment, income, and public assistance dependency of the program's primary beneficiaries be anticipated.

§ 1076.5–6 Self-sufficiency.

(a) Title VII requires that CDC programs continue to have appreciable impact after the termination of Title VII assistance. This is, of course, inherent in the definition of appreciable impact since if an impact is appreciable only when it reverses economic and social deterioration it must also be permanent and self-perpetuating.

(b) This leads to the question of whether a CDC must thus become self-sufficient to meet the legislative requirements of an appreciable and continuing impact. To answer this question, a distinction must first be made between self-sufficiency of individual CDC ventures and self-sufficiency of the CDC itself. A venture is self-sufficient when it can generate sufficient income without further subsidy to cover its costs (i.e., break even) or clear a profit (i.e., permit reinvestment for further expansion). On the other hand, while individual ventures may be self-sufficient, they may not be generating sufficient profits to finance the administrative costs of catalytic in-

stitutions, such as the CDC itself, or social programs operated or sponsored by the CDC. In this sense, the CDC is not self-sufficient even though its ventures may be. Were subsidization of the CDC administrative or non-venture program costs to terminate, the CDC as an institution would also terminate or have to cut back on its operations, even though individual ventures could continue to operate successfully and be self-sustaining.

(c) However, the failure of a CDC to attain self-sufficiency does not preclude the attainment of an appreciable and continuing impact after termination of Title VII funding. It is quite possible that, while all ventures may not together be generating sufficient profits to cover all CDC costs the CDC may still have effected permanent change in the impact area and such change may still continue in the absence of the CDC. Appreciable impact and self-sufficiency are not, therefore, synonymous; one can occur without the other.

(d) Business ventures (that is, ventures where either maximum or optimal profits are the objectives, as opposed to social ventures; see § 1076.5–8) can and should be expected to attain self-sufficiency over the short term. While some refinancing will be required over the next few years for CDC business ventures, since refinancing is generally required by any growing business, it is expected that after this period CDC business ventures will have passed the break-even point and profits will be adequate to meet most growth needs. While self-sufficiency of business ventures is therefore a short-term objective of the Special Impact Program, it is neither possible nor particularly desirable for CDCs themselves to attain self-sufficiency over the short term.

(e) To begin with, it is highly unrealistic to expect even self-sustaining business ventures to generate sufficient profits to cover CDC administrative and no-venture program costs in the foreseeable future. Even if the scale of venture investment were markedly increased, it is unlikely that this situation would change. This would be the case, moreover, even if the ventures were operating in conditions more favorable than those which prevail in the impact areas.

(f) But more important, just as appreciable impact can occur without the CDC first becoming self-sustaining, so can CDC self-sufficiency be achieved without appreciable impact. In fact, misplaced emphasis on CDC self-sufficiency may postpone, if not defeat, the objective of achieving appreciable impact. Reduction of CDC administrative costs or retraction of CDC non-venture social program efforts may be the necessary price for achieving self-sufficiency at a stage where such reductions in efforts may be highly undesirable. Similarly, premature use of venture profits to underwrite CDC administrative costs rather than for reinvestment for further venture expansion may seriously slow the forward momentum of the CDC's economic development program.

(g) Moreover, since the objectives of the Special Impact Program are not solely economic, CDCs must also be able to invest in social programs which will require a continuing subsidy, at least over the short term, and possibly indefinitely. The source of the subsidy need not and should not, however, be solely Title VII funds. In this regard, the CDCs should seek, with OED assistance, financial support from other Federal agencies, from state and local government, and from private sources.

(h) While ultimately it is anticipated that CDC self-sufficiency will become possible through a combination of venture profits and non-Title VII subsidization, it is in the long-run interests of the Special Impact Program to continue OED support of the CDC's administrative and non-venture program costs for as long as possible so as to maximize the continuing catalytic institutional effects produced by CDC activity and so as to promote the earliest possible attainment of appreciable impact.

(i) The goal of CDC self-sufficiency must be considered a long-range goal if it is an appropriate goal at all. Certainly much more Federal money will need to be received for strengthening and expanding the program before "appreciable impact" can be reached. Consideration should be given to the possibility that the CDC program is a proper subject for continued Federal subsidization, along with other traditional American subsidization, such as oil, shipbuilding and transportation.

§ 1076.5–7 Institution building.

(a) One of the fundamental differences between impact areas and the surrounding communities is the lack of viable, responsive institutions capable of addressing the variety of economic and social problems facing impact area residents. Coupled with this institutional poverty within the impact area is the total unresponsiveness of outside institutions. Thus, one of the primary objectives of the Special Impact Program is the creation of new institutions and a change in the attitude and behavior of existing institutions.

(b) A wide range of institutions are needed, including planning and coordinating institutions, capital-providing and debt-providing institutions, employment-generating and wage-increasing institutions. The key institution in this institution-building thrust is, of course, the CDC itself. The CDC not only directly plays all these roles (planning, capital-providing, etc.) but is the central catalytic force that in turn creates, or promotes increased responsiveness of, other institutions which perform one or more of these crucial functions.

(c) The CDC's institution-building role is the primary experimental feature of the Special Impact Program. The CDC is a community-based, representative planning institution which must undertake even more coordinated planning of impact area economic activity in the future. Until now, it has been the major source of equity and debt capital in the impact areas, and will continue to be in the short term, although its role in the long term should shift to stimulation of capital and debt provision from other institutions, primarily from sources outside the impact area. It has, directly or through its ventures, been a source of employment, but over the short term it cannot be anticipated to make an insignificant impact on employment. Finally, the CDC has also been a subsidization institution, in that it has made official guarantee programs relevant and available to the impact areas.

(d) The institution-building objective of the Special Impact Program is, and will remain, the top priority. It is the area where CDCs have already made the greatest impacts and where in the short term OED expects the greatest degree of achievement. Since institution building is a precondition for all other objectives of the Special Impact Program, CDC failures in this area spell failure for other longer-term objectives as well.

§ 1076.5–8 Venture profitability.

(a) There are four basic categories of CDC ventures: (1) True business ventures organized for profit, including wholly owned CDC ventures and ventures in which the CDC has either a majority or minority equity position; (2) loan funds, loan guarantee funds, and consumer credit unions, where little or no profit is intended, but where loan funds may be used by individual recipients for profit-connected business purposes; (3) infrastructure development, including those overhead investments such as water and sewer systems, roads, land improvements, etc., which are not themselves profitable but which are essential preconditions for the development of other profitable ventures; and (4) social "ventures", which are not ventures at all, but rather service programs and other community development activities, such as day care centers, manpower training, health services, etc., which are supportive of the CDC's overall community economic development efforts.

(b) Business ventures, which are profit-making in purpose, loan funds, which are essentially break-even activities, and infrastructure development which can usually only at best be profitable in the long run are all budgeted under the Investment Capital cost category. Social ventures, which will generally be expected to require a continued subsidy, whether from Title VII or other sources, are budgeted under the other cost categories, as appropriate, along with other CDC administrative costs.

(c) True business ventures fall, in turn, into two subcategories: ventures whose objective is to maximize profits; and ventures whose objective is to optimize profits, given simultaneous social objectives whose pursuit requires the trade-off of some profits. Where optimization of profits, rather than maximization is the objective of a business venture, the CDC must so indicate, prior to investment of the venture funds, in its funding application and venture plans, and

OED must specifically approve such an approach. In identifying optimization objectives, the CDC must specify the social benefits for which profits are being traded off and must specify the degree to which optimization is expected to reduce profits below what they would have been if profit maximization had been opted for.

(d) Although it is appropriate for a given CDC to have a mix of venture types, the priority over the short term should be on business ventures. Moreover, among business ventures, the priority over the short term should be on profit maximization, rather than optimization.

(e) It is not a logical necessity that maximizing profits will ensure institutionalization of the CDC program. One of the most attractive aspects of the program, as far as the private sector is concerned, is that CDCs attempt to make a profit while serving larger social goals. Therefore, optimization should be the goal over the long term.

(f) Whether ventures are for maximum or optimum profit, for no profits, or for non-business purposes requiring a continued subsidy, the specific objectives must be spelled out prior to venture approval, and will constitute the criteria against which venture performance will be measured. Where a venture includes both business and social objectives, performance will be measured against both sets of objectives. Qualified management for business ventures, of course, is essential.

§ 1076.5–9 Employment.

(a) While the employment of low-income and unemployed impact area residents and increased income for impact area residents are among the most important long-range objectives of the Special Impact Program, it is not anticipated that any CDC can make a significant impact over the short term in this area. Moreover, undue emphasis, however well-intentioned, on employment in the early stages of a CDC's efforts can have a detrimental impact on its initial success with business ventures and hence its ultimate success.

(b) All things being equal, ventures with a greater employment potential should be given higher priority than those with smaller employment potential, but in the short term job creation should not be pursued as an objective at the sacrifice of venture profits (unless, as noted in § 1076.5–8, the costs can be subsidized by non-Title VII funds). The CDC's long-term employment objectives can be better served by concentrating in the short term on increasing venture profits so as to solidify the CDC's institutional standing and so as to attract outside capital for new ventures or venture expansion, than by emphasizing jobs at the risk of producing marginal ventures and an image of failure for the CDC. Even with a heavy emphasis on jobs, a CDC at best can have only a marginal impact on impact area unemployment during the early years of its program. Substantial inroads on unemployment cannot be expected until after a solid base of CDC and joint CDC/private ventures has been laid.

(c) CDC performance in the employment area cannot be effectively measured during the early years of the Special Impact Program. Rather than a linear expansion of employment in roughly equal increments over time, fairly negligible increases should be anticipated over the course of the first three or four years followed by substantial spurts in subsequent years. Not until there has been heavy expansion and reinvestment of profits from early ventures will dividends, in the form of reduced unemployment and increased personal income, be paid.

(d) There shall be renewed commitment on the part of OED to facilitate increased manpower training for non-managerial positions in the venture programs. This will be either directly by OED, or with OED playing a leadership role in seeking assistance from appropriate Federal agencies (such as DOL, USDA, BIA, Commerce, etc.) to provide specialized training when such assistance is necessary for the success of a venture.

§ 1076.5–10 Human development.

(a) While human development objectives are essential to increased incomes and improved quality of life, misplaced emphasis at the early stages of a CDC's efforts may, in the absence of specific subsidies for the purpose, detract from venture performance and threaten the institution-building priorities of the CDC. Investment in training of venture managers, rather than the recruitment of expert managers, has been a major cause of CDC venture loss to date.

(b) Human development within the CDC itself, as opposed to its business ventures, is, however, a high priority over the short term. In this instance, human development is essential to the central objective of institution building, in that it is often the only way to ensure that the development effort will be directed from within the impact area by a planning institution—the CDC—responsive to the community. The development of skills of CDC managers, as opposed to venture managers, is, therefore, fully consistent with OED priorities, over the short run, where fully expert managers for the CDC are not available in the impact area.

§ 1076.5–11 Beneficiaries.

(a) The primary beneficiaries of the Special Impact Program are the low-income residents of the impact area. The overall long-range objectives of the program are therefore directed toward improving the employment, incomes, environment, living conditions, and participation in community life of these residents. In order to produce benefits for low-income impact area residents, however, the institution-building and venture development efforts of the CDC require the participation of the non-poor in managerial and leadership roles. In the sense that the CDC and its ventures provide employment and human development opportunities for other residents, and, perforce, non-residents, these individuals also become "beneficiaries" of the program. Nevertheless, such "beneficiaries" are primarily means toward the ends of the program, who must be present for ultimate program success, but who in themselves do not constitute a final measure of success. Generally, the CSA poverty guidelines will be used as a basis for determining whether a resident is low-income, although each CDC is free, subject to OED approval, to employ other guidelines where it can demonstrate that local circumstances justify a modified standard.

(b) The boundaries of the impact areas should be subject to change as social and economic condiitons of the community dictate. The boundaries should be explicitly defined at the beginning of each grant period. All monies of a particular grant period should be used within the defined impact area except when specifically approved by OED upon demonstration by the CDC that investment outside the impact area would produce direct and substantial benefits to the residents of the area.

(c) Where a CDC or its ventures provide non-managerial or non-professional employment opportunities, such opportunities should be restricted to residents of the impact area. Similarly, all social service and other non-venture benefits of a CDC should be restricted insofar as feasible to impact area residents. Preference for all such employment and services should go to low-income rather than middle-income residents.

(d) Wherever possible, managerial and professional positions in the CDC and its ventures should be filled by residents of the impact area; and when non-residents are recruited, they should be encouraged to relocate to the impact area. In the case of venture managers, however, experience and training are crucial. Accordingly, unqualified residents should never be hired for these positions instead of qualified and experienced non-residents. In most cases, the CDC will have to recruit from outside the impact area to find proper managers for its ventures. In the case of the CDC itself, ties to the community are more relevant to the success of the program. Accordingly, it may be more appropriate when recruiting CDC managers to adjust the specific qualifications—provided, of course, deficiencies can be corrected by on-the-job-training—in order to hire residents who understand and have credibility in the impact area. Even in recruiting CDC managers, however, it may be necessary to reach out beyond the community to find individuals with the necessary skills and potential essential to CDC success.

[FR Doc.75-26322 Filed 10-1-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1198; Amdt No. 2]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co. and Louisville and Nashville Railroad Co.

SEPTEMBER 29, 1975.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of September 1975.

Upon further consideration of Service Order No. 1198 (39 FR 34666 and 40 FR 14765), and good cause appearing therefor:

It is ordered, That: § 1033.1198 The Baltimore and Ohio Railroad Company and Louisville and Nashville Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees Service Order No. 1198 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26419 Filed 10-1-75;8:45 am]

[S.O. No. 1211; Amdt. No. 1]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of September 1975.

Upon further consideration of Service Order No. 1211 (40 FR 14765), and good cause appearing therefor:

It is ordered, That: § 1033.1211 Chicago, Rock Island and Pacific Railroad Company authorized to operate over Tracks of Ashley, Drew & Northern Railway Company Service Order No. 1211 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26418 Filed 10-1-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuge

The following special regulations are issued and are effective on October 2, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots and gallinules on the Imperial National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from October 4 through October 31, 1975, inclusive, and from November 15, 1975, through January 18, 1976, inclusive; geese, from October 4 through October 17, 1975, inclusive, and from November 15, 1975, through January 18, 1976, inclusive. Hunting is permitted on the area designated by signs as open to hunting, and this open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

TEXAS

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

The hunting of migratory game birds on the Laguna Atascosa National Wildlife Refuge, Texas, is suspended for the 1975-76 hunting season. It has been determined that the entire refuge area is required for resource protection, especially in that the redhead, a bird in short supply, is a major wintering species.

ROBERT F. STEPHENS,
Acting Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 25, 1975.

[FR Doc.75-26340 Filed 10-1-75;8:45 am]

PART 32—HUNTING

Izembek National Wildlife Range, Alaska

On August 20, 1975, there was published in the FEDERAL REGISTER (40 FR 36568) a notice of proposed special rulemaking to authorize the hunting of brown bear on the Izembek National Wildlife Range subject to special conditions which include an area closed to the hunting of brown bear.

Interested parties were given an opportunity to submit written comments, suggestions or objections regarding the proposed regulations. The closing date for receipt of comments was September 21, 1975.

After a consideration of all factors, it has been determined that the closure would be in opposition to management by the Alaska Department of Fish and Game which aims to reduce the bear population in the vicinity of Cold Bay as a measure to reduce bear-human conflicts, and that this consideration outweighs potential waterfowl and bear hunting incompatibility in the Izembek Bay area.

The United States Fish and Wildlife Service has determined that a finding of "good cause" is warranted within the terms of 5 U.S.C. 553(d)(3) to expedite the implementation of this rulemaking so that the final regulations may be published prior to beginning of the hunting season.

Therefore 50 CFR 32.32 *Special regulations; big game;* are amended as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE REFUGE

Public hunting of brown bear on lands within the Izembek National Wildlife Range is permitted in accordance with all applicable State laws, subject to the following special conditions.

1. The landing of aircraft is prohibited except in event of emergency.

2. Use of motorized vehicles is restricted to the established road system.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and will be effective on October 2, 1975, through June 30, 1976.

GORDON W. WATSON,
Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.

[FR Doc.75-26339 Filed 10-1-75;8:45 am]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

The following special regulation is issued and is effective on October 2, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

The public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, New Mexico, is permitted from October 4 through October 12, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on maps available from the Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 278, San Antonio, New Mexico 87832, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 12, 1975.

WILFORD O. NELSON, JR.,
Regional Director, Albuquerque, New Mexico.

SEPTEMBER 26, 1975.

[FR Doc. 75-26341 Filed 10-1-75;8:45 am]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on October 2, 1975.

§ 32.12 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following conditions:

(1) Archery season—November 1 to November 14, 1975, and December 8 to December 31, 1975, all dates inclusive.

(2) Firearms season—Muzzel Loaders; November 15 to November 21, 1975, and Rifle; November 22 to November 25, 1975, November 26 to November 30, 1975, and December 1 to December 7, 1975, all dates inclusive.

(3) All hunters must exhibit their hunting license, deer tag, and vehicle contents to Federal and State officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

WILLIAM C. BAIR,
Refuge Manager, Sand Lake National Wildlife Refuge.

SEPTEMBER 26, 1975.

[FR Doc.75-26342 Filed 10-1-75;8:45 am]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on October 2, 1975.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 8, 1975, through December 31, 1975, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

WILLIAM C. BAIR,
Refuge Manager, Sand Lake National Wildlife Refuge.

SEPTEMBER 26, 1975.

[FR Doc.75-26343 Filed 10-1-75;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TUNA FISHERIES

PART 285—ATLANTIC TUNA FISHERIES

Bluefin Tuna Season Closure

Correction

In FR Doc. 75-25517 appearing at page 43916 in the issue of Wednesday, September 24, 1975, in the seventh line of the first paragraph of the document, "September 1975" should read "September 22, 1975".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Reinsurance Transactions; Public Hearing

Proposed regulations under section 817 of the Internal Revenue Code of 1954, relating to reinsurance transactions, appear in the FEDERAL REGISTER for August 14, 1975 (40 FR 34128).

A public hearing on the provisions of such proposed regulations will be held on November 6, 1975, beginning at 10 a.m., e.s.t. in the Chief Counsel's Conference Room, Fourth Floor, Room 4034, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601 (a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 31, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601 (a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by November 3, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on November 5, 1975, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.75-26306 Filed 10-1-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 81]

PROPOSED CONSOLIDATED PROCEDURAL RULES FOR ADMINISTRATION AND ENFORCEMENT OF CERTAIN CIVIL RIGHTS LAWS AND AUTHORITIES

Extension of Comment Period

On June 4, 1975 (40 FR 24148) the Office for Civil Rights of the Department of Health, Education, and Welfare issued a proposed new Part 81 to the Departmental Regulation to establish a uniform procedure for enforcement of the various nondiscrimination requirements which are applicable to programs administered by the Department and for which responsibility has been delegated to the Director of that Office. These enforcement procedures would apply to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) as implemented by 45 CFR Part 80; Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) as implemented by 45 CFR Part 86; sections 799A and 845 of the Public Health Service Act (42 U.S.C. 295h-9 and 298b-2), as implemented by 45 CFR Part 83; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); section 407 of the Drug Abuse Office and Treatment Act of 1972 (42 U.S.C. 1173); and section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4587).

The comment period on the proposed new regulation ended July 21, 1975.

The Department has received written comments on the proposal recommending changes to specific sections.

In addition, however, many comments reflected misunderstanding of the purpose of the proposal or fundamental disagreement with various important provisions.

It is the Department's view that additional time is needed to assess the issues involved, consult with members of Congress and the public, and receive further comment.

Therefore, the Department is extending the comment period on the proposed rule. The extended comment period will be until November 17, 1975. Persons or organizations wishing to submit further comments, suggestions, or objections pertaining to the proposed regulation may do so by presenting their views to the Director, Office for Civil Rights, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201.

Comments received in response to this notice, as well as comments already received, will be available for public inspection in Room 3256, 330 Independence Avenue SW., Washington, D.C. 20201, between 9 a.m. and 5:30 p.m., Monday through Friday (except Federal holidays) both before and after the close of the extended comment period.

Dated: September 29, 1975.

DAVID MATHEWS,
Secretary, Department of Health, Education, and Welfare.

[FR Doc.75-26471 Filed 10-1-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Delinquent Assessment

This notice invites written comment relative to a proposal to add a new section to the Rules and Regulations currently in effect under Marketing Order No. 911. The new section would require each handler, who has delinquent assessments, to pay to the Lime Administrative Committee interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the rules and regulations (7 CFR Part 911.110-911.131; Subpart-Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of the said rules and regulations was proposed by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions

thereof. The amendment would add thereto a new section as follows:

§ 911.155 Delinquent assessments.

Each handler shall pay interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 14, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Dated: September 26, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26326 Filed 10-1-75;8:45 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Size Tolerances for Undersized Prunes

Notice is hereby given of a proposal to amend § 993.150(g)(3) of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174) to prescribe tolerances in addition to those currently prescribed in paragraph (g) for the disposition of undersized prunes. This action is pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

Section 993.49(c) of the order authorizes the Secretary, upon recommendation of the Committee, to establish a size regulation wih respect to undersized prunes. Paragraph (c) states that any such size regulation shall provide that the diameter of the round opening for French prunes shall be $^{25}/_{32}$ of an inch, and for non-French prunes $^{29}/_{32}$ of an inch, or such larger openings as may be prescribed pursuant to § 993.52. Section 993.50(g) provides for the disposition of undersized prunes including application of a tolerance permitting a deviation from the applicable opening established pursuant to § 993.49(c).

Section 993.150(g)(3) currently contains tolerances for use whenever an undersized regulation prescribes openings of $^{25}/_{32}$ of an inch for French prunes and $^{29}/_{32}$ of an inch for non-French prunes. On September 15, 1975, an action was published in the FEDERAL REGISTER (40 FR 42530; 7 CFR 993.400) modifying the openings prescribed in § 993.49(c) to permit undersized regulations to prescribe openings of $^{24}/_{32}$ of an inch for French prunes and $^{28}/_{32}$ of an inch for non-French prunes. Thus, it is necessary to prescribe tolerances for use whenever an undersized regulation prescribes these large openings. Such a regulation has been established for the 1975–76 crop year.

Consistent with this, the Committee recommended the following tolerances: For any quantity of French prunes disposed of by a handler in compliance with § 993.50(g), the quantity shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $^{24}/_{32}$ of an inch in diameter; and for any quantity of non-French prunes so disposed of, the quantity shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $^{28}/_{32}$ of an inch in diameter. These tolerances would be added to subparagraph (3) of § 993.150(g) of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 17, 1975. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend paragraph (g) of § 993.150 of Subpart—Administrative Rules and Regulations by revising subparagraph (3) to read as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(g) * * *

(3) *Tolerances permitting a deviation in prune sizes from applicable undersized openings*—(i) *Undersized French prunes.* Whenever an undersized regulation specifies an opening of $^{23}/_{32}$ of an inch for French prunes, any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 15 percent by weight of prunes which do not pass freely through a round opening $^{24}/_{32}$ of an inch in diameter. Whenever an undersized regulation specifies an opening of $^{24}/_{32}$ of an inch in diameter for French prunes, any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $^{25}/_{32}$ of an inch in diameter.

(ii) *Undersized non-French prunes.* Whenever an undersized regulation specifies an opening of $^{28}/_{32}$ of an inch for non-French prunes, any quantity of non-French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 10 percent by weight of prunes which do not pass freely through a round opening $^{30}/_{32}$ of an inch in diameter. Whenever an undersized regulation specifies an opening of $^{30}/_{32}$ of an inch in diameter for non-French prunes, any quantity of non-French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 12 percent by weight of prunes which do not pass freely through a round opening $^{32}/_{32}$ of an inch in diameter.

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107)

Dated: September 26, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26327 Filed 10-1-75;8:45 am]

[7 CFR Part 929]

CRANBERRIES GROWN IN CERTAIN STATES

Assignment or Adjustment of Base Quantities

This notice invites written comments relative to proposed amendment of the rules and regulations established pursuant to the amended marketing agreement and Order No. 929, as amended, hereinafter referred to collectively as the "order." The amendment would add a section, as hereinafter set forth, enumerating the factors to be considered by the Cranberry Marketing Committee as a basis for assigning base quantities or adjusting the base quantities of individual growers pursuant to the order provisions of § 929.48(a)(1). Those order provisions specify, in part, that each grower's base quantity shall be the average of the two years of his greatest sales of cranberries during the six-year base-building period (the "representative period") of 1968–69 through 1973–74 from acreage established on or before August 16, 1968. Individual grower allotments, if and when issued, would be computed as a specified uniform percentage of each grower's base quantity.

Said order provisions further specify that persons who, prior to June 21, 1968, had made firm and substantial commitments for the production of cranberries but who would have no base quantities as determined on representative period sales or whose base quantities would not be representative of such commitments, may file an application with the Cranberry Marketing Committee for adjustment of or a new base quantity. Several such applications have been filed. The committee shall, by rules and regulations approved by the Secretary of Agriculture, consider each such request and, if appropriate, provide for the assignment or adjustment of base quantities to such producers consistent with such commitments and as will be equitable to all growers. Hence, the proposed amendment which specifies the comparative factors for consideration by the committee. Those factors are (1) the crop and sales records on acreage from which the base quantity derives and on any other acreage under control of the grower, (2) the grower's

production trend and the production trend of the adjacent growing area during the representative period 1968–69 through 1973–74, and (3) any other factors as are applicable pursuant to the provisions of the marketing order.

Notice is hereby given that the Department is considering proposed amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 929.101 et seq.) currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 929, as amended (7 CFR Part 929). The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal to amend said rules and regulations was unanimously recommended by the Cranberry Marketing Committee established under the order as the agency to administer the terms and provisions thereof.

The proposal is to add a new section reading as follows:

§ 929.148 Assignment or adjustment of base quantities.

(a) The committee shall, as a basis for assigning or adjusting any base quantity, consider the following factors:

(1) Crop and sales records on acreage from which the base quantity derives;

(2) Previous crop records on all other acreage, if any, under control of the grower;

(3) The grower's production trend from the beginning of the representative period 1968–69 through 1973–74 until the time of the committee's decision on any request for assignment or adjustment of the base quantity;

(4) The production trend, during the representative period 1968–69 through 1973–74, of the growing area adjacent to the acreage related to the base quantity under consideration; and

(5) Such other factors as are applicable pursuant to this part.

All persons who submit written data, views, or arguments for consideration with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than October 20, 1975. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 29, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26405 Filed 10-1-75;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Grade Loan Rates for Price Support on 1975-Crop Tobacco

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1975-crop fire-cured, dark air-cured and Virginia sun-cured tobacco.

Interested persons are invited to participate in establishing the grade loan rates to be applied by submitting views and recommendations in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All comments received on or before October 31, 1975, will be considered. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Under the Tobacco Loan Program published in this part, CCC proposes to establish loan rates by grades for the 1975-crop fire-cured, types 21 and 22–23, dark air-cured, types 35 and 36, and Virginia sun-cured, type 37, as set forth herein. These proposed rates, calculated to provide the level of support of 65.2 cents per pound for the fire-cured types and 58.0 cents per pound for the dark air-cured and Virginia sun-cured types, as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.17 1975 Crop—Virginia Fire-Cured Tobacco, Type 21—Grade Loan Schedule.[1]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length				
	47	46	45	44	43
A1F	86	86	86	.....	.....
A2F	83	83	84	.....	.....
A1D	86	86	86	.....	.....
A2D	83	83	83	.....	.....
B1F	85	85	85	.....	.....
B2F	80	80	81	76	.....
B3F	74	74	75	73	64
B4F	70	70	71	68	61
B5F	63	63	64	63	58
B1D	84	84	84	.....	.....
B2D	78	78	79	74	.....
B3D	70	70	71	69	63
B4D	65	65	66	65	60
B5D	60	60	61	60	57
B3M	66	66	67	64	62
B4M	63	63	65	63	60
B5M	60	60	61	60	53
B3G	64	64	65	64	60
B4G	62	62	64	63	59
B5G	59	59	60	59	55

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. The Association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

Grade	Length			
	47	46	45	44
C1L	90	90	90	.....
C2L	86	86	86	78
C3L	77	77	77	75
C4L	69	69	69	68
C5L	64	64	65	62
C1F	90	90	90	.....
C2F	86	86	86	78
C3F	77	77	77	71
C4F	70	70	70	69
C5F	65	66	67	64
C2D	64	64	65	63
C3D	62	62	63	61
C4D	59	59	60	59
C5D	55	55	56	54
C3M	65	65	66	65
C4M	63	63	65	64
C5M	59	59	60	59
C3G	60	60	61	59
C4G	57	57	59	58
C5G	54	54	55	53

Grade		Grade	
X1L	72	X3M 45	63
X2L	71	X4M	63
X3L	70	X4M 45	60
X4L	67	X5M	58
X5L	63	X5M 45	57
X1F	72	X3G	66
X2F	71	X3G 45	62
X3F	70	X4G	61
X4F	66	X4G 45	59
X5F	63	X5G	57
X1D	68	X5G 45	55
X2D	66	N1L	52
X3D	65	N1D	47
X4D	62	N1G	51
X5D	56	N2	37
X3M	65		

§ 1464.18 1975-Crop — Kentucky-Tennessee Fire-Cured Tobacco, Types 22 and 23—Grade Loan Schedule.[1]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	47	46	45
A1F	94	94	94
A2F	89	89	89
A3F	81	81	81
A1D	94	94	94
A2D	89	89	89
A3D	81	81	81

Grade	Length				
	47	46	45	44	43
B1F	81	81	81	76	.....
B2F	78	78	78	74	.....
B3F	74	74	74	71	65
B4F	68	68	68	65	58
B5F	64	64	64	61	55
B1D	80	80	80	75	.....
B2D	77	77	77	73	.....
B3D	74	74	74	70	64
B4D	67	67	67	64	57
B5D	63	63	63	59	53
B3M	69	69	69	65	60
B4M	64	64	64	60	53
B5M	59	59	59	54	49
B3VF	68	68	68	64	57
B4VF	66	66	66	63	56
B5VF	62	62	62	59	53
B3G	68	68	68	64	56
B4G	63	63	63	59	51
B5G	59	59	59	54	49
C1L	82	82	82	78	.....
C2L	79	79	79	76	.....
C3L	75	75	75	71	65
C4L	71	71	71	68	62
C5L	68	68	68	66	59
C1F	80	80	80	76	.....
C2F	77	77	77	74	.....

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound)", "D" (damaged), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable.

Grade	Length		
	46	45	44
C3F	74	74	71	64
C4F	70	70	70	67	60
C5F	68	68	68	64	57
C1D	82	82	82	77	.....
C2D	73	73	73	70	.....
C3D	68	68	68	65	59
C4D	62	62	62	60	54
C5D	61	61	61	59	52
C3M	67	67	67	64	58
C4M	63	63	63	62	56
C5M	61	61	61	56	50
C3VF	68	68	68	65	59
C4VF	65	65	65	63	57
C5VF	63	63	63	61	52
C3G	63	63	63	60	55
C4G	60	60	60	56	51
C5G	56	56	56	53	50

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
X1L	70	X5D	56
X2L	68	X3M	60
X3L	67	X4M	57
X4L	62	X5M	54
X5L	60	X3VF	61
X1F	69	X4VF	59
X2F	67	X5VF	56
X3F	66	X3G	58
X4F	62	X4G	53
X5F	60	X5G	50
X1D	67	N1L	52
X2D	64	N1D	47
X3D	61	N1G	46
X4D	59	N2	40

§ 1464.19 1975-Crop—Dark Air-Cured Tobacco, Type 35 and 36—Grade Loan Schedule.[1]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	83	83	.....
A2F	79	79	.....
A3F	74	74	.....
A1R	83	83	.....
A2R	79	79	.....
A3R	74	74	.....
B1F	77	77	74
B2F	72	72	71
B3F	69	69	67
B4F	64	64	63
B5F	59	59	58
B1R	76	76	74
B2R	71	71	70
B3R	67	67	66
B4R	63	63	62
B5R	59	59	58
B1D	76	76	74
B2D	71	71	70
B3D	67	67	66
B4D	64	64	63
B5D	57	57	56
B3M	64	64	63
B4M	60	60	59
B5M	54	54	53
B3G	63	63	62
B4G	60	60	59
B5G	54	54	53

[1] Only the original proucer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. The advance rates for grades in "47 length" shall be the same as those for such grades in "46 length".

Grade	Length		
	46	45	44
C1L	77	77	76
C2L	75	75	74
C3L	71	71	70
C4L	66	66	65
C5L	57	57	55
C1F	77	77	76
C2F	73	73	72
C3F	70	70	68
C4F	66	66	65
C5F	59	59	57
C1R	75	75	74
C2R	72	72	71
C3R	67	67	65
C4R	61	61	60
C5R	54	54	53
C3M	64	64	63
C4M	57	57	56
C5M	53	53	52
C3G	65	65	63
C4G	58	58	57
C5G	53	53	52

Grade	Advance rate	Grade	Advance rate
T3F	58	X4F	63
T4F	54	X5F	59
T5F	47	X1R	70
T3R	58	X2R	67
T4R	54	X3R	62
T5R	47	X4R	57
T3D	58	X5R	54
T4D	54	X3D	63
T5D	47	X4D	57
T3M	57	X5D	54
T4M	52	X3M	60
T5M	45	X4M	56
T3G	56	X5M	52
T4G	52	X3G	58
T5G	45	X4G	54
X1L	70	X5G	47
X2L	68	N1L	53
X3L	66	N2L	45
X4L	64	N1R	45
X5L	59	N2R	42
X1F	70	N1G	43
X2F	68	N2G	40
X3F	64		

§ 1464.20 1975-Crop Virginia Sun-Cured Tobacco, Type 37—Grade Loan Schedule.[1]

Loan rate

[Dollars per hundred pounds, farm sales weight]

Grade	Length		
	46	45	44
A1F	82	82	80
A2F	78	78	75
A3F	75	75	72
A1R	82	82	79
A2R	78	78	75
A3R	75	75	72
B1F	79	80	74
B2F	76	79	76
B3F	68	71	69
B4F	62	66	64
B5F	58	58	58
B1R	79	80	73
B2R	76	78	73
B3R	70	73	70
B4R	63	66	63
B5R	58	59	56
B1D	78	78	73
B2D	77	77	72
B3D	67	67	66
B4D	61	62	61
B5D	56	58	56
B3M	61	63	60
B4M	59	62	59
B5M	54	57	56
B3G	60	64	61
B4G	57	60	59
B5G	56	56	54
C1L	77	78	70

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), "D" (damaged), or scrap will not be accepted. The association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

Grade	Length		
	46	45	44
C2L	71	72	67
C3L	69	70	67
C4L	61	64	62
C5L	56	57	55
C1F	78	78	71
C2F	72	73	70
C3F	70	72	70
C4F	64	68	65
C5F	56	60	59
C1R	75	75	69
C2R	69	69	65
C3R	62	63	61
C4R	57	59	57
C5R	50	51	50
C3M	56	59	58
C4M	53	57	54
C5M	50	54	52
C3G	51	54	51
C4G	49	53	51
C5G	44	46	45

Grade	Advance rate	Grade	rate
T3F	57	X4F	57
T4F	55	X5F	53
T5F	49	X1R	64
T3R	57	X2R	61
T4R	55	X3R	57
T5R	50	X4R	55
T3D	55	X5R	48
T4D	53	X3D	51
T5D	47	X4D	49
T3M	54	X5D	43
T4M	52	X3M	60
T5M	46	X4M	56
T3G	57	X5M	54
T4G	55	X3G	56
T5G	49	X4G	53
X1L	65	X5G	49
X2L	63	N1R	40
X3L	60	N2R	32
X4L	58	N1G	42
X5L	53	N2G	29
X1F	64	N1L	38
X2F	63	N2L	30
X3F	60		

Signed at Washington, D.C., on September 25, 1975.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-26251 Filed 10-1-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low Income Housing Office

[24 CFR Part 888]

[Docket No. R-75-311]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Schedule A; Fair Market Rents for New Construction and Substantial Rehabilitation

The Department of Housing and Urban Development, on March 31, 1975, amended Title 24 of the Code of Federal Regulations by adding to Chapter VIII a new Part 888—Section 8 Housing Assistance Payments Program—Fair Market Rents and Contract Rent Automatic Annual Adjustment Factors.

Since March 31, 1975, additional comments and data have been received indicating continuing need to revise these rents in light of the most recent data available. This material submitted by interested members of the general public, as well as HUD Field Offices, has generally indicated a need to increase the published rents in order to meet specific local housing market conditions.

The Department proposes to incorporate in Part 888, Subpart A, in the respective appropriate places at 40 FR 14506 and 14557 revised Schedules A for the following market areas: Providence, Newport, Westerly, Pawtucket, and Woonsocket, Rhode Island; and Phoenix, Arizona.

Revision of the Schedule A for the Phoenix, Arizona market area consists of the addition of elevator rents to the Schedule A published March 31, 1975.

Because it is necessary to the operation of the section 8 program that fair market rents remain as current as possible, and because interested persons are encouraged at all times to submit information and data on those rents which will be considered in initiating revisions as needed, it has been determined that it is impracticable and unnecessary to provide a 30-day period for comments on these proposed revisions and that a 15-day period is reasonable and in the public interest.

Accordingly, interested parties are invited to submit written data, comments, suggestions or objections concerning the proposed revision by October 15, 1975. All materials which persons wish to submit should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

(Sec. 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., September 25, 1975.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents include projection for construction time through December 31, 1977.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0-Bedroom units of the same type.

Insuring Office, Providence, R.I.: Region I—Boston

Market area and structure type	Number of bedrooms				
	0	1	2	3	4 or more
Providence:					
Detached			405	445	475
Semidetached/row		320	305	435	470
Walkup	240	310	380	425	465
Elevator	245	330	435		
Newport:					
Detached			305	435	470
Semidetached/row		315	390	430	465
Walkup	235	305	375	420	460
Elevator	240	320	430		
Westerly:					
Detached			405	445	475
Semidetached/row		320	395	435	470
Walkup	240	310	380	425	465
Elevator	245	330	435		
Pawtucket:					
Detached			405	445	475
Semidetached/row		320	395	435	470
Walkup	240	310	380	425	465
Elevator	245	330	435		
Woonsocket:					
Detached			395	435	470
Semidetached/row		315	390	430	465
Walkup	235	305	375	420	460
Elevator	240	320	430		

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents include projection for construction time through December 31, 1976.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size unit, not to exceed 2-Bedroom, multiplied by 1.05 and rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single-room occupancy dwelling units are those for 0-Bedroom units of the same type.

Insuring Office, Phoenix, Arizona: Region IX—San Francisco

Market area and structure type	Number of bedrooms				
	0	1	2	3	4 or more
Phoenix:					
Detached			234	274	329
Semidetached/row		214	239	295	337
Walkup	176	191	237	276	305
Elevator	200	242	285		

[FR Doc.75-26201 Filed 10-1-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MARKUP ON RETAIL SALES OF AVIATION FUELS BY FIXED BASE OPERATORS TO REFLECT INCREASED NON-PRODUCT COSTS

Proposed Rulemaking and Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to review the amount which may be added to the retail selling price of aviation fuels by fixed base operators to reflect increased non-product costs under the petroleum price regulations, in order to determine whether or to what extent some modification of that amount may now be appropriate. The FEA will receive written comments and hold a public hearing with respect to this proposal.

Under 10 CFR 212.93(a), any petroleum retailer is permitted to charge a price which is its weighted average lawful price for the product to the class of purchaser concerned on May 15, 1973, plus an amount which reflects a dollar-for-dollar pass through of the increased cost of the product since May 15, 1973. In addition, under 10 CFR 212.93(b)(2), adopted effective April 1, 1974, any retailer of middle distillates, including aviation fuels, is permitted to add one cent per gallon to the price otherwise permitted to be charged in retail sales of those products, to reflect increases in non-product costs. Non-product costs are wages, rent, utilities, fees, taxes, interest, insurance, etc.

Parallel provisions of the price regulations applicable to retail sales of middle distillates by refiners through company owned and operated marketing outlets also permit price increases of one cent per gallon at the retail level to reflect increased non-product costs (10 CFR 212.-87(c)(4)(iv)). A refiner which increases prices under this provision to reflect increased non-product costs is, however, subject to a profit margin limitation (10 CFR 212.82(d)).

FEA has received a number of comments indicating that the foregoing regulations, as they apply to retail sales of aviation fuels by "fixed base operators" (airport-based retailers of aviation fuels and services to non-commercial aviation) are inadequate insofar as they limit to one cent per gallon the markup permitted to reflect non-product cost increases which have been incurred since May of 1973. While inflation and increases in non-product costs have not necessarily affected fixed base operators to a greater degree than other petroleum retailers, fixed base operators do appear to be in a particularly vulnerable position with respect to non-product cost escalation due to their inability to curtail services or otherwise cut non-product expenses.

Fixed base operators generally operate under contract with municipal or other public aviation authority and typically provide vital airport services such as baggage and cargo handling and aircraft maintenance in addition to selling aviation fuel for use in small private and business aircraft. Under these circumstances, the fixed base operator's facilities are usually required to remain open and its services kept available on a 24-hour basis. It is normally not possible, as in the case of gasoline service stations, to cut operating costs by curtailment of services or hours of service. Consequently, fixed base operators have little or no practical means of avoiding non-product cost escalation in the face of the fixed one cent per gallon increment (in effect since April, 1974) which is permitted to cover all increases in non-product costs.

In view of these special considerations, together with industry representations that an increase from one cent per gallon to three or four cents per gallon for non-product cost increases can now be justified in some cases, the FEA is prepared to review at this time the question of the adequacy or inadequacy of the standard markup currently allowed to reflect non-product cost increases of fixed base operators.

The scope of this review is limited to aviation fuels as sold by fixed base operators. Although retail sales of aviation fuels are made by refiners or resellers in bulk quantities to commercial airlines, it does not appear necessary to review the one cent standard markup for non-product cost increases relating to those sales at this time because (a) non-product costs appear to be proportionately much smaller in that industry on a per-gallon basis compared with those of fixed base operators, and (b) the necessity of providing ancillary services and the problem of inability to curtail them are not present. For the same or similar reasons, a review of the standard markup at the wholesale level to cover non-product cost increases relating to sales of aviation fuels does not appear warranted at this time.

The FEA therefore solicits written comment, and particularly financial and economic data, which would support the maintenance of the increment presently allowed, an additional increment, or an adjustment by an alternative method to the amount currently permitted to be added to the retail price of aviation fuel to reflect non-product cost increases. Data should be quantified, if possible, on the basis of net overall changes in non-product costs on a per-gallon basis since May 15, 1973.

The FEA also wishes to solicit specific comment on the following problem areas:

(a) Whether and if so to what extent it is possible to isolate non-product cost increases relating to activities of fixed base operators which are non-essential (such as aircraft sales) or are unrelated to airport services from non-product cost increases relating to activities which are indispensibly related to aircraft operation or movement of passengers and cargo or are otherwise required to be performed under the terms of the fixed base operator's contract;

(b) Whether and if so to what extent the activities or services performed by fixed based operators today were performed in May 1973, and, conversely, to what extent activities or service performed in May, 1973, are no longer performed;

(c) To what extent are charges made or permitted to be made for ancillary services which serve or could serve to defray non-product cost increases and, in general, whether it would be appropriate to permit increased non-product costs relating to ancillary services for which fees are or could be charged to be passed through in the form of price increases on aviation fuels;

(d) Whether any significant basis exists for permitting a different increment (standard markup) for large fixed base operators compared with small fixed base operators or on some other basis of classification; and

(e) The appropriateness and adequacy of FEA's proposed definition of fixed base operators as set forth below.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to this matter to Executive Communications, Room 3309, Federal Energy Administration, Box EH, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Aviation Fuel Prices: Retail Markup by Fixed Base Operators to Reflect Non-Product Cost Increases." Fifteen copies should be submitted. All comments received by October 16, 1975, before 4:30 p.m., e.d.t., and all other relevant information will be considered by the Federal Energy Administration before the final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing in this proceeding will be held at 9:30 a.m., e.d.t., on Octo-

ber 15, 1975, and will be continued, if necessary on October 16, 1975, at Room 2105, 2000 M Street, NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., on October 7, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through October 10, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., October 9, 1975, and must submit 100 copies of his statement to Executive Communications, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20508, before 4:30 p.m., e.d.t., on October 14, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of person presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., October 14, 1975. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. 93-159, as amended by Pub. L. 93-511 and Pub. L. 94-99; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., September 30, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 212.31 is revised to add, in appropriate alphabetical order, a definition of "fixed base operator" to read as follows:

§ 212.31 Definitions.

* * * * *

"Fixed base operator" means a firm which maintains an office and other facilities at an airport under contract with a public aviation authority or airport owner for the purpose of engaging in the retail sale of aviation fuels and in one or more of the following general aviation activities: aircraft maintenance, servicing, parking, tie-down, storage and other aircraft services; baggage and cargo handling and other passenger/freight services; operation of flight schools and/or aircraft maintenance schools; maintenance and/or sales of avionics equipment and systems; and rental and/or sales of aircraft.

* * * * *

2. Section 212.87 is amended to revise paragraph (c)(4)(iv) to read as follows:

§ 212.87 Increased non-product costs.

* * * * *

(c) *Defined categories of non-product costs.* * * *

(4) *Marketing cost increase.* * * *

(iv) Allow an increase in the prices of middle distillates above the prices otherwise permitted to be charged for middle distillates pursuant to the provisions of this part (including the foregoing paragraph (b)(4)(i) of this section) by an amount not in excess of one cent per gallon with respect to retail sales and not in excess of one-quarter cent per gallon with respect to all other sales, except that, with respect to retail sales by fixed base operators of aviation fuels, allow an increase in the amount otherwise permitted to be charged for that item pursuant to the provisions of this part by an amount not to exceed — cent[s] per gallon; and

* * * * *

3. Section 212.93 is amended to revise paragraph (b)(2) to read as follows:

§ 212.93 Price Rule.

* * * * *

(b) * * *

(2) With respect to middle distillates: In all retail sales except sales by fixed base operators of aviation fuels, beginning with April, 1974, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973; in retail sales by fixed base operators of aviation fuels, beginning with _____, 1975, a seller may charge __ cent[s] per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973; and with respect to all other sales, a seller that had a total sales volume of covered products in calendar year 1973 of less than 100 million gallons may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect nonproduct cost increases which the seller incurred after May 15, 1973, and a seller that had a total sales volume of covered products in calendar year 1973 of 100 million gallons or more may charge one-quarter cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, including paragraph (b)(1)(i) of this section, to reflect non-product cost increases which the seller incurred after May 15, 1973.

* * * * *

[FR Doc.75-26537 Filed 9-30-75;3:58 pm]

SECURITIES EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-11673; File Nos. S7-585 and 5861][*]

SECURITIES INFORMATION PROCESSORS

Proposed Rulemaking; Withdrawal of Proposed Rule; Request for Comments

Notice is hereby given that the Securities and Exchange Commission (the "Commission") pursuant to its authority

[*] See FR Doc.75-26372 in this issue.

under sections 2, 3, 11A and 23 of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78b, 78c, 78k–1 and 78w, has under consideration a proposal to adopt Rules 11Ab2–2, 11Ab2–3 and 11Ab5–1.[1] Proposed Rule 11Ab2–3 requires each registered securities information processor to file, before June 30 of each year, an annual amendment to Form SIP. In each such amendment the registrant is required to update the information contained in Form SIP, or any exhibit or supplement thereto, which has changed or become inaccurate and has not previously been reported. Beginning with the registrant's first annual amendment, the proposed rule would require each registrant to supply the information requested by item 13(g) of Form SIP for all employees. The proposed rule also requires that current financial information contained in item 20 of Form SIP be filed with the annual amendment as of the end of the most recent fiscal year of any affiliate of the registrant which also engages in performing securities information processing functions. Proposed Rule 11Ab2–2 would also initiate a requirement that the financial information required of the registrant in item 19 be certified by an independent public accountant and filed with the Commission within 90 days of the close of the registrant's most recent fiscal year.

Proposed Rule 11Ab2–2 is designed to keep the information about each registered securities information processor current so that the Commission can ascertain that each registrant continues to have the capacity and organization to assure the prompt, accurate and reliable performance of its functions as a securities information processor.[2]

Proposed Rule 11Ab2–3 provides that each successor to a registered securities information processor shall be deemed to be registered for purposes of section 11 A(b)(1) of the Act for an initial period of 30 days following the date of succession provided that the successor files a statement with the Commission which adopts the Form SIP, and all amendments thereto, of its predecessor as its own. Furthermore, if the successor files a new application for registration within 30 days of the succession, the successor may be deemed to be registered for a continuing period up to 90 days after publication of notice of the new application for registration. It should also be noted, however, that Rule 11Ab2–1(c) would require the prompt amendment of certain information in the predecessor's Form SIP if that information became inaccurate by reason of the succession or otherwise within the prescribed grace period.

Proposed Rule 11Ab5–1 requires a registered securities information processor which prohibits or limits any person in respect of access to any of its services to file notice of such prohibition or limitation within 15 days thereof and to send a copy of such notice to any person aggrieved by such prohibition or limitation. The notice must include, in narrative form, the name and address of the securities information processor and of the party to whom access was prohibited or limited, the date access was requested and the nature of the request, the date access was prohibited or limited, the reason for such prohibition or limitation, and any applicable documents.[3]

Interested persons are invited to comment on the proposed rules and submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than November 1, 1975. All communications should refer to File No. S7–585 and will be available for public inspection in the Commission's Public Reference Room.

Request for comments on the need to register non-exclusive Securities Information Processors. Section 11A(b)(1) of the Act provides that

> [A] securities information processor not acting as the exclusive processor of any information * * * is exempt from the requirement to register in accordance with this section unless the Commission, by rule or order, finds that the registration of such securities information processor is necessary or appropriate in the public interest, for the protection of investors, or for the achievement of the purposes of this section * * *.

The Commission invites comments with regard to whether it is necessary or appropriate to require, by rule or order, the registration of non-exclusive securities information processors, or of a class of such processors. Comments should address whether the Commission, in adopting a rule, should conditionally or unconditionally exempt any class of securities information processors from registration if registration is to be required of securities information processors which do not act in an exclusive capacity.

In evaluating the need to register non-exclusive securities information processors, commentators may wish to consult one or more of the following documents:

1. Proposal to Adopt Rule 15c2–10, Securities Exchange Act Release No. 8661 (August 4, 1969), 34 F.R. 12952 (1969).
2. Securities Industry Study, Report of the Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce, H.R. Rep. No. 1519, 92d Cong., 1st Sess. 117–130, (1972).
3. Securities Industry Study, Report of the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, S. Doc. No. 13, 93d Cong., 1st Sess. 89–133 (1973).
4. "Comments of the Securities and Exchange Commission." Hearings on S.2519 before the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, National Securities Market System Act of 1973, 93d Cong., 1st Sess. 70–80 and 85–88 (1973).
5. Hearings on S.249 before the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 94th Cong., 1st Sess. 186–187, 213–15, 224–28 (1975).
6. Securities Acts Amendments of 1975, Report of the Senate Comm. on Banking, Housing and Urban Affairs to Accompany S.249, S. Rep. No. 75, 94th Cong., 1st Sess. 9–12, 90–91, 101–07 (1975).
7. Securities Acts Amendments of 1975, Conference Report to Accompany S.249, Joint Explanatory Statement of the Comm. on Conference, H.R. Rep. No. 229, 94th Cong., 1st Sess. 92–94 (1975).

Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than December 1, 1975. All communications should refer to File No. S7–586 and will be available for public inspection in the Commission's Public Reference Room.

Withdrawal of Proposed Rule 15c2–10. The Commission also announced the withdrawal of proposed Rule 15c2–10, a rule which was proposed in Securities Exchange Release No. 8661 (Aug. 4, 1969), 34 FR 12952 (1969). The proposed rule would have provided a regulatory framework for automated trading information systems (other than those within the scope of regulation of securities exchanges and associations) by prohibiting a broker or dealer from operating or participating in such a system unless the system were the subject of a plan declared effective by the Commission. In view of the regulatory scheme provided by the 1975 Amendments, part of which is being implemented herein, further consideration, or adoption, of such a rule is deemed no longer necessary.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 23, 1975.

TEXT OF THE RULES

Rules 11Ab2–2 (17 CFR 240.11Ab2–2), 11Ab2–3 (17 CFR 240.11Ab2–3) and 11Ab5–1 (CFR 240.11Ab5–1), as proposed, read as follows:

§ 240.11Ab2–2 Annual amendments to registration statement of securities information processors.

(a) On or before June 30 of each year each registered securities information processor shall file an annual amendment to Form SIP setting forth: (1) All changes, and the effective dates thereof, which have been effected in any of the information contained in items 1–18 and

[1] The Commission also announced the adoption of Rule 11Ab2–1 and related Form SIP, requiring all exclusive securities information processors to be registered by December 1, 1975. (See "Rules and Regulations").

[2] Section 11A(b)(4) of the Act provides that "[i]f the Commission finds that any registered securities information processor is no longer in existence or has ceased to do business in the capacity specified in its application for registration, the Commission, by order, shall cancel the registration."

[3] Section 11A(b)(5)(A) of the Act states that "[i]f any registered securities information processor prohibits or limits any person in respect of services offered, directly or indirectly, by such securities information processor, the registered securities information processor shall promptly file notice thereof with the Commission. The notice shall be in such form as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors."

21–31 and which have not previously been reported. Such amendment shall include information as of the latest practicable date within one month of the date on which the annual amendment is filed. In the event no such changes have occurred during the period covered by the amendment, the registrant shall set forth a statement to that effect in the amendment. (2) All information required by item 20 as of the close of the most recent fiscal year of any affiliate of the registrant.

(b) All information required by item 19 of Form SIP shall be filed within 90 days of the close of the registrant's most recent fiscal year, such information to be certified by an independent public accountant.

(c) Commencing with each registrant's first annual amendment, each registrant shall list as item 13h of Form SIP any employee who is subject to any order, conviction, injunction or action described in item 13g of Form SIP and describe for each such employee the nature of such order, conviction, injunction or action. Item 13h shall thereafter be subject to amendment pursuant to Rules 11Ab2–1(b) and 11Ab2–2(a).

§ 240.11Ab2–3 Registration of a successor to a registered securities information processor.

In the event that a securities information processor succeeds to and continues the business of another registered securities information processor,

(a) The registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of 30 days after such succession if the successor files a statement with the Commission adopting the Form SIP, and all amendments thereto, of its predecessor as its own;

(b) If such successor in addition files a new application for registration on Form SIP within 30 days of the succession, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of 90 days following the date of publication by the Commission of notice of such filing.

§ 240.11Ab5–1 Notice of prohibition or limitation in respect of access to services; form of notice.

Any registered securities information processor which prohibits or limits any person in respect of access to services offered, directly or indirectly, by such securities information processor shall, within 15 days of such prohibition or limitation, file with the Commission notice of such action and send a copy of such notice to any person aggrieved by such prohibition or limitation. The notice shall include, in narrative form, the name and address of the registered securities information processor, the name and address of the party to which the prohibition or limitation was applied, the date access was requested, the nature of the request, the effective date of such prohibition or limitation, the reason for such prohibition or limitation, and any applicable documents.

[FR Doc.75-26373 Filed 10-1-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1033]

[Ex Parte No. 55 (Sub-No. 4)]

REVISED GUIDELINES FOR THE IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

SEPTEMBER 29, 1975.

Upon consideration of the record in the above-entitled proceeding; and

It appearing That the FEDERAL REGISTER Notice of the institution of this rulemaking proceeding at 40 FR 37233 (August 26, 1975) omitted the preliminary statement which invited comment thereon in light of the recent Supreme Court decision in "Aberdeen & Rockfish Railroad Co. v. Students Challenging Regulatory Agency Procedures (SCRAP)," —— U.S. —— (1975); that said omission necessitates an extension of time in which representations on the proposed rulemaking shall be filed; and good cause appearing therefor:

It is ordered, That the time in which representations on the proposed rulemaking shall be filed be, and it is hereby, extended to October 10, 1975.

It is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 24th day of September 1975.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order served August 15, 1975, a rulemaking proceeding was instituted for the purpose of proposing revised guidelines for implementation of the National Environmental Policy Act of 1969. Through an inadvertency, the FEDERAL REGISTER Notice of the proposed rulemaking at 40 Fed. Reg. 37233 (August 26, 1975), omitted the preliminary statement to the bound copy of the rulemaking which invited public comment in light of the recent Supreme Court opinion rendered in "Aberdeen & Rockfish Railroad Co. v. Students Challenging Regulatory Agency Procedures" (SCRAP), —— U.S. —— (Nos. 73–1966 and 73–1971, June 24, 1975), 7 ERC 2009 (SCRAP II).

The proposed rules should accordingly be examined in light of *SCRAP II* and the public is invited to comment not only on the proposed rules but on the following additional questions raised by SCRAP II:

1. In light of SCRAP II, should the Commission revise its environmental regulations currently in force and codified at 49 C.F.R. § 1100.250. (Appendix A following Notice of Proposed Rulemaking)?

2. If so, how should the regulations be modified to recognize the impact of SCRAP II as to the timing of draft impact statements in adjudicatory proceedings?

3. Is the filing of a draft environmental impact statement a prerequisite to the preparation of the "detailed (final) impact statement" required by NEPA?

4. Is an applicant-prepared environmental impact report an appropriate vehicle for consulting with and obtaining comments from other Federal agencies?

[FR Doc.75-26417 Filed 10-1-75;8:45 am]

notices

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 STATE

Agency for International Development

[Delegation of Authority No. 110]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES

Authority Delegation

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, particularly Section 2(a)(9) thereof, I hereby delegate authority to, and otherwise authorize the Assistant Administrator, Bureau for Program and Management Services to:

(1) Sign or approve amendments or modifications, made without consideration pursuant to Executive Order 11223, Section 3 thereof, to AID-financed contracts to be or to have been performed in Indochina under which no fee is charged or paid with non-profit institutions.

(2) Sign or approve amendments or modifications made without consideration pursuant to Executive Order 11223, Section 4 thereof, to AID-financed contracts other than those described in (1) above, to be or to have been performed in Indochina, provided he shall have first determined in writing that such action is necessary to protect the foreign policy interests of the United States in accordance with either or both of the following standards as may be applicable:

(a) *Essentiality:* Where an actual or threatened loss under a Foreign Assistance Act contract, however caused, will impair the productive ability of a contractor whose continued performance on any Foreign Assistance Act contract or whose continued operation as a source of supply is found to be essential to the foreign policy interests of the United States, the contract may be adjusted but only to the extent necessary to avoid such impairment to the contractor's productive ability.

(b) *Government Action:* Where a contractor has suffered a loss (not merely a diminution of anticipated profits) on a Foreign Assistance Act contract as a result of AID action, the character of the AID action will generally determine whether any adjustment in the contract will be made and its extent. Where the action by AID is directed primarily at the contractor and is taken by AID in its capacity as the other contracting party, the contract may be adjusted if fairness so requires; thus, where such AID action, although not creating any liability on its part, increases the cost of performance, considerations of fairness may make appropriate some adjustment in the contract.

(3) The authority delegated under (1) and (2) above shall not extend to any amendments or modifications of a contract which (a) increases the amount payable to the Contractor by $250,000 or more; or (b) relieves the Contractor of the liability to make refund or restitution of $250,000 or more, but in no event shall the combined effect of (a) and (b) in respect of any contract exceed $250,000.

(4) The authority delegated under (1) above supersedes the authority contained in Section 1–A(1)(e) of Delegation of Authority No. 99, as amended, (38 FR 12834–12836; 3 FR 29498; 38 FR 29620) with respect to contracts to be or to have been performed in Indochina.

(5) The authorities made available hereunder may not be redelegated and shall be exercised in accordance with established Agency regulations, procedures and policies, provided, however, in the absence of the Assistant Administrator, Bureau for Program and Management Services, the authority may be exercised by an officer serving in an acting capacity.

(6) Concurrent authority to exercise any of the functions herein delegated is reserved to the Administrator and Deputy Administrator. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Dated: September 23, 1975.

JOHN E. MURPHY,
Acting Administrator.

[FR Doc.75-26351 Filed 10-1-75;8:45 am]

[Delegation of Authority No. 111]

MISSION DIRECTOR AND DEPUTY MISSION DIRECTOR, USAID/PHILIPPINES

Authority Delegation

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, and Delegation of Authority No. 102, dated October 15, 1974, I hereby redelegate to each of the individuals listed above, and to any person acting in the official capacity of Mission Director or Deputy Mission Director, USAID/Philippines, for the country of the Philippines authority to perform the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements and amendments thereto with respect to loans authorized under the Foreign Assistance Act of 1961 and any successor legislation in accordance with the terms of the authorization of such loan.

2. Authority to execute and deliver loan agreements and amendments thereto with respect to loans authorized under the Foreign Assistance Act of 1961 and any successor legislation in accordance with the terms of the authorization of such loan.

3. Authority to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and any successor legislation and by the Board of Directors of the Corporate Development Loan Fund (except for procurement activities under loan agreements for commodity import programs) to the following extent:

(a) Authority to prepare, negotiate, sign, and deliver letters of implementation;

(b) Authority to review and approve documents and other evidence submitted by borrowers in satisfaction of conditions precedent to financing under such loan agreements;

(c) Authority to negotiate, execute, and implement all agreements and other documents ancillary to such loan agreements; and

(d) Authority to approve contractors, review and approve the terms of contracts, amendments, and modifications thereto and invitations for bids with respect to such contracts financed by funds made available under such loan agreements.

The authorities enumerated above may be redelegated by the individuals listed above, as appropriate, but not successively redelegated, except that the authority described above in paragraph (2) may not be redelegated.

The authorities enumerated above in paragraph (2) are also hereby redelegated under the same terms and conditions set forth herein to the U.S. Ambassador to the Philippines.

This Redelegation of Authority is effective immediately.

Dated: September 23, 1975.

ARTHUR Z. GARDINER, JR.,
Assistant Administrator,
Bureau for East Asia.

[FR Doc.75-26352 Filed 10-1-75;8:45 am]

[Redelegation of Authority No. 99.1.73]

DIRECTOR OF THE OFFICE OF CONTRACT MANAGEMENT

Redelegation of Authority Regarding Contract Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for

International Development, I hereby redelegate to the AID Affairs Officer, India, the authority to sign or approve:

1. U.S. Government contracts and grants (other than grants to foreign governments or agencies thereof) and amendments thereto, and AID grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000, or, when funded in local currency, the equivalent of $50,000.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may be redelegated in writing, in whole or in part, by said AID Affairs Officer at his discretion to the person or persons designated by him as Contract Officer. Such redelegation shall remain in effect until such designated person or persons cease to hold the office of Contracting Officer, or until the redelegation is revoked by the AID Affairs Officer, whichever shall first occur. The authority so redelegated by the AID Affairs Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the AID Affairs Officer may be exercised by duly authorized persons who are performing the functions of the AID Affairs Officer in an acting capacity.

Redelegation of Authority 99.1.8 (38 FR 29499), dated September 28, 1973, is hereby revoked.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to the delegation revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in the delegation.

Actions within the scope of the delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective immediately.

Dated: September 19, 1975.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.75-26353 Filed 10-1-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA STATE ADVISORY BOARD

Meeting

SEPTEMBER 24, 1975.

Notice is hereby given in accordance with Public Law 92-463 that the Montana State Multiple-Use Advisory Board to the Bureau of Land Management will hold a meeting in Billings, Mont., November 6-7, 1975.

In addition to organizing the board and electing officers, topics for discussion will include BLM's management study progress, environmental issues, and current resource management programs. Meetings will be held in the Ramada Inn beginning at 9 a.m., November 6 and ending at 12 noon, November 7, 1975. The meetings will be open to the public. Any interested person may file a written statement with the board for its consideration. The board is newly constructed and has not elected officers, so written statements should be submitted to the State Director (912), Bureau of Land Management, 316 North 26th Street, P.O. Box 30157, Billings, Mont. 59107.

HAROLD C. LYND,
Acting State Director.

[FR Doc.75-26335 Filed 10-1-75;8:45 am]

OREGON STATE MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Oregon State Multiple Use Advisory Board will meet on November 11, 1975, commencing at 9:00 a.m. in Room 852, Bonneville Power Administration Building, 1002 NE Holladay Street, Portland, Oregon. The agenda for the meeting includes the election of a chairperson and vice chairperson, a report of the September 8-10 National Advisory Board meeting, a report on current Bureau of Land Management (BLM) programs in Oregon and Washington by Associate State Director E. J. Petersen, and a look at future BLM programs by State Director Murl W. Storms. Key issues to be discussed are timber reinventory and allowable cut determinations, river oriented recreation management, mineral leasing, environmental impacts of livestock grazing, and wild horse management. Other discussions will concern advisory board functions and procedures.

The meeting will be open to the public. It will be held in a room accommodating 32 people. In addition to discussion of agenda topics by board members, there will be time for brief statements on agenda topics by non-members. Persons wishing to make oral statements should so advise the State Director prior to the meeting. Written statements for consideration by the board should be sent to the Oregon State Director, Bureau of Land Management, P.O. Box 2965, Portland, OR 97208.

E. J. PETERSEN,
Acting State Director.

SEPTEMBER 25, 1975.

[FR Doc.75-26336 Filed 10-1-75;8:45 am]

O&C MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the O&C Multiple Use Advisory Board will meet on November 13, 1975, commencing at 9:00 a.m. in Room 852, Bonneville Power Administration Building, 1002 NE Holladay Street, Portland, Oregon. The agenda for the meeting includes the election of a chairman and vice chairman, a report on current Bureau of Land Management (BLM) programs in Oregon and Washington by Associate State Director E. J. Petersen, and a look at future BLM programs by State Director Murl W. Storms. Key issues to be discussed are timber reinventory and allowable cut determinations, river oriented recreation management, and mineral leasing. Other discussions will concern advisory board functions and procedures.

The meeting will be open to the public. It will be held in a room accommodating 32 people. In addition to discussion of agenda topics by board members, there will be time for brief statements on agenda topics by nonmembers. Persons wishing to make oral statements should so advise the State Director prior to the meeting. Written statements for consideration by the board should be sent to the Oregon State Director, Bureau of Land Management, P.O. Box 2965, Portland, OR 97208.

E. J. PETERSEN,
Acting State Director.

SEPTEMBER 25, 1975.

[FR Doc.75-26337 Filed 10-1-75;8:45 am]

[N-5930]

NEVADA

Termination of Airport Lease

SEPTEMBER 24, 1975.

Notice is hereby given that Washoe County has relinquished its airport lease on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 31 N., R. 23 E.,
Sec. 10, SE¼;
Sec. 11, W½SW¼, SW¼NW¼;
Sec. 15, NE¼NE¼.

Therefore, at 10 a.m., on October 29, 1975, the lands will be relieved of the segregative effect of the lease.

S. JOHN HILLSOMER,
Acting Chief,
Division of Technical Services.

[FR Doc.75-26338 Filed 10-1-75;8:45 am]

SHOSHONE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

SEPTEMBER 25, 1975.

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Shoshone District Multiple Use Advisory Board will be held on October 30, 1975, at 9:30 a.m. at the District Office, 112 South Cherry Street, Shoshone, Idaho.

The advisory board was established to advise the District Manager on matters relating to the use, management, protection and disposition of lands and resources administered within the Shoshone District.

The purpose of the meeting is to review organization of the board, hold election of board officers, briefing of the goals and objectives of the Bureau of Land Management in Idaho, review current land use planning efforts for the Bennett Hills and Timmerman Hills planning units, and provide a general BLM program orientation for the advisory board.

The meeting will be open to the public. Any interested person wishing to make a presentation to the board, or submit a written statement should contact the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Shoshone, Idaho (886–2208). Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the district office in Shoshone, Idaho.

CHARLES J. HAZIER,
District Manager.

[FR Doc.75–26376 Filed 10–1–75;8:45 am]

Office of the Secretary

[INT FES 75–82]

CITY OF REFUGE NATIONAL HISTORICAL PARK, HAWAII

Proposed Master Plan: Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Proposed Master Plan, City of Refuge National Historical Park.

The final environmental statement considers a program to preserve and manage the significant historic resources; to extend the existing boundary to include 204 acres of land and 112 acres of water area; to relocate maintenance, administrative, and orientation facilities away from the prime historic features; and to provide a new entrance road, parking area, and low-key transit vehicle for access.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Hawaii State Office, Pacific International Building, 677 Ala Moana Boulevard, Suite 512, Honolulu, Hawaii 96813.

City of Refuge National Historical Park, Honaunau, Hawaii 96726.

Dated: September 26, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75–26398 Filed 10–1–75;8:45 am]

JOHN DAY FOSSIL BEDS NATIONAL MONUMENT

Establishment of Monument

Whereas Section 101(a)(2) of the Act of October 26, 1974, (88 Stat. 1461) authorizing the establishment of the John Day Fossil Beds National Monument, provides that "the national monument shall not be established unless and until the State of Oregon donates or agrees to donate the Thomas Condon-John Day Fossil Beds, Clarno and Painted Hills State Parks."

Whereas the Oregon State Transportation Commission, based upon the recommendations of the Superintendent of the State Parks Department and with the approval of the Recreation Advisory Committee, approved the transfer of the above-referenced state parks on November 25, 1974, for so long as said lands are used for national monument purposes, and when said lands are no longer so used, the right of the United States of America shall automatically cease and the title thereto shall revest in the State of Oregon.

Whereas the action of the Oregon State Transportation Commission constitutes an agreement to donate within the meaning of the Act of October 26, 1974, (88 Stat. 1461).

Now, therefore, I, Kent Frizzell, Acting Secretary of the Interior, hereby give notice of the establishment of John Day Fossil Beds National Monument, such establishment to become effective 14 days from date of this notice.

The boundaries of the National Monument, which encompass an area generally identical to those lands depicted on the map entitled "Boundary Map, John Day Fossil Beds National Monument," numbered NM–JDFB–20,014–A and dated June 1971, are located in the county courthouses in Grant and Wheeler Counties, Oregon.

John Day Fossil Beds National Monument shall be administered in accordance with the Act of October 26, 1974, supra, and in accordance with the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1–4).

Dated: September 24, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75–26344 Filed 10–1–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A257]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska:

Dawes

Sioux

The Secretary has found that this need exists as a result of a natural disaster consisting of a severe snowstorm accompanied by high winds March 27 and 28, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 4, 1975, for physical losses and June 7, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of September, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–26406 Filed 10–1–75;8:45 am]

[Designation Number A258]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Hettinger County, North Dakota, as a result of a natural disaster consisting of a blizzard and freeze January 10 and 11, 1975; snowstorm from March 22 to April 8, 1975; excessive rainfall from April 15 to May 10, 1975; and a windstorm, hailstorm, tornado, and excessive rainfall June 29, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 4, 1975, for physical losses and June 7, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of September 1975.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.75–26407 Filed 10–1–75;8:45 am]

GARDEN VALLEY PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of

Agriculture, has prepared a final environmental statement for the Garden Valley Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA–FS–FES (Adm) R4–75–19.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Garden Valley Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Significant areas will remain undeveloped with options for future management remaining open. The plan coordinates activities on National Forest lands with adjacent private lands in the area.

This final environmental statement was transmitted to CEQ on September 26, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324–25th Street, Ogden, Utah 84401.
Forest Supervisor, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.
District Forest Ranger, Emmett Ranger District, Route 3, Box 198, Emmett, Idaho 83617.

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: September 26, 1975.

P. M. Rees,
Director,
Regional Planning and Budget.

[FR Doc.75-26374 Filed 10-1-75;8:45 am]

KILKENNY UNIT PLAN, WHITE MOUNTAIN NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Kilkenny Unit Plan for the White Mountain National Forest, USDA–FS–R9–FES (ADM)–75–03.

The environmental statement concerns a proposed land use plan for 54,000 acres of Forest Service land located on the White Mountain National Forest in Coos County in the State of New Hampshire.

This final environmental statement was transmitted to CEQ on September 26, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA, Forest Service, White Mountain National Forest, Federal Building, 719 Main St., P.O. Box 638, Laconia, New Hampshire 03246.

A limited number of single copies are available upon request to Forest Supervisor, White Mountain National Forest, Federal Building, 719 Main Street, P.O. Box 638, Laconia, New Hampshire 03246.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

L. K. Kelley,
Acting Regional Forester.

September 26, 1975.

[FR Doc.75-26375 Filed 10-1-75;8:45 am]

Forest Service

NORTH END DISTRICT ADVISORY BOARD

Meeting

The North End District Advisory Board will meet at 7:30 P.M., October 22, 1975 at the Mesa-North End District Office in Grand Junction, Colorado.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual and (2) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Mesa-North End Ranger District, P.O. Box 1150, Grand Junction, Colorado 81501, telephone number 242–8211. Written statements may be filed with the committee before or after the meeting.

Jimmy R. Wilkins,
Forest Supervisor.

September 24, 1975.

[FR Doc.75-26331 Filed 10-1-75;8:45 am]

TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS

Request for Comments

Notice is hereby given that the Forest Service, USDA, has received a request that unprocessed timber in portions of western Oregon and western Washington be found surplus to domestic needs. The Secretary of Agriculture is authorized to make such a finding after a public hearing (36 CFR Part 221.25). Comments are hereby solicited as to whether a public hearing should be scheduled to determine whether western hemlock is surplus to domestic needs.

Comments should be submitted not later than October 10, 1975, to the Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

John R. McGuire,
Chief, Forest Service.

September 29, 1975.

[FR Doc.75-26330 Filed 10-1-75;8:45 am]

UINTA NATIONAL FOREST G–10 GRAZING ADVISORY BOARD

Meeting

The Uinta National Forest G–10 Grazing Advisory Board will meet at 10:00 a.m., Thursday, October 23, 1975, at the Rodeway Inn, 1292 South University Avenue, Provo, Utah.

The purpose of the meeting is to amend the Constitution and Bylaws and elect officers.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 1428, Provo, Utah 84601, phone 801–377–5780. Written statements may be filed with the board before or after the meeting.

The board has established the following rule for public participation: Persons may make statements at board meetings, but advance notice must be given to the Chairman.

Bruce B. Hronek,
Forest Supervisor.

September 26, 1975.

[FR Doc.75-26332 Filed 10-1-75;8:45 am]

PACIFIC CREST NATIONAL SCENIC TRAIL ADVISORY COUNCIL MEETING

Meeting

Notice is hereby given that a meeting of the Pacific Crest Trail Advisory Council will be held, beginning at 10 a.m. on October 16, and ending at 4:30 p.m. on October 17, 1975, at The Way Station, South Lake Tahoe, California. The purpose of the Council is to advise the Secretary on matters relating to the Pacific Crest National Scenic Trail, including the selection of rights-of-way, standards of the erection and maintenance of markers along the Trail, and the administration of the Trail. The agenda for this meeting will include:

10 a.m.–4:30 p.m.—THURSDAY, OCTOBER 16

1. Welcome and announcements, history and background of Trail.
2. Accomplishments inside Federally-administered areas since the last meeting, including current fiscal year's plans.
3. General discussions of accomplishments and FY '76 plans.

8:30 a.m.–4:30 p.m.—FRIDAY, OCTOBER 17

1. Reports from Subgroup Chairman and/or Council members concerning Trail matters.
2. Discussion of subgroup reports.
3. Open discussion to include management problems, feeder or access trails,

rights-of-way acquisition, and other topics from floor.

The meeting will be open to the public. For additional information, interested persons may contact the Forest Service, Washington, D.C., by telephone (202–447–2956) or by mail (USDA, Forest Service, Washington, D.C. 20250) prior to the meeting.

RUSSELL P. MCROREY,
Chairman, Pacific Crest National Scenic Trail Advisory Council.

SEPTEMBER 30, 1975.

[FR Doc.75-26499 Filed 10-1-75;8:45 am]

Office of the Secretary

AGRICULTURAL SAFETY

Establishment of National Advisory Committee

Notice is hereby given that the Secretary of Agriculture intends to reestablish an Advisory Committee on agricultural safety for the purpose of advising the Secretary and other officials on safety problems and programs in agriculture and on the need for Departmental involvement to help solve the agricultural safety problems. The Secretary has determined that to reestablish this committee is in the public interest in connection with the duties imposed on the department.

The Chairman of this committee will be the Under Secretary, U.S. Department of Agriculture, Washington, D.C. 20250.

This committee will report its recommendations directly to the Secretary. The committee will meet at the call of the Chairman and will terminate two years from the date of its establishment.

This notice is given in compliance with Public Law 92–463. Views and comments of interested persons must be received by Mr. R. B. Wilson, Assistant to the Secretary, USDA, Administration Building, room 102–W, Washington, D.C. 20250 on or before October 17, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the office of Mr. Wilson during regular business hours.

Dated: September 29, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-26354 Filed 10-1-75;8:45 am]

DEPARTMENT OF COMMERCE

CORNELL UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00567–33–90000. Applicant: Cornell University, Section of Biochemistry, Molecular & Cell Biology, Wing Hall, Ithaca, New York 14853. Article: 6 kW Rotating Anode X-Ray Generator & Accessories. Manufacturer: Rigaku Denki Co. Ltd., Japan. Intended use of article: The article is intended for structural studies of biological materials, such as ordered single crystals of hemoglobin and other proteins. The standard techniques of protein crystallography will be employed to collect X-ray diffraction data from these crystals. The objective of this research is to understand, in molecular terms, how these complex biological molecules work, and to increase data collection capacity greatly.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a focused spot of minimal size (0.1 x 0.1 mm^2) and a rotating target for maximum x-ray beam intensity. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 10, 1975 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director, Special Import Programs.

[FR Doc.75-26378 Filed 10-1-75;8:45 am]

SOUTHERN ILLINOIS UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00555–33–46500. Applicant: Southern Illinois University, School of Medicine, Carbondale, IL 62901. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for cardiovascular studies dealing with hypertension; anatomical and embryological studies; and invertebrate nervous system studies. The article will also be used in the preparation of pathological and normal tissues for the histology work of the first year medical school class.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of October 10, 1975 that cutting speeds in the excess of 4 mm/sec, are pertinent to the applicant's research studies.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-26379 Filed 10-1-75;8:45 am]

UNIVERSITY OF CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00553-00-77030. Applicant: University of California—San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: Pulse Programmer (PGC-2). Manufacturer: Spin Lock Electronics Ltd., Canada. Intended use of article: The article is an accessory to an existing nmr spectrometer which is being used in research with a two fold objective. First, to develop a fast, reliable method of diagnosing a cancerous or precancerous condition that can be employed on a routine basis. Second, to establish the cause of the larger water proton relaxation time observed in samples from tumorous animals in terms of cellular or molecular properties that may be altered by the existence of cancer in an animal.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-26380 Filed 10-1-75;8:45 am]

UNIVERSITY OF RHODE ISLAND

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR, Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00564-33-46040. Applicant: University of Rhode Island, College of Resource Development, Woodward Hall, Kingston, RI 02881. Article: Electron Microscope, Model HS-9. Manufacturer: Hitachi Limited, Japan. Intended use of article: The article is intended to be used in the area of ultrastructure using thin-sectioning and freeze-etch replication and associated techniques such as shadowing and autoradiography. The projects to be undertaken will include the following:

(1) A study of the ultrastructure of the phenolic-storing cells in the endodermis of cotton roots,

(2) A study of the ultrastructural morphology of the glandular hairs of various plants,

(3) A study of the ultrastructural responses in tomato roots following infection by vascular-wilt pathogens,

(4) A study of the ultrastrutural relationships between turf-grasses and the fungal pathogen *Schlerophthora macrospora.*

(5) A study of the ultrastructural morphology of bacterial and fungal isolates capable of degrading hydrocarbons, and

(6) A study of the ultrastructural changes occurring in the epidermis of apple fruits affected with scald.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 12, 1974).

Reasons: The foreign article provides 6 Angstroms point to point (Å pt.) and low distortion quality micrographs from magnifications of 200 to 100,000X without a pole piece change. Domestic instruments available at the time the article was ordered were the Model EMU-4C supplied by Adam David Company and the Model ETEM-101 manufactured by Elektros Incorporated. The Model EMU-4C is a relatively complex instrument designed for the use of an experienced operator which provided a resolution of 5 Å pt., magnifications of 1400 to 240,000X with its standard pole-piece and, with a change to its low magnification pole-piece, high quality low distortion micrographs at 500 to 70,000X. The ETEM-101 provided a low resolution of 10 Å pt. guaranteed and a magnification range of 600 to 38,000X. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 10, 1975 that the lower magnification orientation micrographs followed by high magnification microscopy and good resolution are pertinent to the applicants intended purposes. HEW also advises that the Model EMU-4C did not have equivalent magnification range without a pole-piece change and the Model ETEM-101 lacked both [magnification] range and resolution.

For these reasons, we find that neither the Model EMU-4C nor the Model ETEM-101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-26381 Filed 10-1-75;8:45 am]

UNIVERSITY OF SOUTHERN CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00562-33-46040. Applicant: University of Southern California School of Medicine, Keith Administration Bldg., Room 100, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Electron Microscope, Model Corinth 500. Manufacturer: AEI Scientific Apparatus, United Kingdom. Intended use of article: The article is intended to be used in investigation aimed at understanding the normal maturation process of human bone marrow cells and aberrations of this process which occur in neoplastic diseases. Experiments to be conducted involve: (1) A description of the architecture and cellular components of normal human blood and bone marrow on a morphological and histochemical basis; (2) a description of the same material obtained from untreated patients with leukemia (acute and chonic), lymphoma and multiple myeloma; (3) assessment of the effects of chemotherapy on these disease processes by following individual

patients through therapy and (4) use of tissue culture methods to alter behavior of cells in a leukemic process to a normal pattern of maturation, and (5) a description of the vascular elements of marrow in order to be able to reconstruct a three dimensional model to assess cellular exchange between the marrow cavity and circulating blood. The article will also be used to train physicians in techniques for electron microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a viewing image which is open and available for direct photography, measurement or unambiguous pointing out of specific features. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by the Adam David Company. The Model EMU-4C does not provide a viewing image which is open and available for direct photography, measurement or unambiguous pointing out of specific features. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 10, 1975 that the capability of the article described above is pertinent to the applicant's intended purposes. HEW also advised that domestic instruments do not provide the capability found pertinent.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-26382 Filed 10-1-75;8:45 am]

UNIVERSITY OF TENNESSEE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00560-96-03400. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: (8) Mini Suvag Boneoscillators and (2) Sennheiser Microphones for Suvag II. Manufacturer: Serv. Europeen De Diffusion Des Inventions S.A., France. Intended Use of Article: The article is intended to be used for studies of the auditory perception of deaf children and hearing impaired adults. The article will also be used in courses in aural rehabilitation to educate students in therapy and diagnosis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides wide frequency response including bone vibrator frequencies of 15 to 7000 cycles per second. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 10, 1975 that the capability described above is pertinent to the applicant's intended use. HEW also advises that it knows of no domestic instrument that matches the pertinent specification.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director, Special
Import Programs Division.

[FR Doc.75-26383 Filed 10-1-75;8:45 am]

Domestic and International Business Administration

SOPEX S.A.R.L.

Related Party Determination

In the matter of Sopex S.A.R.L., 1 Rue Louis Pasteur and 40 Rue de l'Est, 92100 Boulogne-Billancourt, France, Respondent.

[Case No. 466]

An order dated April 15, 1975 (40 FR 19857, May 7, 1975), was entered by the Office of Export Administration, Bureau of East-West Trade, Domestic and International Business Administration, Department of Commerce, against Albert Rolland and Societe Europeene d'Electronic, S.A. (Seurolec) denying them all U.S. export privileges for the duration of export controls. Said denied parties were found to have exported or to have caused to be exported, on numerous occasions, strategically-rated U.S.-origin commodities without required authorization of the Office of Export Administration and in violation of the Export Administration Regulations (hereinafter, export regulations) and a temporary denial order earlier issued against those parties. Further, Rolland, individually and for Seurolec was found to have made false and misleading statements in violation of the export regulations.

Section 388.1(b) of the export regulations reflected in Part III of the duration denial order against Rolland and Seurolec, provides, in pertinent part, that:

> Any order denying export privileges or excluding persons from practice before the Bureau of East-West Trade may be made applicable not only to persons named therein, but also, to the extent necessary to prevent evasion, to other persons with whom such persons may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services.

Unrefuted documentation shows, in most significant part, that Sopex S.A.R.L., is a limited liability company, operated by Albert Rolland, with offices at 1 Rue Louis Pasteur and 41 Rue de l'Est, 92100 Boulogne-Billancourt, France, which are the same as those occupied by Seurolec, also operated by Rolland. Sopex has been used to obtain U.S.-origin electronic equipment from at least one American supplier.

By a letter dated July 30, 1975, Sopex S.A.R.L., was notified by this office that information in the possession of the Bureau of East-West Trade indicated that Albert Rolland and Seurolec are connected in business to Sopex, and that, based upon such information, by the terms of Part III of the denial order issued against Rolland and Seurolec, Sopex would be named a related party to said denied parties, unless, within 20 days of the date of the letter, the company showed that it had not been or had wholly ceased to be related to them.

No reply having been received from Sopex, it has been determined upon recommendation by the Acting Hearing Commissioner based on the cited information, that the respondent company is a related party to Rolland and Seurolec within the meaning of § 388.1(b) of the export regulations and Part III of the denial order issued against those parties, and is, therefore, subject to all prohibitions and restrictions of that order.

The related party, Sopex, is notified that if it chooses to contend that the determination which is the subject of this notice is not justified, it may make application to have such ruling reconsidered or terminated. Such application must be made to the Heading Commissioner, Bureau of East-West Trade, Department of Commerce, Washington, D.C. 20230.

Dated: September 24, 1975.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-26333 Filed 10-1-75;8:45 am]

PRESIDENT'S EXPORT COUNCIL

Open Meeting

The first meeting of the President's Export Council Task Force on Export

Promotion will be held from 9:00 a.m. to 4:30 p.m. daily on November 4–5, 1975, in Conference Room 6043 of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

The Council Task Force was established in accordance with the provisions of Executive Order 11753 of December 20, 1973 (38 FR 34983) and the Federal Advisory Committee Act. The objectives of the Task Force will be that of reviewing export promotion programs and activities of the Department of Commerce and developing recommendations, including proposals for new programs, in this area for Export Council consideration.

The purpose of this meeting will be to receive presentations from the Bureau of International Commerce on the Bureau's export promotion programs and activities, followed by an evaluation of the information by the Task Force.

The public will be permitted to attend the meeting and approximately 20 seats will be available on a first-come, first-served basis. Inquiries may be addressed to Mr. Friedrich R. Crupe, Executive Secretary of the President's Export Council, U.S. Department of Commerce, Domestic and International Business Administration, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202–967–2373).

Copies of minutes of the meeting will be available on request.

Any member of the public who wishes to file a written statement with the Task Force may do so before or after the meeting.

Dated: September 26, 1975.

CHARLES W. HOSTLER,
Deputy Assistant Secretary for International Business.

[FR Doc.75–26301 Filed 10–1–75;8:45 am]

WOLFF SHOE MANUFACTURING CO.

Petition for a Determination

A petition by Wolff Manufacturing Company of Union, Missouri, was accepted for filing on September 25, 1975, under section 251 of the Trade Act of 1974 and in conformity with "Adjustment Assistance Certification Regulations for Firms," 15 CFR Part 350, 40 FR 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in item 700.45 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with footwear for women produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on or before October 13, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance)

JACK W. OSBURN, Jr.,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–26307 Filed 10–1–75;8:45 am]

National Oceanic and Atmospheric Administration

LOUISIANA STATE UNIVERSITY

Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take and import marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of marine mammals.

Museum of Zoology, Louisiana State University, Baton Rouge, Louisiana 79803, to take and import an unspecified number of dead stranded cetacean species from various locations world wide. The Applicant states that the collection of cetacean specimens found stranded will be incidental to other work being conducted under the authority of scientific collecting permits of the country of origin. The Applicant states that it will not kill or capture, or cause to be killed or captured, any cetacean in the course of its specimen collecting. The material to be imported will be collected and prepared according to accepted museum standards. The specimens are to be cataloged and stored in the Museum's research collections where they will be available for study by the scientific community.

The Applicant has been informed that a separate application of a scientific research permit under the Endangered Species Act of 1973 is necessary for those cetacean species listed as threatened or endangered by that statute.

Documents submitted in connection with the above application are available for review in the office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, DC 20235, on or before November 3, 1975. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 26, 1975.

WILLIAM H. STEVENSON,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75–26362 Filed 10–1–75;8:45 am]

SEA WORLD, INC.

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Public Display Permit issued to Sea World, Incorporated, 1720 South Shores Road, San Diego, California, 92109, on May 7, 1974, as modified on August 23, 1974 (39 FR 30522) and on March 3, 1975 (40 FR 8846) is further modified, by means of Modification No. 3, in the following manner.

The authorized killer whales may be taken by means of either seine net or breakaway hoop-net techniques.

This modification is effective October 2, 1975.

The Permit, as modified, is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and in the Offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109; and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: September 10, 1975.

WILLIAM H. STEVENSON,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75–26361 Filed 10–1–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Annual Report of the Advisory Committee

The 1974 Annual Report of the Advisory Committee on Accreditation and Institutional Eligibility, which includes a

summary of the Committee's activities during closed sessions of its meetings, pursuant to Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), may be obtained by applying to the Accreditation and Institutional Eligibility Staff, Room 4068, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on September 22, 1975.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff.

[FR Doc.75-26334 Filed 10-1-75;8:45 am]

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Advisory Council on Bilingual Education will be held from 9 a.m. to 5 p.m. on Wednesday, October 5, 1975. The Council will meet in Room 1600, Region III Office of Education, 3535 Market Street, Philadelphia, Pennsylvania.

The Advisory Council on Bilingual Education is established pursuant to section 732(a) of the Bilingual Education Act (20 U.S.C. 8306) to advise the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The meeting shall be opened to the public. The proposed agenda for the Council meeting is:

Orientation of New Members
November 1 report

The Council will also hold hearings on bilingual education on Thursday, October 16, and Friday, October 17. Persons wishing to make a presentation must provide the Council with a copy of the text at the meeting.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on September 26, 1975.

JOHN C. MOLINA,
Acting Director, Office of Bilingual Education.

[FR Doc.75-26363 Filed 10-1-75;8:44 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on review of opthalmic drugs.	October 24 and 25, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 24, 9 a.m. to 10 a.m.; closed committee deliberations Oct. 24, 10 a.m. to 4:30 p.m., Oct. 25, 9 a.m. to 10 a.m.; John T. McElroy, (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) ophthalmic drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, place	Type of meeting and contact person
2. Orthotic and prosthetic subcommittee of the panel on review of physical medicine (physiatry) devices.	Oct. 26 and 27, 9:30 a.m., Rex Room, Fairmont Hotel, New Orleans, La.	Open public hearing Oct. 26, 9:30 a.m. to 10:30 a.m.; open committee discussion Oct. 26, 10:30 a.m. to 4 p.m., Oct. 27, 9:30 a.m. to 4 p.m.; Johnsie W. Bailey, (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of physical medicine (physiatry) devices currently in use.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of orthotic and prosthetic devices to Johnsie W. Bailey, executive secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The reorganization of a more workable generic device classification list for orthotic and prosthetic devices suitable to both the physical medicine and orthopedic panel will be discussed.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public

disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: September 26, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-26320 Filed 10-1-75;8:45 am]

[FDA 225-76-4000]

INSPECTION OF FOOD PRODUCED AND/OR SOLD IN STATE OF WISCONSIN

Memorandum of Understanding With the Wisconsin Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Wisconsin Department of Agriculture and the Food and Drug Administration have entered into an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which sets forth the working arrangements to be followed or adopted concerning inspection of food produced and/or sold in the State of Wisconsin, reads as follows:

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
WISCONSIN DEPARTMENT OF AGRICULTURE
AND THE
FOOD AND DRUG ADMINISTRATION

I. *Purpose.* The purpose of this memorandum is to formalize procedures mutually agreed upon by the Wisconsin Department of Agriculture (WDA) and the Food and Drug Administration (FDA) for cooperative surveillance over food produced and/or sold in the State of Wisconsin.

II. *Background.* The divisions of responsibility and other provisions set forth below attempt to avoid unnecessary duplication of effort and to recognize, insofar as possible, the combined resources, expertise, and established priorities of both agencies. The basic objective of this agreement is to promote closer cooperation in the attainment of common goals through a planned work-sharing program.

III. *Substance of Understanding*—A. *Dairy products.* WDA agrees to assume primary responsibility for inspection and surveillance of all Grade A fluid milk receiving, transfer, and bottling plants in Wisconsin. It also agrees to assume similar responsibility for inspection and surveillance of all of the manufactured dairy product industry in Wisconsin, with the exception of certain of the dried milk product operations and processed and natural cheese manufacturing operations that will be retained for coverage by FDA.

B. *Fruit and vegetable canners and freezers.* Inspectional surveillance of this industry will be shared between both agencies as follows:

1. WDA, if possible, will conduct a preoperational inspection of each establishment to assess plant facilities and processing equip-

2. During the processing season, WDA and/or FDA will conduct at least one inspection of the major packs of each processing plant in Wisconsin.

3. Scheduling of inspections will be coordinated to avoid unnecessary duplication.

C. *Pesticide residue.* WDA and FDA agree to share responsibility for monitoring pesticide residues in or on raw agricultural commodities and processed food products in Wisconsin. WDA agrees to monitor all milk and milk products and will concentrate on grower-level surveillance of raw agricultural commodities. FDA agrees to assume basic responsibility for surveillance over imported food products and to concentrate on processor and/or shipper level surveillance over raw agricultural commodities.

D. *General considerations.* To facilitate closer coordination of FDA and WDA programs and to promote effective implementation of the work sharing and division of responsibility outlined above, the following points are also equally agreed to:

1. While this understanding is in effect, neither agency will schedule routine inspections or other activities for which the other has assumed responsibility; however, both agencies shall retain the right to conduct these activities whenever such is deemed to be in the best interest of consumers.

2. Each agency will provide the other with significant reports of inspections or investigations covered by this understanding.

3. FDA and WDA will exchange copies of all warning letters of significance issued to firms covered by this understanding.

4. Joint inspections of firms under this understanding will be scheduled upon mutual consent of WDA and FDA.

5. Compliance followup and other immediate problems will be handled on a case-by-case basis.

6. WDA and FDA will immediately notify one another upon encountering violative food products found or originating in Wisconsin. Trade and consumer complaints or other inquiries involving products or firms embodied in this understanding will be forwarded to the appropriate responsible agency.

7. WDA and FDA agree to make their respective laboratory capabilities available to one another, insofar as possible, for emergency or routine analysis of products covered under this understanding.

8. The inventory of firms to be retained for FDA coverage and the cannery inspection schedule will be reviewed and mutually agreed to by both agencies at least annually.

9. Meetings to evaluate the stated objectives of this understanding will be held every 4 months, or more often at the request of either party. This understanding may be revised, expanded, or terminated by either party upon notification of the other.

IV. *Name and address of participating activity.* Wisconsin Department of Agriculture, 801 West Badger Rd., Madison, WI 53713.

V. *Liaison Officers.* For WDA: Donald E. Konsoer, Assistant Administrator, Food & Standards Division. Telephone No.: (608) 266-7243.

For FDA: Marlin V. Bergerson, Investigator, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401. Telephone No.: (612) 725-2121.

VI. *Period of agreement.* This understanding will remain in effect from July 1, 1975 until it is revised or terminated in accordance with paragraph 9 above.

Approved and accepted for the Wisconsin Department of Agriculture:

By: Arthur R. Kurtz.
Title: Acting Secretary.
Dated: September 4, 1975.

Approved and accepted for the Food and Drug Administration:

By: H. P. Roberts.
Title: Deputy Regional Food and Drug Director.
Dated: September 12, 1975.

Effective date. This Memorandum of Understanding became effective September 12, 1975.

Dated: September 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-26318 Filed 10-1-75;8:45 am]

[FDA 225-76-4001]

INSPECTION OF MINNESOTA FOOD AND MEDICATED FEED FACILITIES

Memorandum of Understanding With Minnesota Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Minnesota Department of Agriculture and the Food and Drug Administration have entered into an agreement concerning certain related objectives in carrying out their respective responsibilities. The agreement, which sets forth the working arrangements to be followed or adopted concerning inspection of Minnesota food and medicated feed facilities of mutual obligation, reads as follows:

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MINNESOTA DEPARTMENT OF AGRICULTURE
AND THE
FOOD AND DRUG ADMINISTRATION

I. *Purpose.* The purpose of this memorandum is to formalize procedures mutually agreed upon by the Minnesota Department of Agriculture (MDA) and the Food and Drug Administration (FDA) for cooperative surveillance over food and medicated feed produced and/or sold in the state of Minnesota.

II. *Background.* The divisions of responsibility and other provisions set forth below attempt to avoid unnecessary duplication of effort and to recognize, insofar as possible,

the combined resources, expertise and established priorities of both agencies. The basic objective of this agreement is to promote closer cooperation in the attainment of common goals through a planned work-sharing program.

III. *Substance of understanding.*—A. *Beverage manufacturers.* MDA agrees to assume responsibility for inspection and surveillance of all establishments in Minnesota that manufacture carbonated and/or still nonalcoholic beverages.

FDA agrees to assume equal responsibility of all breweries and malting houses in the state. Water supplies for breweries and malting houses will be initially certified by MDA. Further water certification will be done by MDA on request of FDA.

B. *Bakeries.* MDA agrees to assume primary responsibility for inspection and surveillance of the bakery product industry in Minnesota, with the exception of those establishments retained for coverage by FDA.

C. *Food salvage establishments.* Food salvage operations in Minnesota shall be under the primary control of MDA through administration of Chapter 31.495, Minnesota Statutes 1974, as amended, and all regulations promulgated thereunder. In those instances where salvage or reconditioning of foods under FDA seizure is proposed, FDA will assume responsibility for supervising such operations. FDA and MDA shall keep one another informed of known instances in which distressed merchandise is being transported into or out of Minnesota for salvage or reconditioning.

D. *Food storage warehouses.* MDA agrees to assume primary responsibility for inspection and surveillance of the food storage warehouse industry in Minnesota, with the exception of those establishments retained for coverage by FDA.

E. *Dairy products.* MDA agrees to assume primary responsibility for inspection and surveillance of all Grade A fluid milk receiving, transfer, and bottling plants in Minnesota. MDA agrees to assume similar responsibility for inspection and surveillance of all of the manufactured dairy product industry in Minnesota, with the exception of certain dried milk, cheese, ice cream, and butter manufacturing operations retained for coverage by FDA.

F. *Fruit and vegetable canners and freezers.* Inspectional surveillance of this industry will be shared between both agencies. During the processing season, FDA and/or MDA will conduct at least one inspection of the major packs of each processing plant in Minnesota. Scheduling of inspections will be coordinated to avoid unnecessary duplication. Establishments currently under the Corporate Quality Assurance Program are excluded from this plan.

G. *Medicated animal feeds.* MDA agrees to assume primary responsibility for inspectional surveillance of all producers of medicated animal feeds in Minnesota, which are subject to registration under section 510 of the Federal Food, Drug, and Cosmetic Act. FDA agrees to assume primary responsibility for inspection and/or investigation of users of medicated animal feeds to determine if such use is in conformance with requirements of the Federal Act.

MDA and FDA shall exchange reports on all inspections conducted and on all medicated feed samples analyzed under this agreement.

H. *General considerations.* To facilitate closer coordination of FDA and MDA programs and to promote effective implementation of the work sharing and division of responsibility outlined above, the following points are also equally agreed to:

1. FDA's current Good Manufacturing Practice regulations for human foods shall be considered as minimum sanitation standards for all food establishments included under this understanding. FDA's current Good Manufacturing Practice regulations for medicated animal feeds shall be considered as minimum standards for all feed establishments included under this understanding.

2. While this understanding is in effect, neither agency will schedule routine inspections of firms for which the other is responsible.

3. Each agency will provide the other with reports on significant inspections of firms covered under this understanding. Whenever necessary, reports of sample analysis will also be exchanged.

4. FDA and MDA will exchange copies of all letters of significance to firms covered by this understanding.

5. Joint inspections of firms under this understanding will be scheduled upon mutual consent of MDA and FDA.

6. MDA and FDA will immediately notify one another upon encountering violative food products, found or originating in Minnesota, that are involved in interstate commerce. Trade and consumer complaints or other inquiries involving products or firms embodied in this understanding will be forwarded to the appropriate responsible agency.

7. Compliance followup and other immediate problems will be handled on a case-by-case basis.

8. The inventory of firms to be retained for FDA coverage will be reviewed and mutually agreed to by both agencies at least annually.

9. MDA and FDA agree to make their respective laboratory capabilities available to one another, insofar as possible, for emergency or routine analysis of products covered under this agreement.

10. Meetings to evaluate the stated objectives of this understanding will be held every four months, or more often at the request of either party. This understanding may be revised, expanded, or terminated by either party upon notification of the other.

IV. *Name and address of participating activity.* Minnesota Department of Agriculture, State Office Building, St. Paul, MN 55155.

V. *Liaison Officers.* For MDA: Bernard J. Steffen, Director of Field Operations, Telephone No.: (612) 296-2627. For FDA: Marlin V. Bergerson, Investigator, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401. Telephone No.: (612) 725-2121.

VI. *Period of agreement.* This understanding will remain in effect from July 1, 1975 until it is revised or terminated in accordance with paragraph 10 above.

Approved and accepted for the Minnesota Department of Agriculture:

By: ROLLIN M. DENNISTOUN,
Department Administrator.
Dated: September 10, 1975.

Approved and accepted for the Food and Drug Administration:

By: H. P. ROBERTS,
Deputy Regional Food and Drug Director.
Dated: September 12, 1975.

Effective date. This Memorandum of Understanding became effective September 12, 1975.

Dated: September 25, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-26321 Filed 10-1-75;8:45 am]

OPHTHALMIC DRUGS ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I), the Food and Drug Administration announces the renewal of the Ophthalmic Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare, for an additional period of 2 years beyond September 20, 1975.

Authority for this committee will expire September 20, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 26, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-26319 Filed 10-1-75;8:45 am]

COMMISSIONER OF SOCIAL SECURITY

Delegations of Authority To Approve or Deny Waiver of Adjustment or Recovery of Incorrect Payments

The Secretary of Health, Education, and Welfare has been vested with authority to perform the functions specified by Part B of title IV and certain related provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended. The authority to perform these functions has been redelegated by the Secretary to the Commissioner of Social Security (35 FR 7033-34, dated May 2, 1970). This authority may be redelegated by the Commissioner at his discretion.

Accordingly, notice is hereby given that the authority to approve or deny waiver of adjustment or recovery of incorrect payments of "Black Lung" benefits, in accordance with section 413(b) of the Federal Coal Mine Health and Safety Act of 1969, as amended, has been delegated by the Commissioner to the following Social Security Administration positions:

1. ALL "BLACK LUNG" OVERPAYMENTS, REGARDLESS OF AMOUNT

Delegates	*Scope of Authority*
1a. Deputy Commissioner	1a-e. All cases within the jurisdiction of SSA.
b. Associate Commissioner for Program Operations.	
c. Director and Deputy Director, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	
d. Assistant Bureau Director, Program Policy, Bureau of Retirement and Survivors Insurance, Office of Program Operations.	
e. Any member designated to serve on the three member Waiver Committee in the Bureau of Retirement and Survivors Insurance, subject to the concurrence of his supervisor in the proposed waiver decision.	

2. "BLACK LUNG" OVERPAYMENTS OF $10,000 OR LESS

Delegates	Scope of Authority
2a. Director and Deputy Director, Bureau of Disability Insurance, Office of Program Operations.	2a. All cases within the jurisdiction of the Bureau of Disability Insurance, Office of Program Operations.
b. Assistant Bureau Director, Disability Operations and Deputy Assistant Bureau Director, Disability Operations, Bureau of Disability Insurance, Office of Program Operations.	b. All cases within the jurisdiction of the Office of the Assistant Bureau Director, Disability Operations, Bureau of Disability Insurance, Office of Program Operations.
c. Director and Deputy Director, Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.	c. All cases within the jurisdiction of the Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.
d. Chief, Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.	d. All cases within the jurisdiction of the Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.

3. "BLACK LUNG" OVERPAYMENTS OF MORE THAN $1,000 BUT NOT EXCEEDING $5,000

Delegates	Scope of Authority
3a. Chief, Recovery Section, Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.	3a–c. All cases within the jurisdiction of the specified components of the Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.
b. Chiefs, Recovery Units, Recovery Section, Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.	
c. Social Insurance Claims Examiners (Retirement) [Recovery Reviewers], Recovery Units, Recovery Section, Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations, where the Recovery Reviewer concurs with the recommendation of another Recovery Reviewer.	

4. "BLACK LUNG" OVERPAYMENTS OF $1,000 OR LESS

Delegates	Scope of Authority
4a. Chief, Recovery Section, Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.	4a–c. All cases within the jurisdiction of the specified components of the Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.
b. Chiefs, Recovery Units, Recovery Section, Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.	
c. Social Insurance Claims Examiners (Retirement) [Recovery Reviewers], Recovery Units, Recovery Section, Reconsideration Branch (Retirement), Division of Reconsideration, Bureau of Disability Insurance, Office of Program Operations.	

The delegations specified above shall be effective on October 2, 1975. Any actions taken by positions delegated the subject authority, which involve the exercise of such authority, to the extent here indicated, prior to the date that this notice is published in the FEDERAL REGISTER, are hereby affirmed and ratified. These delegations may not be further redelegated.

Dated: September 25, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.75-26269 Filed 10-1-75;8:45 am]

Social Security Administration

SUPPLEMENTAL SECURITY INCOME STUDY GROUP

Meeting

Notice is hereby given pursuant to Pub. L. 92-463, that the Supplemental Security Income Study Group will hold a meeting on Thursday, October 16 and Friday, October 17 from 9 a.m. to 5 p.m. in Room 171 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland. The meeting is open to the public.

Further information on the Study Group may be obtained from Nelson Sabatini, Executive Secretary of the Study Group, Room 960, Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2330. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Number 13.807, Supplemental Security Income for the Aged, Blind, and Disabled)

Dated: September 29, 1975.

NELSON SABATINI,
Executive Secretary, Supplemental Security Income Study Group.

[FR Doc.75-26268 Filed 10-1-75;8:45 am]

[Docket No. 75N-0107]

FOOD FOR SPECIAL DIETARY USES

Notice of Reopening of Hearing

Correction

In FR Doc. 26065, appearing at page 44857 of the issue for Tuesday, September 30, 1975, in the center column on page 44858, seventh line, the date reading "October 3, 1975" is corrected to read "October 31, 1975".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-484-DR; NFD-301]

FLORIDA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of

the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 26, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Florida resulting from high winds, tornadoes, heavy rains, and flooding resulting from Hurricane Eloise beginning about September 22, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Florida.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Florida to have been adversely affected by this declared major disaster:

The Counties of:

Bay	Walton
Holmes	Washington
Okaloosa	

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: September 26, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-26392 Filed 10-1-75;8:45 am]

[FDAA-485-DR; NFD-300]

PENNSYLVANIA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat 143); notice is hereby given that on September 26, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Pennsylvania resulting from severe storms, heavy rains, and flooding beginning about September 22, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Pennsylvania.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Pennsylvania to have been adversely affected by this declared major disaster:

The Counties of:

Adams	Lycoming
Berks	Mifflin
Bradford	Montour
Centre	Northumberland
Clinton	Perry
Columbia	Potter
Cumberland	Schuylkill
Dauphin	Snyder
Franklin	Sullivan
Fulton	Susquehanna
Juniata	Tioga
Lackawanna	Union
Lancaster	Wayne
Lebanon	Wyoming
Luzerne	York

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: September 27, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-26393 Filed 10-1-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27153]

HONOLULU-VANCOUVER ROUTE PROCEEDING

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on October 29, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., September 29, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-26400 Filed 10-1-75;8:45 am]

ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Civil Aeronautics Board Advisory Committee on Procedural Reforms will be held at 9:30 a.m. on Saturday, October 18, 1975, in Room 1027 of the Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

The Advisory Committee was established to study the procedural aspects of Civil Aeronautics Board regulation, and to recommend changes designed to reduce cost and delay.

The members of the Advisory Committee are:

Elroy H. Wolff, Chairman
Richard J. Barber
Emory N. Ellis, Jr.
Marvin H. Kosters
Monte Lazarus
Richard S. Maurer
Adrian M. McDonough
Gerard R. Moran
Paul S. Quinn
Bert W. Rein
Reuben B. Robertson, III
J. Kerwin Rooney
Kelly Rueck
Walter D. Scott
Jerrold Scoutt, Jr.
Robert B. Shapiro
James Lawrence Smith
John M. Steadman
Frank M. Wozencraft

The Committee will discuss the draft reports of its six subcommittees. These six subcommittees are: (1) The Board Members, (2) Staff Organization and Functions; (3) Formal Proceedings, (4) Informal Matters; (5) International Matters and (6) Delay. At the close of the general meeting the various subcommittees may continue to meet.

The meeting will be open to the public. Any member of the public may file written statements concerning the matters to be discussed. Oral presentations should be requested in advance.

Persons wishing further information, or wishing to make written or oral presentations should contact Edmund W. Kitch, Executive Director, Civil Aeronautics Board Advisory Committee on Procedural Reforms, Civil Aeronautics Board, Washington, D.C. 20428, telephone 202-382-3216 or 382-7263 (ask for Mr. Campbell).

Minutes of the meeting will be available for public inspection by November 7, 1975, in Room 425 of the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

[SEAL] EDWIN Z. HOLLAND,
Secretary, Civil Aeronautics Board.

[FR Doc.75-26401 Filed 10-1-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

INTERNATIONAL NUCLEAR POWER EXPORT ACTIVITIES

Determination in Regard to Pending Preparation of NEPA Environmental Statement

On August 3, 1974, the United States District Court for the District of Columbia in the case of "Sierra Club et al v. Atomic Energy Commission et al" ordered the Atomic Energy Commission (AEC) to be the lead agency in preparing an Environmental Statement on the international nuclear power export process. The Statement was to be prepared in implementation of AEC's responsibilities under the National Environmental Policy Act (NEPA).

No injunction was issued by the Court in the above proceeding. Accordingly, there is no legal bar to proceeding with international nuclear power export activities during the period of preparation of the Environmental Statement. Nevertheless, in order to provide as full and complete an analysis as possible, AEC determined that an examination should be made as to whether proceeding with

international nuclear power export activities during the period of Statement preparation would be consistent with its NEPA responsibilities, or would prejudice its ability to make an objective review in the Environmental Statement and take whatever action might be appropriate in light thereof.

Subsequent to the Court order and the commencement of the preparation of this interim analysis, the Energy Reorganization Act of 1974 (Pub. L. 93-438) was enacted. This Act, as effectuated by Executive Order No. 11834 (40 FR 2971), abolished the AEC and transferred its functions to two newly created agencies, the Energy Research and Development Administration (ERDA) and the Nuclear Regulatory Commission. As a result of this reorganization, ERDA has assumed AEC's operational functions and responsibilities, including the responsibility to be the lead agency for preparation of the Environmental Statement. In addition, ERDA has assumed responsibility for implementing AEC's decision to review international nuclear power export activities during the period of preparation of the Environmental Statement. Consequently, this interim environmental analysis has been undertaken by ERDA.

The review encompassed in the present document relates to significant international nuclear power export activities conducted between July 1, 1974, and April 30, 1976. These activities include the entering into of Agreements for Cooperation, the execution of uranium enrichment services contracts, the delivery of special nuclear material power reactor fuel under previously executed uranium enrichment services contracts, and the issuance of export licenses for power reactors and special nuclear material fuel for foreign power reactors.

As applied to continuation of the international nuclear power export activities during the interim period, ERDA, in making the determination at hand, has considered and balanced the following factors:

1. Whether it is likely that the continuation of international nuclear power export activities during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of this impact, if any, and whether redress of any adverse environmental effect can reasonably be effected should modification, suspension, or termination of these activities result from the Environmental Statement.

2. Whether continuation of international nuclear power export activities during the review period would foreclose subsequent adoption of alternatives.

3. The effect upon the public interest of a moratorium on international nuclear power export activities.

4. Whether the additional irretrievable commitment of resources involved with international nuclear power export activities conducted during the interim review period might affect the eventual decision reached on the NEPA review.

To assist ERDA in its consideration of the foregoing factors, it published in the FEDERAL REGISTER on April 7, 1975 (40 FR 15438) its proposed determination with a request that interested persons desiring to submit written comments or suggestions for its consideration do so on or before May 5, 1975.

Comments were received from environmental groups, industrial organizations and other interested parties. In assessing the four factors enumerated earlier and in making this determination, ERDA has carefully considered all comments received. The results of ERDA's examination of this matter in the light of the comments are set forth in a document entitled "Findings Supporting Determination Relating to International Nuclear Power Export Activities Pending Preparation of a section 102(2)(C) NEPA Environmental Statement." A copy of this document is available for public inspection at ERDA's Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon request addressed to W. H. Pennington, Office of the Assistant Administrator for Environment and Safety, U.S. Energy Research and Development Administration, Washington, D.C. 20545.

Based on the results of the foregoing examination, ERDA has found that:

1. Continuation of international nuclear power export activities during the period of preparation of the Environmental Statement will not give rise to a significant adverse environmental impact in the United States or on the high seas during the limited period of the NEPA review. The environmental impacts anticipated to occur in the future due to a continuation of such activities during the interim period will be redressable should the full NEPA review of international nuclear power export activities indicate that a different course of action is advisable.

2. The ability of the United States to adopt modifications to the international nuclear power export process will not be foreclosed significantly by continuing international nuclear power export activities during the limited period of NEPA review.

3. Should continuation of international nuclear power export activities be consistent with the outcome of the full NEPA review, the termination of such activities until such review is completed would adversely affect the public interest since it would (a) injure the credibility of the U.S. as an energy supplier abroad, (b) be inconsistent with U.S. diplomatic efforts to promote cooperation in the overall energy area, and (c) result in a loss of revenue to U.S. industry.

4. The expenditure of resources by ERDA during the limited period of NEPA review ($210.56 million) while not insubstantial is, except for $0.43 million, fully recovered in the charges to foreign customers when product deliveries are made. The expenditure of such resources will not be of such magnitude as to constitute an irrevocable commitment to the continuation of the international nuclear power export process; nor will it affect the eventual outcome of the full NEPA review.

Upon consideration and balancing of the above factors, ERDA has determined that international nuclear power export activities may be continued during the limited period of the NEPA review.

Dated at Washington, D.C., this 26th day of September 1975.

ROBERT W. FRI,
Deputy Administrator.

[FR Doc.75-26308 Filed 10-1-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 435-1; PP1F1130/PW2]

FIKE CHEMICAL CO.

Withdrawal of Pesticide Petitions

Correction

In FR Doc. 25398 appearing at page 43947 in the issue of Wednesday, September 24, 1975, make the following changes:

1. In the sixth line of the first paragraph of the document the petition number in parentheses should read "(PP1F-1130)".

2. In the ninth line of the first paragraph of the document the word in parentheses should read "(thonoformate)".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19919; FCC 75-1043]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Interim Decision and Memorandum Opinion and Order Regarding Reopening of Hearing

I. PRELIMINARY STATEMENT

In the matter of American Telephone and Telegraph Company, charges, regulations, classifications and practices for voice grade/private line service (high density—low density) filed with Transmittal No. 11891, Docket No. 19919.

1. On November 15, 1973 (39 FR 38282) the American Telephone and Telegraph Company (AT&T or Bell) filed a revised rate structure for voice grade private line service (Series 2000 and 3000 of the AT&T Tariff F.C.C. No. 260) to depart from the nationwide average pricing which it has traditionally used and to replace it with a three-tiered structure based upon the facilities installed between and within the points served and the length of the routing. The rate structure will be discussed in detail below.[1] Following an exchange of pleadings, we designated the tariff revisions for hearing in January, 1974 (44 F.C.C. 2d 697) and suspended their effective date until April 14, 1974.

[1] The subject tariff structure includes separate rates for "high density," "low density" and "short haul" services, as explained below. For convenience, we shall herein refer to the entire revised rate structure as the "Hi-Lo" tariff.

At the request of several parties, we asked AT&T to defer the tariff revisions, and they ultimately became effective on June 13, 1974.

2. By subsequent Memorandum Opinion and Order, 45 F.C.C. 2d 88 (1974), we established the procedures for this proceeding, designating it as a "paper" hearing. In summary, this procedure included a direct case submitted in writing by each participant as well as written interrogatories at specified intervals during the hearing. AT&T was also given the right to file a reply case following responses to all interrogatories. Finally, by Order released October 22, 1974, 49 F.C.C. 2d 361, we ordered oral argument before us en banc, which argument took place on November 5, 1974. We noted in our procedural Order in this Docket,[2] "it is clear from a review of the filings received in this matter that the due and timely exercise of our regulatory functions imperatively and unavoidably requires that we issue a final decision upon close of the record without initial, recommended, or tentative decision."

3. Our designation Order established the following specific issues for investigation, without limiting in any way the scope of the proceeding:[3]

1. Whether any of the charges, classifications, regulations, and practices contained in the tariff revisions are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act;

2. Whether such revisions will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of section 202(a) of the Communications Act.

3. Whether such revisions have been filed in full compliance with section 203 of the Act governing the filing of tariff schedules and Part 61 of the rules adopted thereunder;

4. Whether such charges, regulations, practices and classifications are in conformity with the regulatory policies and objectives adopted by the Commission in its Specialized Common Carrier decisions in Docket 18920;

5. Whether such charges, regulations, practices and classifications are in conformity with such rate-making principles and guidelines as may be adopted by the Commission in the pending Private Line Rate case, in Docket 18128;

6. Whether such charges, regulations, practices and classifications would, if applied to the press, result in any substantial impairment in the dissemination of news and information to the public;

7. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices to be hereafter followed with respect to the service governed by such tariff revisions and, if so, the charges, classifications, regulations, and practices that should be prescribed.

4. In addition the Order set down certain sub-issues for consideration:[4]

Whether there is adequate cost or other justification for either the substantial increases in charges over the low-density routes or the substantial reductions in charges over the high-density routes; whether or to what extent there will be any cross-subsidy by the monopoly services of the telephone companies; whether or to what extent any of the proposed rates may be non-compensatory or may constitute predatory pricing; whether the justification for abandoning nationwide averaging in the voice-grade private line services is based solely upon cost or also upon competitive necessity, and if based solely upon cost whether and to what extent nationwide averaging should be retained for other classes or sub-classes of services; whether and to what extent the cost and marketing studies made to support "Hi-Lo" are, or may be, inconsistent with those placed in evidence by the telephone companies in Docket 18128; whether and to what extent the carriers are now allocating costs or using other methodologies in determining the costs for "Hi-Lo" that are different from the allocation and methodologies used by them in Docket No. 18128 for the same services and, if there are differences the justification therefor; whether criteria different from those used by AT&T in determining high density routes should be utilized; whether, in the light of the evidence on costs and other rate-making factors, some other rate structure would be more appropriate than the proposed * * * "Hi-Lo" structure and, if so, the nature thereof; whether there is any cost or other justification for not applying the new "Hi-Lo" rates to end link voice grade channel in TELPAK service; whether the Bell System has specific plans for the immediate foreseeable future to extend the "Hi-Lo" pricing concept to other classes or sub-classes of service and, if so, the nature of such plans, whether and to what extent there is cost or other justification for increasing the number of chargeable rate elements from two to three for the private line voice grade services in issue; and whether or to what extent the tariff revisions before us would affect the implementation of the Commission's regulatory policy and objective of full and fair competition among and between existing and new carriers in the provision of specialized communications services.

5. Under the "Paper" procedures established for this case, as indicated above, the record for decision consists of AT&T's original cost justification filed with the subject transmittal pursuant to § 61.38 of our rules and regulations, as supplemented, plus the direct cases of the other participants, numerous interrogatories and responses, the transcript of the oral argument, and the proposed findings of fact and conclusions of law and replies referred to herein.

6. Since the subject rates were filed and became effective, several changes have taken place in the competitive climate for private line services. First, most of the competitors have lowered their rates in response to the Hi-Lo filing (and Western Union has instituted its multi-tier rate structure). Second, AT&T has raised most of its private line rates, including Series 2000/3000, by 5.1 percent, as indicated below, and several of the specialized common carriers (SCCs) responded with increases of their own. Third, we have some operational experience with the Hi-Lo structure which will assist us in determining the validity of AT&T's market projections.

II. Findings

A. Background

7. Private Line Services, as offered by AT&T in Series 2000 and 3000 of its Tariff F.C.C. No. 260, provide the subscriber with direct full-time communications between any two designated locations or among several locations. Depending upon the terminal equipment installed at the customer's premises, the communications may consist of voice, data or both. Charges for private line services are based upon airline mileage between service points, upon the number of service points and upon the type of terminal equipment required and thus are insensitive to usage. Users of such services are generally businesses which have a need for a high volume of voice and/or data communications, between two points or among several points.

8. By First Report and Order in Docket No. 18920, 29 F.C.C. 2d 870 (1971), (hereinafter referred to as the Specialized Common Carrier decision), we established a policy that the number of suppliers of domestic private line services could be expanded beyond the then existing two nationwide carriers, AT&T and Western Union Telegraph Company (Western Union), to include several specialized common carriers (SCCs) offering a limited range of private line services and operating in limited geographical areas. In permitting such competition between existing and new carriers, we stressed "our objective to promote and maintain an environment within which existing and any new carriers shall have an opportunity to compete fully and fairly in the sale of specialized services. Our rate-making and regulatory policies and practices will be appropriately adapted to accomplish this objective."[5]

9. In regard to the pricing of services by existing carriers, we indicated in the Specialized Common Carrier decision that we saw no need for AT&T and Western Union to alter their price structures of monopoly services, such as message telecommunications service (MTS), wide area telecommunications services (WATS), and public message telegraph, as the Specialized Common Carriers do not offer such services. "Where services may be in direct competition", we stated, "departure from uniform nationwide pricing practices may be in order, and in such circumstances will not be opposed by the Commission."[6] It is under this policy that AT&T has filed the subject tariff revisions, alleging that the departure from nationwide averaging in issue here is a reasonable and justified response which "is required to meet changing market conditions and the altered revenue to cost relationship for these services which arises from the rapid changes in the competitive environment in the communications field."[7]

[2] 45 F.C.C. 2d 88, 90.
[3] 44 F.C.C. 2d 697, 701.
[4] 44 F.C.C. 2d 697, 699–700.
[5] 29 F.C.C. 2d, 870, 915.
[6] *Id.*
[7] AT&T Exhibit 3, p. 4.

10. AT&T further alleges that this new competitive situation renders the need for a response particularly imperative, since retention of the former pricing structure would result in a deterioration of contribution from private line services, "to the detriment of the users of (other AT&T) services, in particular the users of MTS."[8] Bell contends that the new carriers, by constructing plant between cities with a relatively high demand, "can provide service using high-capacity, low-cost intercity facilities."[9] Since they have no obligation to serve routes with a low demand, AT&T believes the SCCs can undercut Bell rates along many routes, thus causing a deterioration of contribution from AT&T private line services.

11. As a result of the foregoing, AT&T filed a three-tiered rate structure designed to replace the pre-existing nationwide structure. The prior applicable monthly rates for Series 2000 and 3000 private line voice-grade (used for voice or data) services, AT&T Tariff F.C.C. No. 260, were as follows:

1. Interexchange channel (IXC per airline mile):	
1st 25	$ 3.00
Next 75	2.10
Next 150	1.50
Next 250	1.05
Each additional mile	.75
2. Service terminal (per terminal):	
Short haul foreign exchange (FX)[10]	10.00
All other	15.00

The principal components of the tariff under investigation here are as follows:

1. Interexchange channel (IXC per airline mile):	
High density	$ 0.85
Low density	2.50
Short haul	3.00
2. Channel terminal (per terminal):	
High density	35.00
Low density	15.00
Short haul	3.00
3. Station terminal:	
High and low density	$25.00
Short haul FX	10.00
Short haul non-FX[11]	15.00

12. High Density (HiD) services are defined as private line services among two or more HiD rate centers. A rate center designated as high density must meet all of the following four criteria:

(1) Must be served by at least one high capacity facility defined as a radio, coaxial, or waveguide system with capacity of at least two mastergroups (1200 voice channels) per radio channel or coaxial pair or waveguide respectively.

(2) Must have multiplexing equipment by which voice grade circuits are derived from the high capacity facilities defined in (1) above.

(3) Must have access to all other high-density rate centers in the interstate network over high capacity facilities.

(4) Must have local distribution facilities suitable for extending service to customers' premises.

In addition, "Government only" HiD rate centers are defined as those providing services only to the United States Government and meeting criteria 1, 2 and 3 above. Finally, AT&T identifies as international boundary HiD rate centers those transited by a facility with a capacity of at least two master-groups (1200 voice channels) and having access to all HiD rate centers over high capacity facilities. However, international HiD rate centers are only pricing points for services crossing the border, so that no customer service is provided at these points and they may not be used as points of access into the HiD network. All rate centers which do not fit within the definition of a HiD rate center, a Government-only HiD rate center, or an international boundary HiD rate center are designated Low Density (LoD) rate centers.

13. Generally, a customer requiring private line services among two or more LoD rate centers or between one or more LoD rate centers and one or more HiD rate centers must pay the LoD rates, thus incurring a higher charge for the interexchange channel (IXC) than if he was able to utilize the HiD network. However, a customer in a LoD location may access the HiD network through its "HiD homing point" (as specified in AT&T Tariff F.C.C. No. 264) or through HiD service point. The customer must therefore determine the most cost-effective routing which meets his requirements, taking into consideration the alternative costs of the IXC, station terminal and channel terminal. In any event, if the total IXC mileage of the service requested is twenty-five miles or less, the short haul schedule applies regardless of whether the points served are HiD or LoD rate centers.

14. The subject tariff revisions also restructure the rate elements of private line Series 2000/3000 services, providing three rate elements (IXC, station terminal and channel terminal) rather than the previous two (IXC and service terminal), the effect of which, according to AT&T, is to bring the individual rate elements closer to the actual costs of providing each portion of the service to HiD, LoD and short haul customers.[12]

15. Although many more parties filed notices that they intended to participate in this proceeding, we received eighteen filings of proposed findings of fact and conclusions of law,[13] plus one statement that the party would not file proposed findings.[14] All the non-Bell parties oppose the Hi-Lo restructuring in whole or in part, or request that we require certain amendments to Bell's tariff to provide lower cost service to certain entities. Many of the principal contentions of the parties are summarized in the Appendix. In addition, some of the arguments are repeated in the discussion of our findings herein.

16. This filing is AT&T's initial rate response to specialized carrier competition. Upon analysis of the record of this proceeding, we find, with certain exceptions noted below, that this record is not sufficiently complete to enable us to render a final decision. As a result, it is necessary to remand the case to the presiding Judge in order that the record can be supplemented.

B. DISCRIMINATION

17. The instant tariff filing is unique in that AT&T is seeking to price private line service in such a way as to compete with the emerging specialized common carriers (SCCs), and in fact we invited such a competitive response in our Specialized Common Carrier decision, supra. We further indicated therein our objective to create an atmosphere in which both existing and new carriers "shall have an opportunity to compete fully and fairly in the sale of specialized services." 29 F.C.C. 2d 890, 915 (1971). We reaffirm that view and the view that we shall not oppose a departure from nationwide price averaging on the part of existing carriers in response to direct competition where such a departure is justified. However, in the light of our policy of full and fair competition and the statutory obligations of carriers, we must make certain the existing carrier has clearly demonstrated that any resulting price discrimination or preference is reasonable. Therefore, we must closely examine the Hi-Lo rates to determine whether the structure promotes full and fair competition and whether the price disparities in the rate structure before us constitute "unreasonable discrimination" in violation of section 202(a) of

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[8] *Id.*

[9] AT&T Exhibit 3, p. 6.

[10] Short haul rates are specified in A.T. & T. Tariff F.C.C. No. 260 where the total interexchange mileage connecting all the service points is 25 airline miles or less.

[11] On March 9, 1975 new rates for Series 2000/3000 went into effect as follows:

Interchange channel (IXC per mile):	
High density	$0.89
Low density	2.63
Short haul	3.15
Channel terminal (per terminal):	
High density	36.80
Low density	15.75
Short haul	3.15
Station terminal:	
High and low density	26.30
Short haul FX	10.50
Short haul non-FX	15.75

[12] All rate elements of the currently effective short haul tariff were not intended to be compensatory. However, on August 8, 1975, AT&T filed revisions to its Tariff F.C.C. No. 260 (Transmittal No. 12387) which will result in an increase in the monthly short haul rates, but which still are not intended to be fully compensatory. AT&T has expressed its intention to implement further tariff revisions aimed at making its short haul rates fully compensatory.

[13] Aeronautical Radio, Inc. (ARINC), Air Transport Association of America (ATA), American Newspaper Publishers Association (ANPA), AT&T, Associated Press (AP), Commodity News Service (CNS), Data Transmission Company (Datran), Dow Jones and Company, Inc. (Dow Jones), Joint Press Parties (Joint Press), MCI Carriers (MCI), National Association of Broadcasters (NAB), National Data Corporation (National Data), Reuters Limited (Reuters), Rocky Mountain Broadcasters Association (RMBA), Secretary of Defense (DOD), Trial Staff of the Common Carrier Bureau of the Commission (Trial Staff), United Press International, Inc. (UPI), and Western Tele-Communications, Inc. (WTCI).

[14] Southern Pacific Communications Company (SPCC).

the Communications Act.[12] We shall also examine whether competitive necessity or any other policy justifies the Hi-Lo rate structure. In any case, in order for us to determine that any discrimination is reasonable, AT&T must demonstrate that none of the like services is cross-subsidized by other services offered by the company.[13] By the same token, if we are to find that a discrimination between different users is lawful we must also find in the record of this case a showing by AT&T that there will not be a detriment to users of other services offered by AT&T by virtue of the application of the Hi-Lo tariff structure.[14]

18. Customers securing HiD, LoD or short haul services all obtain the same private line services, even though their lines may be routed through different facilities. The service received by all Hi-Lo users is identical to that secured under the prior Series 2000/3000 tariff, the only difference being the rate charged the customer. AT&T, however, believes that HiD, LoD and short haul are not separate but like services, but rather it contends that they are elements of the same Series 2000/3000 service. Although AT&T puts forth the argument that each element of the service need not be compensatory if the service as a whole is compensatory, we need not reach this question here. HiD, LoD and short haul are each available to only those users whose communication needs or locations served meet carefully prescribed characteristics. For example, one subscribing to a private voice grade line to serve a LoD rate center is required to obtain a LoD service pursuant to AT&T's tariff (or access the HiD system at a HiD rate center or "homing point"). Similarly, one having a need for private line communications between two points twenty-five or fewer miles apart cannot take service under either HiD or LoD rates, but must rather acquire a short haul service. Each of these services has its own parameters under which a user becomes eligible to obtain only one of the three offerings for the points involved. By way of contrast, the IXC, station terminal and channel terminal are elements of a service since the user must take all from AT&T in order to have full service. This is not the case with HiD, LoD and short haul which are each complete and self-sufficient services. Accordingly, we find that the three differentially priced offerings, HiD, LoD and short haul, are separate but like communications services within the meaning of section 202(a) of the Communications Act.

19. There is, therefore, a price "discrimination" within the meaning of section 202(a). It remains to be determined whether the record before us supports a finding that the discrimination is just and reasonable and therefore not violative of section 202(a) of the Act. Since Bell has relied principally on its belief that cost differentials among HiD, LoD and short haul justify the discrimination, we shall first examine its cost justification submitted in the hearing. Second, we shall discuss whether competitive necessity or some other policy reason renders the discrimination just and reasonable. AT&T has submitted a considerable volume of statistical information to back up its allegation that cost differences justify the Hi-Lo rate discrimination. The statistical information contains, *inter alia*, a three-year projection of costs utilizing the long run incremental cost (LRIC) methodology, and a twelve month historic study using a fully distributed cost (FDC) approach (the validity of these methods is not before us in this case, see paragraph 27 below.[15]

20. The LRIC analysis submitted here utilizes a marketing study, described below, to determine the projected demand for the services and the anticipated losses to competitors. It also employs a computer program called PLIAC (Private Line Incremental Annual Costs), also examined below, to derive the overall LRIC to the Bell System from Series 2000/3000 services. The unit LRIC for each rate element is a secondary derivation from the overall LRIC figure. In its FDC approach, Bell applies Methods 1–7 (as defined in our Docket No. 18128) to determine, for a twelve month historic period, the rate of return for the Series 2000/3000 services. The figures are derived by applying the revised Hi-Lo rates to the actual operating results.

1. *Incremental cost justification*—a. *Market analysis.* 21. In support of its Hi-Lo rates, AT&T has submitted substantial market data and estimates of cross-elasticity between 2000/3000 services and other Bell services and between 2000/3000 and the specialized common carriers' services. It has utilized these data and estimates to predict the competitive impact of the SCCs upon its own gross operating revenues for 1974 and 1976. Bell has also predicted the total airline channel mileage which it anticipated, with and without the presence of the SCCs, at the end of each of these years. We realize that it is difficult to predict accurately the construction program and the total revenues of the SCCs during the years subsequent to the Hi-Lo filing. Nor can one entirely anticipate the rate changes effected by several of the competing carriers in response to the Hi-Lo tariff. However, we believe that some indication should be given of the bases for certain assumptions made in the study, and we further feel that the actual results reported for 1974 should have some correlation to AT&T's predictions.

22. Upon examination of AT&T's actual operating revenues at year-end 1974, we find that these are so divergent from those AT&T projected that the subsequent (1976) estimates, based upon the same market criteria, must be seriously questioned. For example, AT&T predicted that its annualized total revenue from interstate private line service at year-end 1974 at the pre-Hi-Lo rates would be reduced to $783.8 million from $863.5 million because of the effect of SCC competition (AT&T Exhibit 4, pages 104–5), a drop of approximately $80 million. At Hi-Lo rates, the comparable figures are $803.7 million and $878.8 million, representing a decline of over $75 million. Bell's actual results are far above its estimates. Both the total 1974 private line interstate revenues and the comparable annualized December 1974 figures exceed $900 million, which even exceeds the projections of revenues without the SCC competition.[16] Further, whereas AT&T projected a loss of private line business to the SCCs of $75–80 million by year-end 1974, the SCCs' (not including satel-

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[12] AT&T contends that the instant rate structure is closer to its actual costs than the structure it replaces. Since the cost justification of the prior rates is not before us in this proceeding, we have no evidentiary basis on which to make any finding as to the validity of this contention.

[13] See, e.g., AT&T (TELPAK), 38 FCC 370, 381 (Tentative Decision, 1964); 37 F.C.C. 1111 (Final Decision, 1964) aff'd sum nom American Trucking Associations, Inc. v. F.C.C. 377 F. 2d 121 (1966), cert. denied 386 U.S. 943 (1967); ITT Worldcom (48 KHz), 29 FCC 2d 493 (1971). The required elements of a competitive necessity argument are set forth in AT&T (TELPAK-sharing), 23 FCC 2d 606, 613 (1970) and are discussed below.

[14] AT&T (TELPAK), 38 FCC 370, 382 (1964); ITT Worldcom, 3 FCC 2d 767, 769 (1966).

[15] Although we have never adopted a definition of LRIC and FDC, the parties to Docket No. 16258, phase 1–B, stipulated a statement of rate making principles and factors which contained the following language (18 F.C.C. 2d 761, 766–7 (1969)):

7. Fully distributed cost (f.d.c.) studies contemplate that the total of the company's interstate recorded costs for a test period will be allocated among the various service categories in such a way that the costs so allocated to each service will add up to the total test period recorded costs of service. In a multi-service company many elements of cost will be common to two or more categories of service. There are numerous ways in which such common costs might be allocated. The need for judgment in making allocations is recognized, but the basis therefor should appear.

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9. A long-run incremental cost (l.r.i.c.) study contemplates that an estimate will be made of the full amount of incremental investment and expenses which would be incurred by reason of furnishing additional quantities of service, whether in a new or an existing service category. Such a study also contemplates that, for the particular category of service, l.r.i.c. will be equal to the sum of the long run marginal costs of the added units of service. In a multiservice company many elements of cost will be common, to two or more categories of service. A purpose of an l.r.i.c. study is to determine prospectively the effect on total costs, including the effect on common costs, as a result of adding units of service. The need for judgment in determining the appropriate method of estimating l.r.i.c. is recognized, but the basis therefor should appear.

10. L.r.i.c. should be analyzed for the purpose of obtaining cost information which may be useful in determining rate levels and rates for the future for each category of service.

[16] AT&T Monthly Report 1b, December, 1974.

lite carriers) actual gross operating revenues were less than $7 million from communications services during 1974.[20]

23. By the same token, AT&T's predictions regarding the loss of circuit miles of traffic to the SCCs have not been borne out in practice, based upon the reports of circuit mileage filed by the Specialized Carriers on their 1974 Form P submissions. In its market results (Exhibit 4, pp. 109–110), AT&T predicted total airline circuit miles for all private line (Tariff 260) services at year-end 1974 as follows: Without the effect of SCC competition, 59,879,800 miles at the pre-Hi-Lo rates, 61,792,800 at Hi-Lo rates. With the effect of the SCCs considered, 55,900,500 miles at pre-Hi-Lo rates, 57,803,000 at Hi-Lo rates. The effect of SCC competition, therefore, was set at 3,979,300 miles at pre-Hi-Lo rates, or 3,989,800 miles at Hi-Lo rates. In fact, the SCCs' Form P reports placed the total circuit airline miles at year-end 1974 for the MCI companies, Datran, SPCC, CPI and WCTI combined at 1,595,900. We cannot determine what percentage of this SCC total mileage figure represents business taken from Bell and what part is new customers or services, but even if we assume all of it was taken from Bell, AT&T's prediction of SCC mileage was more than double that which was reported.

24. Therefore, the calendar year reports, as well as the year-end estimates, of SCC revenues are many times lower than those estimated by AT&T, and the actual private line revenues of Bell substantially exceed estimates. Further, the total SCC airline miles were less than half those which Bell predicted it would lose to the SCCs. As a result, it is clear to us that the estimates of the impact of the SCCs on Bell private line revenues are in error.

25. In addition to the predicted operating results being shown to be contrary to fact, certain of the assumptions which form the basis for cross-elasticity estimates are not supported in AT&T's work papers, leaving us with no way of determining their validity. Among these are the differential in rates between AT&T and the SCCs which would cause a customer to switch from Series 2000/3000 to the comparable service of a competitor. These market response criteria assume a step shift, with a certain number of AT&T customers switching to the SCCs at certain percent differentials in rates. No reasons are given for this presumed market behavior. Other examples of unsupported market criteria which underlie the study of cross-elasticities among AT&T services include the following (AT&T Exhibit 4, page 23):

(a) Customers would repress communications demand to maintain approximately the same level of charges.

(b) For each circuit repressed 17% of the present rate circuit charges would be spent for MTS to satisfy minimum communications requirements.

(c) Where full-time WATS is an economic substitute, 50% of the present rate charges would be shifted to WATS and circuit demand would be repressed as stated above in (a) and (b) to maintain approximately the same level of charges.

26. These statements imply certain behavior on the part of customers without an adequate explanation of why such behavior can be expected. Thus, we simply cannot tell, from the material presented, the actual cross-elastic effects generated by the instant rate structure. Therefore, we must have further information before we can accept—or reject—these statements.

b. *Incremental cost studies.* 27. AT&T has presented voluminous data to support its contention that Series 2000/3000 services in the aggregate and that HiD and LoD, and short haul under the proposed full rate schedule, are each fully compensatory given the projected levels of competition. Costs and revenues have been projected for the three-year period from the date of the initial filing (because of the litigation referred to above, the ultimate filing was somewhat delayed) ending December 31, 1975. These projections, which included anticipated demand and projected construction of new facilities, were based on long run incremental cost (LRIC) studies. Several of the parties herein have questioned the appropriateness of the LRIC method as a basis for ratemaking. Since this issue is before us in Docket No. 18128, Private Line Services,[21] in which considerable evidence was submitted on the subject of costing methodology, we shall take no position on the issue herein. Our decision in the present case is subject to modification in the light of any decision rendered in the Private Line Services case. Therefore, acceptance herein of a LRIC type of analysis and its components is not in any way a prejudgment of our determination of the appropriate cost methodology in Docket No. 18128. AT&T has also submitted a twelve-month historic cost study, in which fully distributed costs were used, repriced to reflect the subject filing.

28. The monthly costs asserted by AT&T for each element of each of the Hi-Lo services appear in the following table. The rates filed were increased by 5.1 percent in March, 1975:

	LRIC unit cost (A.T. & T. prop. find. p. 28)	FDC unit cost (A.T. & T. prop. find. p. 31)	Rate filed
IXC—per airline mile:			
HiD	$0.35	$0.65	$0.85
LoD	.78	1.99	2.50
Short haul	1.30	3.11	3.00
Channel terminal—per terminal:			
HiD	19.50	32.00	35.00
LoD	15.00	30.00	15.00
Short haul	18.50	22.00	3.00
Station terminal—per terminal:			
HiD and LoD	21.00	21.00	25.00
Short haul	20.50	21.50	[1] 15.00
			[2] 15.00

[1] FX.
[2] Non-FX.

29. To develop the unit LRIC to the Bell System for each service (HiD, LoD and short haul and overall), AT&T first calculated the incremental cost of each unit of each plant category, assuming, in the case of the IXC, full load. In examining the derivation of the unit cost figures for each plant category, we are struck first by the complexity of the task, especially since AT&T does not provide a clear explanation of its methodology. Although AT&T provides a narrative description of the process in its Exhibit 6, this narrative is not sufficiently detailed to describe precisely how, for example, Bell arrived at the figure of $1460 for the capacity cost of a fully-loaded mastergroup mile of high capacity high frequency lines (HCHFL). This, as will be seen, is a key input in determining the HiD IXC incremental cost. Section 61.38(b) requires working papers to be submitted underlying the cost and revenue data supplied in compliance with § 61.38(a). Paragraph (b) further requires, "(a) clear indication shall be made as to how the working papers relate to information supplied in response to paragraph (a) of this section." We find that the record as it exists is insufficient to allow us to draw any valid conclusions as to compliance with this Section of our Rules.

30. Of the three separate services within Series 2000/3000, AT&T's own cost figures conclude that the short haul rates are not compensatory under the schedule presently in effect. The Company, however, has indicated that at an unspecified future date it will file a "proposed full rate schedule." As noted above (footnote 12), AT&T has recently filed a revised tariff schedule for short haul rates. These new rates on their face are also not fully compensatory. Bell's continued justification for the interim short haul rates is the desire to ease the impact of the rate increase on the short haul customer by effecting it in three steps. We further note that a multi-point customer with a segment of 25 miles or less pays the appropriate HiD or LoD rate rather than the short haul rate for that segment.

31. Although Bell has used its proposed full rate schedule, which it purports to be compensatory, as the basis for a number of calculations in its work papers, the Hi-

[20] FCC Form P filed by the MCI companies, Datran, SPCC, CPI and WTCI. The specialized carriers do not file monthly reports, and we therefore have no December, 1974 annualized revenue figures. We note, however, that SPCC in its filing of April 21, 1975 in our Docket No. 20003 estimates annualized year-end 1974 revenue for the SCCs at $12 million (page 62).

[21] The Chief, Common Carrier Bureau, will issue a Recommended Decision in this case in the near future.

Lo rate schedule has been in effect for more than one year with the lower, admittedly not compensatory, short haul rate schedule. As revised, Bell's short haul rates still admittedly will not be fully compensatory. Accordingly, we are concerned that these revised rates may not be just and reasonable. We shall therefore herein designate this short haul tariff revision to be investigated in the reopened hearing in this proceeding. Further, we are given no convincing justification for not pricing short haul segments of multipoint circuits at short haul rates (AT&T simply states, without support, in its reply findings, that its costs on a short multipoint segment may be less than on a similar two-point segment). Without such a justification, we can only conclude that the discrimination between short haul rates for two-point users and the rate for segments 25 miles or less when part of a multipoint network is not just and reasonable.

32. Turning now to the high density (HiD) rates, we have a number of problems with the development of the IXC incremental costs per fully-loaded mastergroup mile for high capacity high frequency lines (HCHFL), which make up the bulk of HiD inter-city facilities. In this development, which results in a cost figure of $1460, a "capacity cost" concept is utilized. This approach takes the actual incremental cost of each of several plant categories, "getting started" cost and cost of expanding capacity, then combines this into incremental cost per mastergroup mile for each type of HCHFL, both microwave radio and coaxial cable. This figure is then divided into the projected investment for each type of plant for each year of the five-year projection period to determine the equivalent number of mastergroup miles which this investment represents. These derived mileage figures and the projected investments are summed for each year, and a regression analysis is performed on the annual investments to "smooth out" the projected figures. AT&T then calculates the present value, to 1974 (the midpoint of the five-year projection), of each of these annual figures, then sums them for the five-year period. Bell then divides this sum by the sum of the equivalent mastergroup miles for the same period to determine the $1460 figure referred to above. It justifies the "smoothing out" process as a method to avoid the "lumpy" investment curve which would result from the addition of plant in one year and the expansion of capacity through conversion and activation of vacant plant in subsequent years. AT&T assumes that the costs will average out over time, and this analysis reflects that assumption.

33. The record is incomplete and ambiguous on this matter. The initial input into the analysis, the cost per fully-loaded mastergroup mile of each IXC facility type, is derived from Bell System engineering studies, but these studies are not in the record or otherwise disclosed. Therefore, we have no way of determining the validity of, for example, the allocation of land, buildings, outside plant, etc. to each transmission facility and the validity of the derivation of associated costs. Since these figures are crucial to the subsequent analysis, their derivation must be disclosed on the record. Second, the five-year projected investment in each facility type is based upon AT&T Long Lines construction program estimates, presumably derived from projected demand for all interstate services utilizing the common plant. Since the projected investment is such a key issue in determining the equivalent unit cost of the facilities, we find that it is incumbent upon AT&T to provide us in this proceeding with the demand and service estimates from which these projections are derived in order that we can examine their reasonableness. Third, in analyzing these unit costs in order to derive the $1460 figure indicated above, AT&T assumes that it will utilize for 2000/3000 services the mix of HCHFL facilities represented by the projected investment, but the basis for the assumption is not adequately explained by the record.

34. Similar problems exist with the cost derivation for low capacity high frequency lines (LCHFL), which also uses a capacity cost approach. Although the analysis is not identical for these facilities, our discussion above applies here as well, since the major inputs into the capacity cost analysis are based upon undisclosed studies and unsupported estimates. N and T carriers, which comprise the LCHFL facilities, are the principal plant types which Bell includes in its LoD and short haul IXC rates derivations. Since it is the cost derivations of these carriers which are not explained, we find that the record is insufficient to demonstrate the costs of the plant which makes up the LoD and short haul IXC rate components.

35. Much of the analysis of the derivation of the channel terminal rate elements incorporates by reference various Bell exhibits in Docket No. 18128. The basic inputs to these exhibits, incremental unit investment by plant category, suffer from the same inadequate backup material as the IXC facility derivation discussed earlier. We believe there are further deficiencies with the station terminal cost derivation, principally regarding the age of the investment study upon which the costs are based (1964–1969) and the methodology used to derive the cost figures. This study was not submitted as part of the original tariff filing, as is required by § 61.38(b), but rather was produced during the hearing in response to interrogatories. Although it may be true, as AT&T contends, that there is a time lag in gathering and analyzing the plant data necessary for the development of a unit cost of station terminal equipment, the 1964–69 period is too ancient to be acceptable for present ratemaking purposes. It appears to us that Bell should file an updated study. More important, Bell gives us no explanation of the use of historic costs in deriving station terminal rate element costs rather than projected investment, which is the basis of IXC costs. We are unable to determine whether or not the 1964–69 period was "typical" and could be used to measure accurately the incremental investment for the current period. Nor can we determine on this record the validity of contentions by other parties that the investment during this period is unusually high. Suffice it to say that the use of this study period and the failure to explain why we should accept the stated methodology for determination of the station terminal unit investment gives the work papers submitted in support of the station terminal LRIC limited probative value, and we therefore find it necessary to seek further information in this regard.

c. *Computer model.* 36. Having derived unit incremental costs and demand and the cross-elasticity estimates from the market study, AT&T employs a forecasting model, termed the Private Line Incremental Annual Cost model (PLIAC), to determine the incremental cost to the Bell System of Series 2000/3000 services under the Hi-Lo rate structure. The information supplied in the filing regarding the PLIAC model is limited, consisting primarily of a flow chart, the printout of a computer program, and a brief narrative description. Further, the source of a number of the input assumptions is not disclosed. For example, the route-to-air ratio for each of ten mileage bands used by AT&T in its rate calculation is stated but the derivation is not disclosed on the record. It is impossible for us to assess the effect, if any, on AT&T's incremental cost if this ratio differs from that supplied in the record. More important, perhaps, is Bell's assumed 75 percent fill of all interexchange facilities. Although it may be true, as AT&T states, that the effect of even a 10 percent error in this overall estimate is *de minimus*, we believe that the actual cost associated with facility fill can be determined only upon submission of the actual fill of each IXC facility type. For example, a high fill factor in low unit cost facilities balanced by a low fill in high unit cost channels will produce a different cost to AT&T than if all facilities are equally filled. Without proof of the actual facility fill we cannot make a finding that the AT&T estimates are valid or invalid.

37. Into PLIAC as well go assumptions concerning facility mix. AT&T assumes a mix of IXC plant for Series 2000/3000 based upon its projected incremental plant investment (see paragraph 29 above). This, however, consists of plant utilized for all interstate services, not just private line. AT&T has not shown that private line services will in fact utilize the stated mix of facilities. Bell also predicts that 7 percent of its users who are now in LoD areas will require rerouting as a result of this filing. No backup is given for this estimate and we cannot assume that the costs of such rerouting are included in the inputs into PLIAC. Nor can we assume that there are no costs, nor minimal costs, associated with preferential routing of HiD services over high capacity facilities.[2]

[2] In that regard, we are unable to ascertain whether and to what extent the preferential routing of private line messages will cause the diversion of MTS and WATS to higher unit cost facilities, thus increasing the LRIC for these services.

38. As indicated, the record evidence on the PLIAC model is insufficient to permit an analysis of its validity. The record does not indicate the manner in which the calculations are performed within the model or how the various ratios and data items are obtained. A second model involved in the Hi-Lo analysis, the Incremental Network Cost (INC) model, which derives incremental costs for MTS and WATS is more completely described and explained in AT&T Exhibit 14. This exhibit consists of an extensive narrative, flow charts, formulas and diagrams explaining in detail the inputs, methodology, justification and outputs of the INC model. By contrast, the section of Exhibit 6 describing PLIAC contains a flow chart showing the categories of inputs used and the outputs derived and a comparatively brief narrative. The PLIAC narrative describes the gross logic of the computational process whereby input parameters (e.g., circuit demand) are converted into incremental requirements of specific quantities of physical plant. What are missing are the various numerical conversion factors and relationships which are necessary to accomplish this conversion process. Neither the specific parameters of the conversion process nor many of the numerical inputs or their derivation are disclosed in the AT&T exhibits.

39. Thus, we are left with a framework, some numerical inputs, and the outputs, of the model, without the bridge which would permit us to analyze these outputs. The same can be said concerning the ultimate calculation of incremental annual costs: we are given a structural flow chart but not the actual calculations nor the documentation of certain inputs, e.g., the maintenance expense to investment ratio for IXC central office circuit and radio equipment and IXC outside plant. The same is true with other elements of the cost calculations.

40. The result is that, in regard to the PLIAC model, we require further information concerning all the inputs and processes used in connection with the model.[28]

2. *Embedded cost justification.* 41. We now turn to AT&T's fully distributed cost of service (FDC) study and the embedded costs, by rate element, stated therein. In purported compliance with §§ 61.38 and 1.363 of our rules, Bell has filed a cost of service study, accompanied by work papers, intended to comprehend the most recent twelve-month period prior to the tariff filing (Bell Exhibits 11 and 12). Additionally, in response to interrogatories by the newswire services and the Trial Staff, Bell has submitted the results and the methodology of embedded cost studies pertaining to the nine rate elements of the Hi-Lo tariff. The twelve-month period ending August 31, 1972 was selected for these analyses.

42. The Bell cost of service study cites computed earnings ratios (net operating earnings to net investment) for the aggregate Series 2000/3000 services under the pre-Hi-Lo rates and under the Hi-Lo tariff with the proposed full rate schedule for short haul. Revenues, expenses, investments and earnings ratios are calculated under FDC Methods 1–7. Earnings ratios (rates of return) under the prior rate scheduled ranged from 6.4 percent (Method 1) to 18.4 percent (Method 3). Under the Hi-Lo tariff these ratios vary from 8.5 percent (Method 1) to 22.1 percent (Method 3). For the year ending August 31, 1972, the total Bell System interstate rate of return was 7.7 percent.

43. The FDC analysis filed in this proceeding is based upon an updating of a previously submitted embedded cost study (Bell Exhibit T–9; FCC Docket No. 18128) which covered the twelve-month period ending July 31, 1971. In general, the amounts of investment, revenues, and expenses allocated to the Hi-Lo services were not derived from an analysis *per se* of historical data pertaining to the year ending August 31, 1972, but rather from the extrapolation of the data in the earlier study.

44. For example, the derivation of the telephone plant in service investment allocable to the new service was determined (Bell Exhibit 12, Section A—Cost of Service Study) by trending forward the total interstate amounts for 27 individual plant elements in that account. For the Direct Distance Dialing (DDD) plant, extrapolations were linked to the average investments in message circuit plant by the AT&T Long Lines Department and the Associated Companies. For the non-DDD service categories, extrapolations were linked to changes in service revenues which took place during the study period.

45. Similarly, allocations of a portion of the total Private Line Telephone category plant to Series 2000/3000 (TELPAK and non-TELPAK connected) were done by reducing the other interexchange (IX) plant by the amounts allocable to Series 8000 and 11,000 (other private line services in AT&T Tariff F.C.C. No. 260), and trending the remainder forward, based upon the growth in gross operating revenues. IX equipment channel and service terminal investments for the total 2000, 3000 and 4000 Series (Tariff 260) were determined by trending forward unit costs determined in a 1969 study ("Fully Distributed Embedded Cost Study for Bell System Interstate Services—Annualized as of Late 1969," filed with the Commission, September, 1970) based on telephone service IX circuit equipment investment.

46. Allocations of total IX plant to Series 2000/3000 (TELPAK and non-TELPAK Connected) for the August 31, 1972 period were then made by dividing the investments, trended forward from the 1969 study, in accordance with the respective billing miles in service, as derived from the then current 1972 experience. Other investment accounts (plant under construction, reserves, and earth stations) were also derived by trending forward the results of previous studies performed for the years 1970 and 1971.

47. The record thus traces, to an extent, the manner in which the components of total plant investment allocable to the composite Hi-Lo service were obtained. The record does not indicate, however, any of the following: (a) The amount of investment allocable to the HiD, LoD and short haul services, (b) the nature of the facilities mix pertaining to these services, and (c) whether there is indeed any correlation between the routes assigned to the HiD, LoD and short haul services and the average investments associated with them.

48. The revenue data for the required historical cost of service study were derived from Interstate Monthly Report No. 1 statistics, for the year ending August 31, 1972, after removing the components due to Series 8000 and 11,000 services. Allocations were then made separately for TELPAK connected and non-connected. The record does not indicate that any consideration was given to elasticities pertaining to: (a) Curtailment of demand for the higher priced LoD services, (b) increase in demand under the reduced HiD rates, or (c) cross-elasticities with respect to MTS, WATS and other Bell services.

49. To obtain the operating expense data for the cost of service study required in this proceeding the results of a 1971 AT&T cost of service study were trended forward in accordance with the overall growth achieved by the totality of private line services. The overall interstate level of expense for the year ending August 31, 1972 was obtained from separations data and normal internal accounting reports maintained by the AT&T Long Lines and General Departments. Fourteen expense categories are cited by Bell. Although expenses were allocated to all Hi-Lo services collectively, the record does not indicate that any attempt has been made to further allocate these to the HiD, LoD and short haul portions separately. This omission is particularly significant since the issue we must decide is whether or not there is a reasonable discrimination among the HiD, LoD and short haul rates.

50. There are several uncertainties associated with the validity of the expense and investment data filed in support of the historical cost of service study. These arise from a concern with methodologies employed and from ambiguities and omissions in the explanations and working papers filed in Bell Exhibits 11 and 12. For example, the historical data concerning investments and expenses are for the year ending August 31, 1972, but these data are extrapolations of results from a previous study covering the year ending July 1971, which is, in turn, based on results of a study covering the year 1969. They do not, therefore, represent a reasonably current or accurate determination of embedded costs. The results of each study have been trended forwarded, based on certain ratios, revenue trends, and aggregated investment and expense expe-

[28] *See* § 1.363 of our rules in which is listed the material which must accompany all statistical studies.

rience to arrive at data representing the year ending August 31, 1972. The methodology by which these extrapolations are performed is documented by general textual descriptions which appear outwardly reasonable. We do not, however, have any quantitative demonstrations by Bell that the assumptions underlying the extrapolation philosophy are indeed reasonable or that the source data upon which the extrapolations are based have themselves been accurately derived, or that the computations have been properly performed. We are particularly concerned about these omissions in view of the established inaccuracies in AT&T's predictions as to its private line revenues and those of the SCCs (see paragraph 22 above).

51. The computation of the values of the interstate earnings ratios (as well as the computation of intermediate results) has been performed by a computer program operating on the General Electric Mark I time sharing system. A listing of computer program instructions in the language of that computer system is submitted as part of the working papers. These are accompanied by a series of computer printouts and manually derived tabular displays. There are no textual descriptions or flow charts to indicate that the processing algorithm of the computer program (such as certain trending and summation operations) is logically correct, or, if logically correct, that the programming has been correctly implemented. There are no textual descriptions or data tables to indicate how the computer runs were initialized, or what these initial data were. Finally, there are no indications that any attempt was made to test the sensitivity of the calculated outputs to any changes in assumptions related to, for example, trending formulas, facilities mixes or the changes in the estimates of specific parameters.

52. Due to these considerations, we have no way of judging whether the investments and expenses allocated to the Hi-Lo services have been correctly derived. Even if these allocations were correctly made, we have a further difficulty. Namely, we are given the results for the aggregate Hi-Lo service, but we have no information that allows us to determine, on a disaggregated basis, the facilities mixes, investments and expenses associated with HiD, LoD and short haul utilization separately. Lacking this information we cannot determine from the information supplied whether or to what extent any of the proposed rates for each service may be non-compensatory or may include internal cross-subsidies.

53. We further have difficulty with the treatment of the effects of the new rate structure upon the carrier's revenues from the Series 2000/3000 services or upon the revenues from other service classifications, as required by § 61.38(a) (ii) of our rules. A so-called reprice model, which assumes no change in demand, cannot give an adequate indication of the resultant net effect upon AT&T of the new rate structure or whether or to what extent the repriced services will be subsidized by other Bell services. This approach is particularly inadequate where the proposed rate structure applies to a competitive service, as the effect of the repricing on cross-elasticities with services of other carriers has not been considered. In response to interrogatories, Bell has submitted a determination of the unit embedded costs for each of the nine rate elements in the Hi-Lo tariff (see paragraph 28 above). Even if we assume that the rate element embedded costs are accurately derived, we cannot, absent a study of cross-elasticities, totally accept any claims that the discrimination in the tariff is justified merely because rate element charges exceed these costs. To compare charges to costs in this manner is to measure the result of a hypothetical transaction, the result of which is of little value in predicting the total effect of the new rate structure upon the Bell System.

3. *Competitive necessity.* 54. We now turn to the issue of whether Bell has shown the existence of competitive necessity such as might under certain circumstances justify the rate structure. We note that AT&T does not purport to rely on competitive necessity to support its rates; rather it terms Hi-Lo a competitive response to the threat of SCC competition. Having found the record to be inadequate, however, it is incumbent upon us to examine the elements of competitive necessity to determine if a sufficient showing was made.

55. We have addressed the question of competitive necessity in our TELPAK-Sharing decision, supra, and therein set forth the criteria which under the circumstances of that case we found must be met by a carrier to justify a competitive necessity argument. These are: [36]

(1) That those benefiting from the discrimination have an alternative of satisfying their communications requirements from a substitute source of supply and that they will shift to the substitute source unless the discrimination is maintained;

(2) That the discriminatory rate or preference is just sufficient to retain the business which would otherwise be lost;

(3) That the discrimination benefits the users of the companies' services who are discriminated against, i.e., charges to other users are lower because of the discriminatory rate than they would be without such rates.

56. Along many of the HiD routes there is present or potential competition from the SCCs and therefore the customers who have communications requirements on those routes have an alternative source. However, as indicated above (paragraph 25), the market analysis which Bell submitted herein does not justify the contention that any significant number of such customers will shift to the SCCs unless the discrimination is maintained. This market analysis has been shown to contain some unsupported assumptions, and the actual 1974 operating results for both AT&T and the SCCs indicate that Bell's market estimates of loss of private line business are vastly overstated. For example, the actual gross operating revenue of the SCCs for 1974 was under $7 million, compared to the $75–80 million predicted by AT&T; and the air mileage of plant in service by the SCCs was less than half that which AT&T predicted it would lose as a result of SCC competitive impact. Therefore, we find that there is no showing as to the number of users who will shift to SCC service if the discrimination were not maintained. Regarding the second criterion set forth in TELPAK-Sharing, since we are unable to determine from the record what business would be lost under the prior (nationwide-averaged) rates, we cannot say whether the Hi-Lo tariff rates are just sufficient to retain the business which would be lost. Finally, because of the above-noted flaws in the market analysis, we cannot ascertain whether the subject rates will produce a greater or lesser contribution to other services than the prior rates and thereby benefit users of such services. Therefore, without reaching the question of whether the present situation is parallel to the TELPAK-Sharing case, we find that these elements of competitive necessity are not shown in the record before us.

57. Although we have held that a differential in costs and a showing of competitive necessity can justify a discrimination in rates, we do not preclude a carrier from presenting another public interest reason which would render a discrimination just and reasonable. However, no policy reason was shown here and we can infer none from the record facts.

C. OTHER SIGNIFICANT ISSUES

1. *TELPAK end links.* 58. Having found the record inadequate on the lawfulness of the Hi-Lo rates we shall now consider several of the other tariff provisions placed in issue in the instant case. As a result of the Hi-Lo rates of AT&T, several of the newswire services have transferred their teleprinter networks from Series 2000/3000 to TELPAK, Series 5000, service since the total cost of supplying their service requirements under this series was found to be lower. This is due to a provision in the TELPAK tariff permitting the subscriber to secure a short length bulk (60 or more voice grade channels) segment, then to extend telegraph grade service, for example, throughout the country through the provision by Bell of TELPAK "end links"—subdividable voice grade circuits—covering thousands of channel miles. There is no tariff restriction on the permissible end link mileage for any TELPAK segment. Since the end links are tariffed at rates similar to the prior (pre-Hi-Lo) Series 2000/3000 rates, multipoint users having a need for a number of LoD segments, such as the newswire services, could determine that this "TELPAK exception" offers a service which meets their requirements at a lower cost than would a similar service under the Hi-Lo rates for Series 2000/3000. It appears to us, however, that this TELPAK end link exception constitutes a like communications service with voice grade 2000/3000

[36] 23 F.C.C. 2d 606, 613 (1970); rev'd. on other grounds, 449 F. 2d 439 (1971).

service, although at different rates. AT&T provides no justification for such a discrimination, and we are not convinced that the discrimination should be maintained on the grounds of the alleged impairment in the dissemination of the news (see below). We note that the entire TELPAK offering was found justified on the basis of competitive necessity.[28] However, since end links were then tariffed at the same rate as Series 2000/3000 services, we did not reach the discrimination question now before us. With the present rate differential, we find the TELPAK end links are a like communications service with Series 2000/3000 services and are unreasonably and unjustly priced at a different rate. We find this discrimination unlawful pursuant to section 202(a) of the Communications Act.

59. In support of its request to retain this exception, or at least to prescribe retention of these rates as a separate class of press service, the newswire services and the broadcasters allege that many small newspapers and radio stations will reduce or eliminate their wireservice subscriptions as a result of the Hi-Lo rates (assuming that the cost of the wireservice to the subscriber will increase to compensate for the increased transmission facility costs).[29] However, they submit no hard evidence that any subscribers would in fact, cancel. The only survey submitted was admittedly biased.[30] Although we cannot find at this time that some preferential press rates would not be a just and reasonable classification pursuant to section 201(b) of the Communications Act, we shall, by separate order, initiate an investigation into the need for preferential press rates for private line services.

2. *Simplex service.* 60. The newswire services also suggest that we should prescribe lower rate simplex or half-duplex service within Series 2000/3000, as they generally have use for communications private line services in only one direction. AT&T does not dispute the needs of the press but states that it generally has no market for the return paths, and that therefore its cost of providing a simplex and full duplex service is the same. Since many of the service points in question are relatively small cities and towns from which there is little private line telegraph traffic, we find that the cost to Bell of offering simplex service as discussed above does not appreciably differ from its cost of offering full duplex service, and therefore that there is no basis for the requested rate differential.

III. Conclusions

61. We have noted in the above findings those areas in which the record is inadequate to sustain a final decision either to approve, or to reject decisively AT&T's first attempted departure from uniform average pricing. As further guidance to the parties to this case in augmenting the record, we are providing below a summary of the principal deficiencies in the record and an outline of the showing which must be made in order that we might render a final ruling. In addition, since the Hi-Lo tariff has been in effect for more than one year, we expect evidence to be submitted by AT&T giving the results of this operational experience on a fully distributed cost basis (method 1) and also on an incremental cost basis—allocating costs as in AT&T's LRIC method but using retrospective, in lieu of prospective, data where such data are available. We also anticipate that the competing specialized common carriers will submit detailed reports of their own operating experience during the period in which the Hi-Lo tariff has been in effect in order that we may analyze the actual competitive effects of the tariff schedule.

62. Although we are reopening the record to receive further evidence regarding the Hi-Lo rate structure, the present record is sufficient to allow us to rule decisively upon several of the sub-issues in this case. We have found that the TELPAK end link tariff provision, as utilized by the newswire services and other multipoint private line users, is a like service to Series 2000/3000, unlawfully priced at a different rate from Hi-Lo, in violation of section 202(a) of the Act. As a result, we are herein requiring AT&T to remove the unlawful discrimination, by tariff filing, within thirty days of the release of this Order. In order to determine if the dissemination of the news is impaired by the various increases in charges for private line services experienced by the press in recent years, we shall shortly institute a separate investigation of the need for preferential press rates for these services.

63. We have also found that AT&T has not justified the offering of simplex or half-duplex service at reduced rates, and we shall therefore take no further evidence regarding this issue.

64. Finally, we have found that the "interim" short haul rate schedule, which has been in effect for more than one year, is unreasonable. We have also indicated that we are concerned that the revised short haul schedule, filed August 8, 1975, effective October 9, 1975, may likewise be unreasonable. Accordingly, we shall herein designate that the investigation which we are reopening include an inquiry into the lawfulness of the revised short haul tariff.

65. We have discussed in our Findings herein many of the specific areas in which the record is inadequate to support a final determination of the reasonableness, *vel non*, of AT&T's rates. The principal deficiencies are summarized below. This summary is followed by a series of guidelines to the parties to this case indicating the showing which we expect to be made in the reopened hearing in order to render the record sufficiently complete for us to determine the lawfulness of the Hi-Lo tariff schedule. As noted in paragraph 77 below, we are directing the Chief, Common Carrier Bureau, to call a conference of the parties to determine the specific material necessary to meet these guidelines.

66. The 12-month retrospective and the 3-year prospective studies were both developed using the computer models previously discussed in this decision. In the retrospective study, the output parameters calculated by the model included changed revenues and rate of return (ROR) under FDC methods 1–7. In the prospective study, the PLIAC and INC model outputs included LRIC to the firm and the results of burden tests.

67. Our concerns in this proceeding do not arise from the nature of the selected measures of economic effect, such as ROR, LRIC, burden, etc., which have been selected as computer output parameters,[31] nor are they with the magnitudes of the specific results which were obtained and introduced to the record as indicators of the lawfulness of the Hi-Lo tariff. Our concern is, rather, that we cannot determine from the record before us the validity of these results which have been presented as evidence of lawfulness.

68. Validity problems can emerge from two sources. The first is the matter of the selection of the specific economic process to be modeled. If an irrelevant process is selected to begin with, subsequent results are meaningless. For example, in the retrospective study, the FDC analysis in the record has attempted to determine a changed ROR by treating the Series 2000/3000 services in the aggregate without determining ROR for the HiD, LoD, and Short Haul services separately. It is thus impossible to determine whether or to what extent these component services are individually compensatory.

69. The second, and more significant, source of concern with validity arises from the actual process whereby the execution and analysis of the computer calculation of the measures of specific economic effects (such as changed ROR under a new tariff) are documented and submitted in the record. For the purpose of pinpointing the sources of deficiencies in the record (due to inadequate execution and/or documentation) and for developing guidelines for future submissions, it is useful to subdivide the total computational process into three subprocesses: (a) the preparing of input data, (b) the developing, programming and "de-bugging" of computer model, and (c) the calculating of specific output results and the subsequent derivation of quantitative estimates of the confidence which can be placed in these results.

70. We have found to be inadequate the documentation of the validity of the inputs to the computer models used in both the retrospective and the prospective analysis—particularly with regard to the nature of specific facilities mixes, the determination of subsequent unit costs, and the market and demand data which determine the total cost to the

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[28] AT&T (TELPAK), supra, note 16.

[29] The alleged financial impact of the Hi-Lo rates on the newswire services is summarized in the Appendix, paragraph 5.

[30] This survey was submitted by the NAB and consists of a poll of a sample of radio stations. The stations were told the purpose of the survey, and the NAB General Counsel admitted at the oral argument that this fact may have biased the results (Transcript, p. 159).

[31] These questions are at issue in pending Docket No. 18128.

firm resulting from the introduction of the new tariffs. If estimates of these factors are in error, outputs derived therefrom are necessarily suspect.

71. In both the retrospective and prospective analyses the record did not satisfactorily demonstrate the validity of the facilities mixes which were alleged to correspond to the facilities used to determine the rates for the three services. Neither was the approach (and accompanying documentation) to the derivation of the resultant investments and costs found to be adequate. Specific instances have been cited in the above findings.[29] In several cases, engineering estimates, averaging processes, and linear predictive extrapolations were freely used. Although we do not object to the utilization *per se* of these techniques, we must insist upon the adequate presentation of the underlying assumptions and constraints pertaining thereto.

72. We also pointed to specific problems with the market analysis submitted. In the prospective case, these projections were found to be demonstrably in error when compared to the now verifiable results of operations during calendar year 1974.[30] The extrapolation techniques and the elasticities assumed by Bell are thus seriously open to question. In the retrospective analysis, we questioned the use of a reprice model in an analysis which would be better implemented by the introduction of the results of elasticity considerations.[31]

73. We also found to be inadequate that part of the record which addresses itself to the computer models used in the FDC and LRIC analyses. We questioned the documentation of the internal operation of the computer models themselves.[32] The flow charts and written descriptions in the record before us are not sufficient to allow us to determine, with reasonable assurance, the nature of the computational and logical process whereby inputs are converted to outputs. Furthermore, the record did not show that the actual computer program, as finally coded and "debugged", was indeed a proper representation of the source flow charts. Finally, no attempt was made to develop any measures which might indicate the degree of confidence which one might place in the accuracy of the computer outputs. This could have been done by introducing to the record observations of the sensitivity of the computer outputs (such as ROR or LRIC) to errors or variations in the estimates of certain key inputs (such as markets, demands, and facilities costs). Such tests are, moreover, required by § 1.363(a) of our rules.

74. Given the above observations on the gaps in the record, the following specific guidelines are offered to the parties to this case in completing the record regarding the 12-month retrospective analysis:

(a) Compute the ROR for the combined Series 2000/3000 service, and, for the HID, LoD, and short haul services individually, using FDC Method 1.

(b) Indicate the revenues, expenses, and investments used in the calculations requested in (a) above.

(c) Break down the revenues by rate element for each service classification.

(d) Identify the nature of the facilities mix used in the individual services (HID, LoD, and short haul) by breaking down, in terms of nomenclature and dollar value, the investments by plant facilities classes and by plant equipment categories. Show how this division was arrived at. Include a clear demonstration that the costs associated with these services are indeed the results of a bona fide three-tier averaging process, and that there is a correlation of these facilities and costs with the HID, LoD, and short haul routes contemplated by the tariff.

(e) Provide all necessary workpapers, supplemented by written explanations where required, showing the computation of the investment and expense figures indicated in (b) above. Include, among others, the derivations and explanations of all unit cost and investment figures, depreciation reserves, route to air mileage ratios, and fill factors.

(f) Justify the use of any fill factors, unit costs, route to air mileage ratios, etc., which were derived from a study earlier than that which was submitted in compliance with § 61.38(a) of the Commission's rules. Show the basis and justification for selection of any trending coefficients used in extrapolating these earlier investment and expense figures to the period of concern.

(g) In demonstrating the net change in revenues due to the new rate structure, introduce price elasticities of demand and cross elasticities to determine the magnitude of these changes, their sources, and the net effect upon the firm. Indicate the basis for the assumptions made regarding these elasticities.

(h) Document the FDC computer program to show clearly: (a) Specific input parameters, (b) internal tables and computational algorithms, (c) the relationships between inputs, the computational process, and specific outputs, (d) the procedure used to validate the current version of the de-bugged program, and (e) specific program initiation and running procedures.

(i) Demonstrate the sensitivity of computer outputs to changes in key input parameter estimates and provide quantitative measures of the confidence which can be placed in these results.

75. The following guidelines are offered to the parties in completing the record regarding the 3-year prospective study:

(a) In view of the fact that the Bell market projections were demonstrated to be significantly in error when compared to 1974 actual data, it will be necessary to submit revised data. These data should be thoroughly documented and indicate: (a) Reasons for the variance of the original estimates and reasons for confidence in the new estimates, (b) assumptions pertaining to price elasticities of demand and cross elasticities in view of the newly perceived competitive picture.

(b) Document the nature of the facilities mix in accordance with Paragraph 74(d) and 75(e) above.

(c) Submit work papers in accordance with the principles indicated in 74(e) and 74(f) above. Indicate the basis for all engineering estimates used in developing projected cost figures.

(d) Document the PLIAC model in accordance with Paragraph 74(h) above.

(e) Demonstrate the sensitivity of computer outputs to changes in input parameter estimates as in Paragraph 74(i) above.

76. We realize that some of the requested information may be considered sensitive or proprietary, and certain of the parties may desire that this material not be placed in the public record. Where a request for confidential treatment is made, the presiding Administrative Law Judge shall examine the material and hear the arguments. If he rules that the material should be granted proprietary treatment, the evidence will be placed in a sealed portion of the record of this case, not routinely available for public inspection, and the other parties to the case may inspect the material under protections similar to those afforded in pending Docket No. 20288 (AT&T—Dataphone Digital Service). The details of these protections should be arranged at a prehearing conference called by the presiding Judge for this purpose.

77. Some of the additional information required to augment the record should be readily available while other material may require some time to prepare. In order to isolate the specific filings which must be made to complete the record and to determine the time necessary to develop the information, we direct the Chief, Common Carrier Bureau, to call a conference of the parties to this case at a time and under procedures which he shall specify by subsequent order. Subsequent to that meeting, the presiding Judge shall call a prehearing conference to develop a schedule for the expedited completion of this hearing, under the procedures established for this proceeding in our Memorandum Opinion and Order, 45 F.C.C. 2d 88 (1974).

78. *Accordingly, it is ordered*, That the hearings in this case will resume at a time specified by order of the presiding Administrative Law Judge following the conferences specified in paragraph 77 above.

79. *It is further ordered*, That pursuant to section 202(a) of the Communications Act, AT&T shall file, within thirty days of the release of this Order, effective upon not less than thirty days notice, the tariff schedules designed to remove the unlawful discrimination between the rates for Series 2000/3000 services and the rates for TELPAK end links specified in Series 5000 in AT&T Tariff F.C.C. No. 260.

80. *It is further ordered*, That the lawfulness and reasonableness of the revised tariff schedules for short haul service, filed August 8, 1975, effective October 9, 1975, with Transmittal No. 12387, shall be investigated in the reopened hearing ordered herein.

Adopted: September 9, 1975.

Released: September 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[29] Para. 27–35, and 43–50.
[30] Para. 22–26.
[31] Para. 53.
[32] Para. 36–40 and Para. 51.

APPENDIX

CONTENTIONS OF THE PARTIES

1. The specialized common carriers (SCCs)—MCI, Datran and WTCI—provide communications services which compete to some degree with the subject service of AT&T. All contend that AT&T has not satisfied its burden to show that the rate structure is just and reasonable and that Bell's cost figures are inadequate to show that the rates for Hi-Lo services are cost justified. They all assert that cross-subsidization exists between HiD and LoD. In reply, AT&T points to its voluminous cost and revenue exhibits as justifying the rate for each element of HiD and LoD (short haul is cost-justified at the proposed full rate schedule, AT&T claims, although it is not justified at the filed rates). As a result, Bell says, there is no cross-subsidization. In addition, since it maintains that HiD and LoD are part of the same service, AT&T argues that it is inappropriate for the Commission to consider the question of internal cross-subsidization. Rather, it contends it has demonstrated, through use of a burden test, that Hi-Lo in the aggregate is not being cross-subsidized. MCI, in its findings, also attacks Hi-Lo on the grounds that no actual costs were supplied for any specific routes, that only nationwide averaged costs, divided into high-capacity and low-capacity facility costs, were shown. Based upon this material, MCI asserts that it cannot analyze whether or not Bell rates are cost-justified, and it maintains that the rates for each service are not related to the facilities actually used. AT&T replies that it need not show specific route costs, since it is still employing nationwide averaging, but on a three-level basis. Further, since HiD rate centers, by definition, must be connected to all other HiD rate centers by high capacity facilities, Bell argues that the rates are, in fact, related to facilities in use, and that only about two percent of HiD routes will use low capacity facilities.

2. Another figure included in AT&T's material, which MCI and Datran, joined by the Trial Staff, question, is the average fill of 75 percent claimed for all Bell inter-city facilities. This, they claim, is unsupported by any documentation, and they assert that the alleged lower unit cost of high capacity high frequency lines (HCHFL) is highly dependent upon the actual fill experienced in each type of facility. AT&T replies that the 75 percent figure is the average fill of each type of carrier, and that, even if the number were erroneous (e.g., if the actual average fill were 65 percent or 85 percent) the impact upon costs would be minimal. The three parties contesting the averaging fill dispute this alleged minimal effect and contend that AT&T should include a growth fill a factor in its costs. AT&T, on the other hand, asserts that a growth factor is inherent in its costing methodology.

3. Among the other SCC contentions is MCI's statement that the various rate elements of the service do not all yield the same return (on a fully distributed cost—FDC—basis) or contribution (on a long run incremental cost—LRIC—basis),[1] the effect of which is to discriminate against certain users, depending upon the number of local loops or drops he requires. MCI further points to the differences in rates among HiD, LoD and short haul services and alleges that this differential cannot be justified by a difference in costs, as the unit cost of the low capacity interexchange channel (IXC) is lower than that of the high capacity channel. Thus, MCI contends that the rate differential constitutes an unreasonable discrimination and violates section 202 of the Communications Act, 47 U.S.C. 202. DOD also asserts that the Hi-Lo structure unreasonably discriminates among different users of like communications services. AT&T does not dispute the difference in contribution of the different rate elements but alleges that the three elements (IXC, channel terminal, station terminal) taken in the aggregate will yield approximately the same contribution. As to the IXC, Bell argues that its cost figures clearly demonstrate that MCI's contention is without foundation, that high capacity IXC facilities (which are installed primarily between HiD rate centers) have a substantially lower unit cost than low capacity IXC plant.

4. Another issue raised by MCI involving alleged discrimination is the retention by AT&T of the prior nationwide averaged rate structure for TELPAK (Series 5000) private line services, which use many of the same facilities as Series 2000/3000 in issue here. TELPAK has been recently used by some newswire services (parties hereto) to lower costs, since AT&T's tariffs permit a customer to subscribe to a base TELPAK channel (sixty equivalent voice circuits) over a short length, then to extend single voice grade "end links" over an extensive network at rates comparable to those in effect for Series 2000/3000 prior to Hi-Lo. The Trial Staff protests this "TELPAK exception" as an unlawful offering of like communications services (with 2000/3000) at discriminatory rates. AT&T answers that Series 2000/3000 and TELPAK are different services, so that the differences in charges do not violate the Act. Bell further responds that in any event it is considering filing a new "Hi-Lo" rate structure for TELPAK. It is the newswire services (AP, ANPA, CNS, Dow Jones, Reuters and UPI) which are most concerned with preserving this TELPAK structure. They generally assert that the higher charges which they would pay for Series 2000/3000 channels are an impairment to the dissemination of the news. However, they note that the ability to subscribe to TELPAK service, with the end links, somewhat ameliorates the negative effects of Hi-Lo. Thus they ask us, whatever our action on Hi-Lo, to require explicitly that AT&T retain the existing TELPAK rate structure, at least for the press.

5. Among the other contentions of MCI are its allegation that AT&T misallocated the costs of certain types of carriers (N and T) to LoD more than to HiD (in this it is joined by Datran). It further attacks Bell's market projection as over-estimating the impact of the SCCs on AT&T's revenue and for overstating the loss of contribution from each circuit "lost" to competitors, since no provision was made in the calculations for unused capacity and for growth in total demand as a result of the presence of the SCCs. AT&T replies that it did not misallocate any facilities, but that, even if it had, the effect on costs would be minimal. As to its market projections, it defends their validity as based on the best information at the time they were made.

6. Finally, MCI is joined by several of the newswire services and DOD is noting the difficulty a multi-point user will have in determining the most cost-effective routing under the Hi-Lo structure. They request us to order Bell to take responsibility for giving the customer the lowest system rate, alleging that large multi-point customers, such as the newswire services, which add and delete users frequently, need to computerize the AT&T network structure in order to approach a lowest-cost configuration. AT&T responds that, although it is inappropriate to require it to be responsible for a customer's routing configuration, it stands ready to assist all customers with their routing problems.

7. In addition to MCI, Datran was an active specialized common carrier participant in this proceeding. In its proposed findings, Datran partially agrees with MCI in contending that, under certain configurations, the cost to AT&T of providing HiD service is higher than the cost of offering LoD. However, it asserts that Bell's filing does not correlate the demand for private line services with the selection of HiD points, since the definition of a HiD rate center speaks to an area served by at least two mastergroups, whether or not the channels in the mastergroups are allocated for private line or other services. Bell agrees that its definition relates to facilities for all services but asserts that this indicates that it can provide private line services more efficiently than can the specialized carriers, since it has certain economies of scale. Datran seeks to rebut this, saying that the use of common facilities is not evidence that Bell is any more efficient in provision of private line services.[2] Datran also alleges certain violations of Section 61.38 of our Rules, as Bell did not submit cost and revenue data for the most recent twelve-month period preceding the tariff filing, nor did it submit the required three-year projection in its FDC study. Bell replies that its twelve-month figures were for the most recent period prior to its initial tariff filing, but that proceedings within the Commission and in the courts delayed the final tariff submission for an extended period. It also contends that the three-year LRIC projection submitted, which covers the period January, 1973–December, 1975 need not be updated to reflect these delays. Finally, AT&T asserts that FDC is inherently an historical analysis and that it would be inappropriate for it to file a prospective FDC study.

8. The other SCC submitting findings, WTCI, quotes the language of our 1971 Specialized Common Carrier decision, *supra*, which indicates that the Commission would not oppose a departure from nationwide averaging where services are in direct competition. Since there is not direct competition with Bell among all HiD routes, WTCI contends, AT&T should be permitted to depart from nationwide averaging only along those routes in which direct competition exists. WTCI further asks the Commission to prescribe a three-year moratorium on established carriers filing competitive rate responses in the private line area. AT&T answers that WTCI misinterprets our SCC decision and disagrees with the alleged need for any moratorium.

9. The press parties to this case, newswire services and broadcasters, point to the major increases in their costs which result from this revised rate structure,[3] since they are large users of LoD services. These increases are listed in Table I, as reported by the newswire services in their proposed findings of fact.

TABLE I.—*Alleged impact of Hi-Lo tariff on Newswire Services*

	Prior charges	Hi-Lo charges	Increase
AP	$284,542	$373,809	$89,267
UPI	318,338	426,338	108,000
CNS	124,484	188,628	64,144
Reuters	88,301	136,193	47,892
Dow Jones	1,391,995	2,526,559	1,134,564

Source: Proposed findings of fact of Newswire Services

[1] The appropriateness of FDC or LRIC accounting methods for rate making purposes is in issue in our pending Docket No. 18128.

[2] It should be noted that MCI, SPCC, and Datran have subsequently filed tariffs offering private line services at levels below those contained in Bell's HiD filing, claiming greater efficiency than Bell in providing these services.

[3] The increased charges are ameliorated, in part, by the TELPAK end link "exception." See paragraph 4 above.

They generally contend that the impact is so great on the press that we should consider them to be a separate group discriminated against by this filing, and that Bell must separately justify that this discrimination is not unreasonable under section 202 of the Communications Act. Because of their conclusion that small newspapers and broadcasters will probably cancel one or more newswire services or reduce other important facilities to support the higher costs of the newswire, the press parties assert that the Hi-Lo rate structure will impair widespread dissemination of the news. Thus, either the rate revisions should be struck down, or lower preferential rates for the press should be prescribed pursuant to section 201(b) of the Communications Act. Bell, joined by the Trial Staff, contends that the press parties have not demonstrated that news dissemination will be impaired or that they should be accorded any preferential rate treatment. Another contention of the press parties is that AT&T should offer a reduced-price simplex or half-duplex service, as it had previously supplied, since the newswire services use one-way transmission almost exclusively. If it offered such a service, replies AT&T, it would not be cost-justified unless it could also lease the return capacity of the line. Since many of the points served by the wire services are in locations where there is little or no market for outward telegraph private line services, Bell says it cannot justify offering the service the press requests.

10. Other points raised by those opposing the Hi-Lo tariff include whether the figures underlying the station terminal rate and the FDC cost studies are outdated or whether improper rate elements are included therein, whether channel and station terminal charges are excessive, whether the second or additional station terminal charges in the same central office (not on the same premises) should be priced at a reduced rate, whether channel terminals on multipoint circuits should all be priced at the same rate, whether AT&T has justified channel terminal charges at HiD "homing points," whether certain equipment included in the station terminal rate should be tariffed separately (e.g., rotary handsets), whether the geographical limits of HiD rate centers are sufficiently defined, whether the restrictions on shared use of TELPAK end links should be lifted, and whether there will be undue delays in obtaining service upon reconfiguration of Series 2000/3000 to Hi-Lo.

11. The Trial Staff echoes MCI's assertion that AT&T's market projections are faulty and contends that the shifts to the SCCs are far less than that anticipated by Bell. Similarly, DOD attacks Bell's alleged overestimate of the SCC construction capacity and its assumptions regarding cross-elasticity between Bell and competitive services and among Bell services. These, DOD states, may undermine AT&T's computer models on which its costs studies are based.

12. The pricing of short haul at a separate rate is the subject of an attack by the Trial Staff, which alleges that Bell has not shown a cost differential to support its rate filed for that service. The Trial Staff further notes that Bell's own figures demonstrate that short haul rates are not compensatory (until the proposed full rate schedule is filed) and that there is no justification for such rates. AT&T replies that the interim rates are filed in order to minimize the immediate impact of the new rate structure upon short haul users, and that the proposed full rate schedule will eliminate any cross-subsidization problems. On another matter, the Trial Staff maintains that, in view of the mix of facilities which would be utilized, the definition of a HiD rate center should be amended to include service by a facility with a capacity of at least one mastergroup (600 channels) rather than two. Finally, it contends that the preferential routing of lines between HiD rate centers through high capacity facilities may have the effect of increasing the cost of 2000/3000 services by boosting administrative expenses and by raising the route-to-air ratio. It argues this preferential routing will cause other Bell services to use low-capacity facilities, with a higher unit cost, thus making such other services more expensive.

[FR Doc.75-26191 Filed 10-1-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OIL IMPORT REGULATIONS

Collection of Oil Import License Fees Due September 30, 1975

On September 30, 1975, the United States District Court for the District of Columbia, in the matter of "Standard Oil Company of California, et al. v. William E. Simon, et al." (Civil Action No. 75-1581) and related cases, entered a temporary restraining order requiring that all import license fees due and payable by the plaintiffs on September 30, 1975, for oil imported by them during July and August 1975, be collected in their customary manner and placed in a special account in the United States Treasury, subject to further order of the court. A copy of the court's order is attached. In order to allow sufficient time for this order to be entered and for sufficient notice of its effect to be circulated to all interested parties, the Federal Energy Administration ("FEA") agreed, and the court ordered, that the time for payment of such fees be extended for one day, until October 1, 1975.

In compliance with that order, the FEA has today requested the Treasury Department to establish such a separate account and understands that this will be accomplished today. For purposes of administrative convenience and uniformity, and consistent with the notice issued by FEA on September 26, 1975 (40 FR 45229, October 1, 1975), the FEA intends to place into that special account all import license fees due and payable on October 1, 1975 by all importers, and not just those fees paid by plaintiffs in the above-mentioned litigation.

It should be noted that the court's order does not relieve any importers of the duty to pay import license fees for their July and August imports or for their imports in subsequent months in accordance with FEA's Mandatory Oil Import Regulations, 10 CFR Part 213. Therefore, the FEA intends to continue to take whatever administrative action is necessary to insure that all importers of crude oil and refined petroleum products continue to comply with those regulations.

Issued in Washington, D.C., September 30, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Amoco Oil Company, Plaintiff, v. Frank G. Zarb, et al., Defendants; Civil Action No. 75-1579. Standard Oil Company of California, et al., Plaintiffs, v. William E. Simon, et al., Defendants; Civil Action No. 75-1581. EXXON Corporation, et al., Plaintiffs, v. William E. Simon, et al., Defendants; Civil Action No. 75-1591. Mobil Oil Corporation, Plaintiff, v. Frank G. Zarb, et al; Civil Action No. 75-1594. Texaco, Inc., Plaintiff, v. William E. Simon, et al., Defendants; Civil Action No. 75-1595.

These matters come before the court on application of plaintiffs in the above-entitled actions for a temporary restraining order. Upon consideration of the pleadings and memoranda submitted by the plaintiffs therewith, the defendants' opposition thereto, and the arguments of counsel thereon, it appears to the court that plaintiffs will suffer immediate irreparable harm if the payments required to be paid on September 30, 1975 are paid unconditionally, the defendants will suffer almost no harm from the conditional payment of the funds in question, the public has a great interest in the orderly adjudication of this matter, and, in light of the small harm defendants may suffer from the issuance of this order, plaintiffs have made an adequate showing of their likelihood of success on the merits. Therefore, it is by the court this 30th day of September, 1975, ORDERED (1) That plaintiffs pay the oil import license fees on crude oil and petroleum products imported during the months of July and August 1975 to the Federal Energy Administration to be paid into the United States Treasury, upon the condition that these monies be held in a special account and shall be repayable in full to plaintiffs pending this court's adjudication of plaintiffs' applications for preliminary injunctive relief. Payment on October 1, 1975 shall be deemed payment on September 30, 1975 for the purposes of complying with applicable regulations.

(2) That such funds and funds paid by other similarly situated parties shall be held by the United States Treasury in such manner as to be available for repayment to plaintiffs and other similarly situated parties pending this court's adjudication of plaintiffs' applications for preliminary injunctive relief: *And it is further ordered*, That this restraining order shall remain effective until October 9, 1975 and the parties shall appear before this court on October 9, 1975 at 11:00 a.m. for a hearing on their applications for preliminary injunctive relief.

This temporary restraint is contingent upon the plaintiffs maintaining in effect the bonds previously posted with defendants to secure payment of the oil import license fees.

THOMAS A. FLANNERY,
United States District Judge.

[FR Doc.75-26562 Filed 9-30-75;5:29 pm]

FEDERAL MARITIME COMMISSION

[Agreement No. 10167]

FAR EASTERN SHIPPING CO., AND LYKES BROS. STEAMSHIP CO., INC.

Intention To Approve

Agreement No. 10167 is a proposed agency agreement between Far Eastern Shipping Co. (FESCO) and Lykes Bros. Steamship Co., Inc. (Lykes) in the trade between U.S. Gulf ports and ports in Japan, Hong Kong, Philippine Islands, and the Far East ports of the Union of Soviet Socialist Republics. The Agreement provides, inter alia, that Lykes, as FESCO's agent, will provide husbanding services for FESCO's vessels both in the inbound and outbound trades from the Gulf ports and also grants to Lykes gen-

eral agency authority to solicit cargo, order stevedores, tugs, sign bills of lading, collect receipts and settle claims up to $100. (It should be noted that the Agreement specifically provides that nothing in the Agreement shall permit Lykes to act as agent to FESCO in the solicitation and booking of cargo in the inbound trades from Japan, Hong Kong, Philippine Islands and the U.S.S.R.)

Notice of the filing of Agreement No. 10167 was published in the FEDERAL REGISTER on July 11, 1975. Comments pursuant to such notice were received from Sea-Land Services, Inc. (Sea-Land). Sea-Land urges disapproval of this Agreement essentially on the grounds that: (1) The Agreement is inconsistent with Lykes responsibilities under various conference agreements to which Lykes is a party; (2) the Agreement before the Commission is not the entire agreement between the parties since FESCO agreed to join the Far East Conference and adhere to its regulations and tariffs in return for Lykes becoming its agent; (3) Sea-Land suspects that there is an unfiled agreement between FESCO and Lykes concerning the coordination of schedules; (4) certain language in Lykes' letter of justification to the Maritime Administration for a waiver of section 804, Merchant Marine Act of 1936, strongly suggests that Lykes will receive preferential treatment in connection with service to the U.S.S.R. in exchange for Lykes becoming the general agent of FESCO, and; (5) that antitrust considerations in this matter dictate that the Agreement not be approved. On this last point, it is Sea-Land's position that approving this Agreement would allow an important U.S. flag carrier which is subsidized and one of the strongest and fastest growing third-flag operators in the transpacific trade, Lykes and FESCO, to control competition between the Gulf ports and the Far East. In view of the representations summarized above, Sea-Land requests that a hearing be held before the Agreement is approved.

Although submitting the above objections in protest of this Agreement, Sea-Land has failed to comply with the requirements contained in the July 11, 1975 FEDERAL REGISTER, notifying interested parties of this Agreement. That notice required, inter alia, that: (1) All requests for hearing contain clear and concise statements of matters on which interested parties intended to produce evidence; (2) any allegations of unfairness or discrimination be described with particularity, and; (3) if a violation of the Act or actions detrimental to the commerce of the United States are alleged a statement must be submitted describing with particularity those actions which are detrimental to the commerce of the United States or violative of the Act.

In response to Sea-Land's comments Lykes has submitted justification for this Agreement. Lykes states that there is no agreement between it and FESCO requiring FESCO to join the Far East Conference but rather FESCO joined the Conference as a necessity and agreed to adhere to the Conference's rates and regulations in order that Lykes could serve as FESCO's agent. In this regard, Lykes points out that if FESCO had not joined the Conference Lykes would have been prohibited from serving as FESCO's agent in this trade. Lykes submits that Sea-Land's conclusionary statement is all that has been submitted with respect to an alleged unfiled agreement between FESCO and Lykes concerning the coordination of sailings. Further, it is Lykes' position that Sea-Land's allegations that Lykes will receive preferential treatment in connection with service to the U.S.S.R. in exchange for Lykes becoming the general agent for FESCO are again but unsupported conclusions based on mere speculation. Lastly, Lykes contends that there are no antitrust considerations in the Agreement. Lykes further argues that even if it were concluded that competition is affected by this Agreement, the impact on commerce would be de minimis, thus negating the need for an evidentiary hearing.

Lykes' position is generally well taken. Even though Sea-Land does not provide direct service to the Gulf Coast, it would appear that Sea-Land has an interest in this matter by virtue of its minibridge service from the Gulf area to the Far East. Sea-Land's comments, however, are patently insufficient to meet the requirement of our July 11 notice or to put in issue disapproval of the instant Agreement. Sea-Land has failed to produce a sufficiently substantive statement that could lead to the conclusion that this Agreement is unfair, discriminatory, detrimental to the public interest or the commerce of the United States or so violative of the antitrust statutes as to not merit approval under section 15 of the 1916 Shipping Act. In our view, Sea-Land's contentions and arguments in opposition to the approval of the Agreement are unsupported and based on the rankest of speculation.

We will not, in this situation, allow the failure to adhere to filing requirements cause the Commission to refuse to consider bona fide legal or factual problems if such do exist, we will therefore allow Sea-Land or any other interested party an additional opportunity to bring forward whatever it can with respect to Agreement No. 10167 indicating why it should not be approved. However, since Lykes has already set forth an adequate transportation need—to wit, possible extension of U.S.-flag lines in the Russian/Far East trade—for the Agreement, we hereby serve notice that we intend to approve Agreement No. 10167 unless any person is able to come forward with a clear, concise and specific statement—not mere conclusionary statements based on suspicion—of material matters upon which he desires to adduce evidence.

Comments on this Agreement including request for hearing may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Any person desiring a hearing on the proposed Agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. Any allegation of discrimination or unfairness should be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

Any person submitting a statement as to why Agreement No. 10167 should not be approved should submit such matter on or before October 24, 1975. Any responses by FESCO and Lykes to such matter shall be filed on or before November 3, 1975. Absent receipt of any comment before October 24, 1975, Agreement No. 10167 will be approved.

It is ordered, That a copy of this Notice of Intention to Approve be published in the FEDERAL REGISTER and that a copy thereof be mailed to Sea-Land, Lykes and FESCO.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-26403 Filed 10-1-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 6]

E. H. PRIESTER

Order of Revocation

On September 23, 1975, E. H. Priester, 56 Flamingo Street, New Orleans, Louisiana 70124 voluntarily surrendered his Independent Ocean Freight Forwarder License No. 6 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(b) (dated June 30, 1975);

It is ordered, That Independent Ocean Freight Forwarder License No. 6 be and is hereby revoked effective September 23, 1975, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon E. H. Priester.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.75-26402 Filed 10-1-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8884 (Phase II)]

CAROLINA POWER AND LIGHT CO.

Further Extension of Procedural Dates

SEPTEMBER 25, 1975.

On September 15, 1975, ElectriCities of North Carolina and the Cities of Camden and Bennettsville, South Carolina, filed a motion to extend the procedural dates fixed by order issued August 26, 1974, as most recently modified by notice issued August 4, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, November 28, 1975.
Service of Staff Testimony, December 29, 1975.
Service of Company Testimony, January 12, 1976.
Service of Intervenor Rebuttal, January 26, 1976.
Hearing, February 16, 1976 (10:00 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26314 Filed 10-1-75;8:45 am]

[Docket Nos. E-7548, E-8170]

GEORGIA POWER CO.

Filing of Refund Report

SEPTEMBER 24, 1975.

Take notice that on August 29, 1975, Georgia Power Company (Georgia Power) tendered for filing a report of refunds made to jurisdictional wholesale customers in the above-referenced proceedings. Georgia Power states that said refunds comport with the refund provisions of the Settlement Agreement in said proceedings, said Agreement having been approved by the Commission in its order of June 17, 1975.

Georgia Power further states that a detailed calculation of the actual amounts refunded has been provided to its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26309 Filed 10-1-75;8:45 am]

[Docket No. RP75-94]

GREAT LAKES GAS TRANSMISSION CO.

Filing of Revised Tariff Sheet

SEPTEMBER 24, 1975.

Take notice that on September 17, 1975, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing copies of Substitute Sixteenth Revised Sheet No. 57 to its FPC Gas Tariff, First Revised Volume No. 1. Great Lakes states that the base tariff rates reflected on said tariff sheet are those shown on Sixteenth Revised Sheet No. 57 in Great Lakes' rate increase application at Docket No. RP75-94, filed with the Commission on April 30, 1975. Pursuant to ordering paragraph A of the order issued June 13, 1975, in said docket, the tendered tariff sheets were accepted for filing and suspended until November 14, 1975.

Great Lakes states that the filing of this Substitute Sixteenth Revised Sheet No. 57 is made necessary by the changes in the border price of natural gas during the period in which the rates have been under suspension. The changes in the border price are the result of the amendments to the export licenses of TransCanada PipeLines Limited, Great Lakes' sole supplier of natural gas.

Great Lakes requests that the tariff sheet tendered in the instant filing be accepted to become effective on November 14, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petition or protests should be filed on or before October 17, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26310 Filed 10-1-75;8:45 am]

[Docket No. E-7512, etc.]

ILLINOIS MUNICIPAL UTILITIES ASSOCIATION, ET AL.

Settlement Agreement

SEPTEMBER 24, 1975.

The complaint filed in Docket No. E-7512 by the Illinois Municipal Utilities Association (IMUA) to seek certain terms for the sale and exchange of electric energy on behalf of a number of municipalities including those in Docket No. E-7514 was consolidated for purposes of hearing and decision with a complaint filed in Docket No. E-7514 various municipal systems (cities) in Illinois pursuant to section 202(b) of the Act, 16 U.S.C. 824a(b), seeking interconnections with Illinois Power Company (IP) and Central Illinois Public Service Company (CIPS). At a prehearing conference on July 13, 1971, the Presiding Administrative Law Judge staged these proceedings with cross-examination in Docket No. E-7514 commencing on May 8, 1972 and concluding on May 22, 1972. The second phase of this consolidated proceeding—the complaint in Docket No. E-7512—was held in abeyance pending determination of the appropriate terms and conditions of the proposed 202(b) interconnections, if found to be in the public interest by the Commission.

On December 4, 1974 Presiding Administrative Judge Israel Convisser certified interconnection agreements between Illinois Power Company (IP) and the following municipalities: Cities of Breese, Carlyle, Highland, Mascoutah, Peru, Princeton, Waterloo, and the Village of Freeburg. Also certified was an interconnection agreement between Central Illinois Public Service Company (CIPS) and the City of Sullivan. The complaint of Illinois Municipal Utilities Association (IMUA) and the City of Springfield (Docket No. E-7512) seeking interconnection with IP did not proceed to settlement. The complaint of the City of Bushnell (Docket No. E-7514) seeking interconnection with CIPS also remained unsettled. The City of Red Bud did not sign an interconnection agreement because of objections to some of the terminology of the contract. However, Judge Convisser certified the unexecuted agreement to the Commission along with the eight executed agreements on December 5, 1974.

On August 15, 1975, in Supplemental Certification of Settlement Agreement, Judge Convisser certified an agreement between the City of Bushnell and CIPS (Docket No. E-7514) and acknowledged that an agreement had been reached between the City of Springfield and IP (Docket No. E-7512). IP submitted an executed interconnection agreement with the City of Springfield to the Commission for filing on April 11, 1975. That agreement was designated in FPC Docket No. E-9373 and accepted for filing by the Commission and became effective on May 12, 1975. Because of the agreement between IP and the City of Springfield and the settlement that had been reached between the parties in the Docket No. E-7514 proceedings, IMUA petitioned the Commission to withdraw its complaint on July 16, 1975. The City of Red Bud's objections to the unexecuted interconnection agreement have been withdrawn. At a prehearing conference held on July 14, 1975, Red Bud's position was clarified by counsel.

> * * * Red Bud will not pose any objections to the language of that [unexecuted] interconnection agreement which has been certified to the Commission * * *

IP has agreed to hold the offer open to Red Bud, that it may accept the agreement at a later date. The unexecuted IP-Red Bud contract constitutes a basis for settlement of the dispute between the parties.

The agreements acknowledged in Judge Convisser's December 4, 1974 Certification of Settlement Agreements and his Supplemental Certification of Settlement Agreement of August 15, 1975, will resolve all the legal issues between the parties in Docket Nos. E-7514 and E-7512 pending decision by the Commission.

Comments to the proposed settlement may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 9, 1975. Such comments will be considered by the Commission in determining appropriate action, but will not serve to make commenters parties to the proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26311 Filed 10-1-75;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Filing of Revised Tariff Sheets

SEPTEMBER 24, 1975.

Take notice that on September 15, 1975, Michigan Wisconsin Pipe Line Company (MichWis) tendered for filing Substitute Tenth Revised Sheet No. 27F to its FPC Gas Tariff, Second Revised Volume No. 1; Substitute Fifth Revised Sheet Nos. 141 and 142, Substitute Third Revised Sheet Nos. 214 and 215 and Substitute Second Revised Sheet Nos. 231 and 232 to its FPC Gas Tariff, First Revised Volume No. 2 to replace and in substitution for the like numbered sheets included in its rate filing in this docket on April 30, 1975.

MichWis states the substitute tariff sheets reflect increases in purchased gas costs, the elimination of interest reimbursement payments to Exxon Company, U.S.A., and actual, rather than estimated advance payments made to producers. The net effect of the changes is an increase in MichWis' cost of service of $65,997,915.

MichWis requests the Commission to waive the requirements of §§ 154.66(b) and 154.63 of the regulations to permit the revised sheets to replace those filed on April 30, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26312 Filed 10-1-75;8:45 am]

[Docket No. E-9379]

NIAGARA MOHAWK POWER CORP.

Order Denying Motion To Dismiss Investigation

SEPTEMBER 25, 1975.

On August 14, 1975, the Niagara Mohawk Power Corporation (Niagara) filed a Motion to Dismiss the Investigation in the above-captioned proceeding. That Motion seeks a reversal of this Commission's Order of July 23, 1975, wherein we granted the Town of Massena, New York's (Massena) Application for Reconsideration and ordered the institution of an investigation, pursuant to section 206 of the Federal Power Act, of alleged anticompetitive practices by Niagara. Niagara is seeking dismissal of the investigation ordered by the Commission on July 23, 1975, based on its belief that the Commission lacks jurisdiction pursuant to Section 206 of the Federal Power Act to investigate Massena's charges.

On June 2, 1975, we issued an order accepting for filing and approving a proposed rate schedule for the transmission of power and energy between Niagara and the Consolidated Edison Company of New York, Inc., as submitted for filing on April 14, 1975, by Niagara. That order denied Massena's May 5, 1975 motion to reject or suspend the Niagara rate filing, wherein Massena contended that Niagara's rate filing was part of an interstate program and combination to unlawfully monopolize the electric utility industry. That contention was based upon Niagara's alleged refusal to enter into negotiations leading to a contract by which Niagara would wheel energy to Massena, thereby enabling Massena to establish a municipally owned and operated electric system. Massena concluded that the revenues Niagara would receive from the filing therein would be unlawfully used by the Company to strengthen its alleged monopolistic position over transmission in the Massena service area to the detriment of Massena.

On June 23, 1975, Massena applied for rehearing of our order of June 2, averring they had suffered discrimination at the hands of Niagara due to the latter's refusal to execute voluntarily a transmission agreement with Massena. By order issued July 23, 1975, we granted rehearing and ordered an investigation, pursuant to section 206, of Massena's allegations that Niagara's rate filing was part of an interstate program to unlawfully monopolize the electric utility industry and discriminate against the establishment by Massena of a municipal energy system.

Niagara's instant pleading contends Massena's intervention in this proceeding is "solely to assert its concern about a completely unrelated matter—namely, whether or not, in the event Messena can eventually acquire a municipal electric distribution system, will Niagara provide it transmission service for the PASNY power Massena expects to contract for." Niagara adds that no real issue exists providing the Commission a basis on which it can grant relief, especially noting "* * * the Commission is not authorized to compel Niagara to enter into an agreement to provide electric service to Massena," as stated in our order of June 2, 1975. Niagara further premises its belief that the Commission lacks jurisdiction to order an investigation on its declaration that no entity exists on whose behalf the Commission can act, since there is no body to which Niagara can transmit energy at present.

On August 27, 1975, Massena filed a "memorandum" opposing Niagara's motion to dismiss the investigation. Massena reiterates its primary contention that Niagara deals with investor-owned utilities within and without the state of New York and that Niagara to date has refused to negotiate a contract to wheel power to Massena when Massena completes its acquisition of the Company's electrical distribution system within the Town of Massena.

Our review of the pleadings filed in this docket with regard to the allegation of anticompetitive practices by Niagara indicates we do not have sufficient facts before us in order to formulate a decision. Massena alleges it has been disadvantaged by Niagara's discriminatory treatment. We believe an investigation, pursuant to section 206 of the Federal Power Act, as previously ordered, is necessary to explore that allegation.

The Commission finds. Good cause exists to deny Niagara's motion to dismiss the investigation under section 206 of the Federal Power Act ordered in the above-referenced docket.

The Commission orders. (A) Nigara's motion to dismiss the section 206 investigation ordered pursuant to the Federal Power Act in Docket No. E-9379 is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26315 Filed 10-1-75;8:45 am]

[Docket No. RP76-12]

NORTHWEST PIPELINE CORP.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 25, 1975.

Take notice that Northwest Pipeline Corporation (Northwest) on September 12, 1975 tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1. The proposed tariff change provides for a modification of the language contained in § 5.2, *Payment*, of the General Terms and Conditions of said Tariff. Northwest states that the instant filing is for the purpose of assuring prompt recovery of gas sales revenues from Northwest's customers in order for Northwest to, *inter alia*, remit payments for purchased gas costs to its Canadian supplier. The proposed change has no effect upon Northwest's revenues from jurisdictional sales and service.

Northwest states that copies of this filing have been mailed to Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must

file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26316 Filed 10-1-75;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Filing of Refund Data

SEPTEMBER 24, 1975.

Take notice that on September 5, 1975, The Toledo Edison Company (Toledo) tendered for filing a Revenue Comparison by month for each customer under the Proposed 1974 Settlement Agreement and the Settlement Agreement as revised on August 1, 1975. The filing is made pursuant to the Commission's letter dated August 28, 1975, which declared Toledo's August 1, 1975, filing of certain revised tariff sheets deficient. Toledo states that this filing is intended to cure that deficiency.

Toledo states that a copy of this filing has been mailed to each jurisdictional customer affected and each party of record.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26313 Filed 10-1-75;8:45 am]

[Docket Nos. RP74-89, RP73-35, (PGA 75-3, AP76-1)]

TRUNKLINE GAS CO.

Revised Sheets

SEPTEMBER 25, 1975.

Take notice that on September 4, 1975, Trunkline Gas Company (Trunkline) tendered for filing second substitute Thirteenth Revised Sheet No. 3-A to its F.P.C. Gas Tariff, Original Volume No. 1.

Trunkline states the Revised Sheet is filed in accordance with Paragraph (C) of the Commission's Order issued August 22, 1975, in the above-referenced docket. Trunkline further indicates that this Sheet reflects revisions to the Advance Payment section of its filing of July 18, 1975, to exclude costs associated with the Exxon interest payments and costs relating to certain advance payments listed in Footnote of the Commission's order in these dockets, dated August 22, 1975.

Trunkline requests that the Revised Sheet be made effective August 1, 1975, for one day only.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26317 Filed 10-1-75;8:45 am]

FEDERAL RESERVE SYSTEM

MADISON FINANCIAL CORP.

Acquisition of Bank

Madison Financial Corporation, Niles, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 14.9 per cent of the voting shares of Madison National Bank of Niles, Niles, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 29, 1975.

Board of Governors of the Federal Reserve System, September 25, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-26323 Filed 10-1-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 24, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before October 20, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW, Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for extension no change of Monthly Preliminary Report of Number of Employees of Class I Railways, required to be filed by some 97 Class I line-haul railroads and switching and terminal companies, pursuant to section 20 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Reporting burden per report is estimated to average 14 hours for line-haul railroads and 8 hours for switching and terminal companies. Reports are mandatory and available for use of the public.

Request for extension no change clearance of Monthly Report Wage Forms A&B, required to be filed by some 97 Class I line-haul railroads and switching and terminal companies, pursuant to section 20 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Reporting burden per report for line-haul railroads is estimated to average 121 hours for line-haul railroads and 26 hours for switching and terminal companies. Reports are mandatory and available for use of the public.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-26420 Filed 10-1-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 25, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because

of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before October 20, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request for extension no change of Quarterly Report Forms OS-C, required to be filed by some 103 Class I line-haul railroads and switching and terminal companies, pursuant to Section 20 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Reporting burden per report for line-haul railroads is estimated to average 46 hours and 14 hours for switching and terminal companies. Reports are mandatory and available for use of the public.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-26421 Filed 10-1-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-4]

ASPARAGUS

Places and Times of Public Hearings

Notice is hereby given that the public hearings to be held in connection with U.S. International Trade Commission investigation No. TA-201-4, Asparagus, will be held in San Francisco, California, at 10 a.m., PDT, on October 14, 1975, at the Hotel Bellview, 505 Geary Street; and in Washington, D.C., at 10 a.m., e.d.t., on October 21, 1975, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW. Requests for appearances at the hearings should be received by the Secretary of the Commission at his office in Washington, D.C., by no later than noon of the fifth calendar day preceding the hearing.

Notice of investigation and hearings was published in the FEDERAL REGISTER on Tuesday, July 29, 1975 (40 FR 31836).

By order of the Commission.

Issued: September 29, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-26364 Filed 10-1-75;8:45 am]

GENERALIZED SYSTEM OF PREFERENCES

Advice to the President and Request for Comments

On July 23, 1975, the President requested the United States International Trade Commission, pursuant to section 332(g) of the Tariff Act of 1930, to advise him whether an article like or directly competitive with each article being considered for duty-free treatment under the Generalized System of Preferences provided in Title V of the Trade Act of 1974 was produced in the United States on January 3, 1975. The list of articles under consideration was published in the FEDERAL REGISTER of March 26, 1975 (40 FR 13457).

The Commission has tentatively determined its advice and prepared a draft report to the President. With this notice, the Commission is releasing the draft report to the public. Comments respecting the Commission's tentative determinations are requested. Such comments should consist of the views of the interested party and factual data in support of those views.

Comments should be submitted to the Commission by October 14, 1975. Twenty copies should be provided if feasible. They should be directed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

By order of the Commission:

Dated: September 30, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-26531 Filed 10-1-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-26]

STATISTICAL ANALYSIS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

"Annual Review of Aircraft Accident Data, U.S. General Aviation, Calendar Year 1973," was released by the National Transportation Safety Board on September 23, 1975. The report, No. NTSB-ARG-75-1, breaks down nonairline accident statistics in 185 pages of tables and graphs. Included are cause/factor tables for each kind of general aviation flying, severity of injury and aircraft damage by kind of flying and type of aircraft, and such selected data as pilot flight time and accident location by States.

Safety Recommendations HM-75-1 and 2 were issued September 25 to the Secretary of Transportation following the Board's review of the Materials Transportation Bureau's (MTB) "Hazardous Materials Regulations—Proposed Exemption Procedures," published in the FEDERAL REGISTER on August 4, 1975 (40 FR 32758). The Board concluded that the proposed exemption procedures do not fulfill the intent of section 107 of the Hazardous Materials Transportation Act, which calls for "a safety analysis as prescribed by the Secretary to justify the grant of such exemption." Recommendations to the Secretary are to (1) prescribe the content and form for a safety analysis statement to accompany applications for exemptions to MTB regulations, and (2) revise proposed 49 CFR 107.5(b)(9) to require submission of a safety analysis statement, in the form prescribed by the Secretary, to support applicant's belief that his proposed exemption will achieve the level of safety specified in 49 CFR 107.5(b)(9)(i) and (ii). Both are Class I recommendations, urgent.

Responses to Safety Recommendations. The Board last week received from the Federal Aviation Administration three letters, each dated September 12, responding to the following recommendations:

A-73-107 and A-73-108, issued in the Board's report (NTSB-AAR-73-19) of a crash of a Continental Air Lines Saberliner Model NA-265-60 at Montrose, California, April 13, 1973. FAA encloses a copy of Airworthiness Directive 73-12-09, Amendment 39-2271, effective July 29, 1975, which FAA believes "now fully addresses NTSB Recommendations A-73-107, improvement of indicator light, and A-73-108, incorporation of a thrust reverser automatic stowing system." FAA states, "These are cited in this latest amendment as options to the operating limitations prescribed in the earlier AD release. In view of this action, we consider this item closed."

A-74-61, issued following Board investigation of an International Business Machines Grumman G-1159 accident at Kline, South Carolina, June 24, 1974. FAA notes that Airworthiness Directive AD-74-17-05, Amendment 39-2359, was issued August 22, stating, "This amendment permits reactivation of the ground spoilers after incorporation of Grumman Service Change (ASC) 180." FAA believes that this action is in consonance with the recommendation and considers the item closed.

A-74-100 and 101, issued after Board investigation of the crash of a Polish Model SZD-24-4A FOKA 4 sailplane near Burley, Idaho, June 15, 1974. FAA encloses a copy of an airworthiness directive, issued July 22, specifying inspection of the SZD-24-4A FOKA gliders, this in response to recommendation A-74-100. Responsive to A-74-101, FAA states, "There is insufficient service history worldwide to suggest that the basic design, manufacturing techniques or quality control procedures are inadequate. In addition, this model sailplane is no longer in production. Therefore, we do not propose to take any action against the type certificate at this time."

Reports and recommendation letters are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

SEPTEMBER 29, 1975.

[FR Doc.75-26408 Filed 10-1-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

SUBCOMMITTEE ON KOSHKONONG NUCLEAR POWER PLANT ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the Koshkonong Nuclear Power Plant will hold a meeting on October 17, 1975 at the Best Western Welcome Inn, 225 S. Water Street, E., Fort Atkinson, WI 53538.

The purpose of this meeting is to develop information to be considered by the ACRS in its review of the application of the Wisconsin Electric Power Company, et al., for a construction permit.

The agenda for the subject meeting shall be as follows:

Friday, October 17, 1975, 8:00 a.m. The Subcommittee will meet in closed Executive session, with any of its consultants who may be present to explore their preliminary opinions, based upon their independent review of safety reports, regarding matters which should be considered during the open session in order to formulate a Subcommittee report and recommendations to the full Committee.

8:30 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations and hold discussions with the NRC Staff and representatives of the Wisconsin Electric Power Company, et al., regarding design features and site-related aspects of the application for a construction permit as well as other matters relating to review of the Safety Analysis Report.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing 15 copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at the meeting. Comments postmarked no later than October 10, 1975 to Mr. R. L. Wright, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the following public document rooms: Dwight-Foster Public Library, PO Box 88, Fort Atkinson, WI 53538, and the Municipal Reference Service, Room 103-B, Madison Public Library, Madison, WI 53709.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) 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 on October 16, 1975 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attention: Mr. R. L. Wright) between 8:15 a.m. and 5:00 p.m., e.d.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed, while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to this material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. L. Wright of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 24, 1975 at the NRC Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Dwight-Foster Public Library, P.O. Box 88, Fort Atkinson, WI 53538, and the Municipal Reference Service, Room 103-B, Madison Public Library, Madison, WI 53709. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room 1717 H Street, NW., Washington, D.C. 20555 after January 19, 1976.

Copies may be obtained upon payment of appropriate charges.

Dated: September 29, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-26389 Filed 10-1-75;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER CO. ET AL., (MILLSTONE NUCLEAR POWER STATION, UNIT 2)

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (licensees). This amendment revises the license in its entirety and permits the licensees to operate the Millstone Nuclear Power Station, Unit 2, at steady state reactor core power levels not in excess of 2560 megawatts thermal (rated power) in accordance with the amended license and the August 1, 1975 Technical Specifications, as revised through Change No. 4. This amendment also revises the specification concerning control element assembly position indicator channels, adds the containment high radiation level particulate monitoring system, and corrects proofreading errors in the Technical Specifications. The correction has been designated as Change No. 4.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the amended license.

The amended license is effective as of its date of issuance and shall expire at midnight December 11, 2010.

For further details with respect to this action, see Amendment No. 4 to Facility Operating License No. DPR–65 and Supplements No. 2 and No. 3 to the Safety Evaluation Report. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of the amended license and Supplement No. 2 to the Safety Evaluation Report may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1–3, Division of Reactor Licensing.

[FR Doc.75–26384 Filed 10–1–75;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT CODES OF PRACTICE

Extension of Public Comment Period

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs. The draft Codes of Practice on Quality Assurance and Siting have previously been made available for public comment. Two more draft Codes of Practice, one on Operations and one on Governmental Organization are now available for public comment. The NRC staff is soliciting public comment on these draft Codes of Practice. The FEDERAL REGISTER dated July 25, 1975 stated that comments received by August 11, 1975 would be useful to the NRC staff in preparing for the next meeting of the Senior Advisory Group of IAEA standards program that was planned for September 1–5, 1975. Discussion of these draft codes has been rescheduled for the December meeting of the Senior Advisory Group and this public comment period is now extended to October 24, 1975 for these four codes of practice.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 22d day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75–26385 Filed 10–1–75;8:45 am]

[Docket No. 50–482A]

KANSAS GAS AND ELECTRIC CO., KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT 1)

Oral Argument; Appeal

SEPTEMBER 25, 1975.

On September 22, 1975 the Kansas Electric Cooperatives, Inc., filed its appeal under 10 CFR 2.714a from the Licensing Board's September 10, 1975 order denying its amended petition for leave to intervene in this antitrust proceeding. As required by § 2.714a, the notice of appeal was accompanied by a supporting brief. The briefs of the other parties to the proceeding, in support or in opposition to the appeal, are due for filing on or before October 2, 1975. 10 CFR § 2.714a, 8.3.

Oral argument on the appeal will be heard at 10 a.m. on Thursday, October 23, 1975 in the NRC Hearing Room, 5th floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland. Following its receipt of the briefs in response to the appeal, this Board will determine the order of presentation of argument and the time to be allotted to each party or side.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75–26386 Filed 10–1–75;8:45 am]

[Docket No. 50–285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR–40 issued to Omaha Public Power District, which revised Technical Specifications for operation of the Fort Calhoun Station Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to (1) allow reactor operation at fuel exposure greater than 3000 MWD/MTU, and (2) incorporate operating limits that result from analyses performed using predicted Cycle 2 Core Conditions for fuel exposures greater than 3000 MWD/MTU.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 15, 1975 (40 FR 34485). No request for a hearing or petition for leave to intervene was filed following notice of proposed action.

For further details with respect to this action, see (1) the application for amendment dated July 11 and September 5, 1975 and Supplements dated July 30, August 7, August 20, September 4, September 16, and September 22, 1975, (2) Amendment No. 8 to License No. DPR–40, with Change No. 14, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska 68008.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–26387 Filed 10–1–75;8:45 am]

[Docket Nos. STN 50–546, STN 50–547]

PUBLIC SERVICE COMPANY OF INDIANA, INC. (MARBLE HILL NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Receipt of Application for Construction Permits and Operating Licenses and of Availability of Applicant's Environmental Report

Public Service Company of Indiana, Inc., pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed the remaining portion of its application. The application, consisting of the Environmental Report, the Preliminary Safety Analysis Report, and the General and Financial Information, was tendered on July 2, 1975. Following preliminary review for completeness, the Environmental Report, and the General and Financial Information were found to be acceptable for docketing on August 11, 1975, and were docketed on September 11, 1975, and assigned Docket Nos. STN 50–546 and STN 50–547. However, as a result of predocketing inspection, substantive quality assurance program implementation deviations were identified and, therefore, the Preliminary Safety Analy-

sis Report was not found acceptable for docketing. The applicant provided additional information to resolve the quality assurance implementation deviations on August 18, 1975. The Preliminary Safety Analysis Report was found to be acceptable for docketing on September 5, 1975 after review of the additional information and a reinspection by the Office of Inspection and Enforcement. The Preliminary Safety Analysis Report was docketed on September 17, 1975. Notice of Receipt of the Antitrust application was published in the FEDERAL REGISTER under Docket No. P–505–A on January 15, 1975 (40 FR 2743).

The application is for authorization to construct and operate two pressurized water nuclear reactors designated as the Marble Hill Nuclear Generating Station, Units 1 and 2, on the applicant's site in Saluda Township, Jefferson County, Indiana, approximately six miles northeast of the unincorporated area of New Washington, Indiana. Each reactor is designed for an initial output of 3411 megawatts thermal, with an equivalent net electrical output of approximately 1130 megawatts.

This application has been submitted in conformance with the Nuclear Regulatory Commission staff's "Policy and Procedures for the Replication of Custom Plant Designs", WASH–1340, dated July 1974. This is one of the approaches to standardization covered in the Commission's March 5, 1973 Standardization Policy. This approach permits a utility to submit an application for licenses for a nuclear power plant utilizing a plant design that was previously submitted by the same utility or by another utility as part of a construction permit application. The replicate plant design must satisfy the site-related design criteria required for the new site. The Marble Hill Nuclear Generating Station replicates Commonwealth Edison Company's proposed Byron Nuclear Generating Station, Docket Nos. STN 50–454 and STN 50–455.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Madison-Jefferson County Public Library, 420 West Main Street, Madison, Indiana 47250.

The applicant's environmental report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Office of the Clearinghouse Review Officer, Indiana Budget Agency, 212 State House, Indianapolis, Indiana 46204 and at the Region 12 Development Commission, P.O. Box 127, Versailles, Indiana 47042.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 26th day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1–3, Division of Reactor Licensing.

[FR Doc.75–26388 Filed 10–1–75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.32, "General Design Guide for Ventilation Systems for Fuel Reprocessing Plants," describes bases acceptable to the NRC staff for the design of ventilation systems for fuel reprocessing plants.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.32 will, however, be particularly useful in evaluating the need for an early revision if received by December 1, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 3 Regulatory Guides currently being developed include the following:

Control of Stainless Steel Welding for Safety-Related Components of Fuel Reprocessing Plants.
Corrosion Testing and Evaluation of Metals for Application in Fuel Reprocessing Plants.
General Fire Protection Guide for Fuel Reprocessing Plants.
Standard Format and Content of License Applications for Plutonium Processing and Fuel Fabrication Plants.
Standard Format and Content of License Applications for Commercial Waste Burial Facilities.
Quality Assurance for the Design, Construction, and Operation of Fuel Reprocessing Plants.
Guide for Design, Construction, and Operation of Ventilation Systems for Plutonium Fuel Manufacturing Plants.
Design Criteria for Plutonium Processing and Fuel Fabrication Plants.
Guide to the Preparation of Emergency Plans for Uranium and Plutonium Processing and Fuel Fabrication Plants.
Design Criteria for Spent Fuel Storage Facilities at HTGR Sites.
Guide for Design of Irradiated Fuel Receiving and Storage Facilities.
Assumptions Used for Evaluating the Consequences of a Criticality Accident in LWR Fuel Fabrication Plants.
Selection, Training, and Qualification of Personnel for Fuel Reprocessing Plants.
Temporary Storage of High-Level Liquid Waste at Fuel Reprocessing Plants.
Assumptions Used for Evaluating the Consequences of a Criticality Accident in Fuel Reprocessing Plants.
Assumptions Used for Evaluating the Consequences of a Criticality Accident in Plutonium Processing and Fuel Fabrication Plants.
Confinement Structures and Systems for Plutonium Processing and Fuel Fabrication Plants.
Protection Systems for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants.
Design Basis Floods for Fuel Reprocessing Plants.
Criteria for Gaseous Radioactive Effluent Systems at Fuel Reprocessing Plants.
Design Criteria for Decommissioning of Nuclear Fuel Reprocessing Plants.
Definition of Radioactive Waste Categories.
Codes Applicable to Quality Control and Fabrication of Metallic Structures, Systems, and Components for Fuel Reprocessing Plants.
Administrative Controls for Nuclear Fuel Reprocessing Plants.
Identification of Accidents To Be Considered in Safety Analysis Reports for Enrichment Facilities.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 25th day of September 1975.

For The Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75–26390 Filed 10–1–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 29, 1975 (44 USC 3509). The purpose of publishing

this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received: the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, office of management and budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, Pilot Test of Methodology for Evaluating Alternative Methods of Venereal Disease Education in School Systems, CDCBSS 0825, single-time, students in grades 7 through 12, George Hall, 395-6140.

Office of Education:

Survey for Right to Read—Public Opinion, OE-406-1, single-time, adults in the U.S., Joan Turek.

Basic Grant Participation Sheet, OE 433, on occasion, postsecondary institutions, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Description of Shipper Operations—Shipper Questionnaire, MCS-137A, single-time, shippers of hazardous materials via motor carrier, Lowry, R. L., 395-3772.

REVISIONS

FEDERAL RESERVE SYSTEM

Quarterly Survey of Interest Rates on Loans to Business, FR 467, quarterly, commercial banks, Hulett, D. T., 395-4730.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Daily Attendance of Handicapped Children in Schools Operated or Supported by State Agencies, OE 2274, annually, State Agencies, Joan Turek.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-26458 Filed 10-1-75;8:45 am]

[Rescission Circular No. A-38]

HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Furnishing Information Concerning Compensation of Federal Employees to States and Other Governmental Units Taxing Compensation for Personal Services

SEPTEMBER 25, 1975.

Office of Management and Budget Circular No. A-38, Revised, dated March 25, 1974, is hereby rescinded. This action is taken as a result of the enactment of the Privacy Act of 1974 (Pub. L. 93-579), which becomes effective September 27, 1975.

The Privacy Act prohibits the disclosure of "any record * * * to any person, or to another agency" unless such disclosure is authorized in writing by the "individual to whom the record pertains" or is expressly authorized by the Act [Section 3(b)]. There is no statutory basis for A-38's provision of information on taxable compensation of Federal employees to State and local taxing jurisdictions. Furthermore, neither the Department of Justice, nor the Office of Management and Budget attorneys can assert any lawful basis to allow continuation of A-38 functions.

Thus, based on the lack of authority to continue A-38 functions in light of the Privacy Act, and the criminal and civil sanctions of the Act, OMB hereby rescinds Circular A-38.

JAMES T. LYNN,
Director.

[FR Doc.75-26324 Filed 10-1-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

BOISE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Boise District Advisory Council will hold a public meeting at 10:00 a.m., Monday, November 3, 1975, at the Royal Restaurant, 1112 Main Street, Boise, Idaho, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Oliver T. Davis, P.O. 2618, Boise, Idaho 83701 (208) 342-2711 extension 2516.

Dated: September 23, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy.

[FR Doc.75-26346 Filed 10-1-75;8:45 am]

[License No. 02/05-0068]

CANAVERAL CAPITAL CORP.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Canaveral Capital Corporation (Canaveral), 26 Court Street (Suite 902), Brooklyn, New York 11242, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to Section 107.1004(b) of the SBA Rules and Regulations governing small business investment companies (13 CRF 107.1004 (1975)), for an exemption from the provisions of the conflict of interest regulations.

The exemption, if granted, will permit Canaveral to finance S. Pollina Jewelers, Inc. (Pollina). Pollina, which is located in Lyndhurst, New Jersey, is wholly owned by Mr. Salvatore Pollina, an officer, director and less than 5 percent shareholder of Canaveral. The proposed financing is in the form of a 5 year loan of $48,000 with an option to purchase 10 percent of the stock of the concern. Mr. Pollina is considered to be an "Associate of the Licensee" under paragraph (a) of the definition of that term in Section 107.3 of the Regulations and the Pollina concern owned by him is also an Associate of the Licensee under paragraph (f) of the regulatory definition of that term. This transaction, therefore, will require an exemption pursuant to Section 107.1004(b)(1) of the Regulations.

Notice is hereby given that any person may, no later than fifteen (15) days from the date of the publication of this notice, submit written comments on the proposed transaction to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York City and Newark, New Jersey.

Dated: September 23, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-26345 Filed 10-1-75;8:45 am]

DALLAS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Dallas District Advisory Council will hold a public meeting at 9:30 a.m., Monday, October 20, 1975, at the Texas Bank & Trust Company, One Main Place, Dallas, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call L. H. Hudspeth, 1100 Commerce Street, Dallas, Texas 75202, (214) 749-2706.

Dated: September 23, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy.

[FR Doc.75-26347 Filed 10-1-75;8:45 am]

NEWARK DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Newark District Advisory Council will hold a public meeting at 9:30 a.m., Wednesday, October 22, 1975, at the Ramada Inn, 36 Valley Road, Clark, New Jersey, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information write or call Andrew P. Lynch, 970 Broad Street, Newark, New Jersey 07102, or call (201) 645-3580.

Dated: September 23, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy.

[FR Doc.75-26348 Filed 10-1-75;8:45 am]

OMAHA DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Omaha District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, November 6, 1975, at the Villa Inn, 1227 Omaha Street, Norfolk,

Nebraska, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Rick S. Budd, 215 North Seventeenth Street, Omaha, Nebraska 68102, (402) 221-3620.

Dated: September 23, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy.

[FR Doc.75-26349 Filed 10-1-75;8:45 am]

PORTLAND DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Portland District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, October 23, 1975, at the Ramada Inn, 310 Southwest Lincoln, Portland, Oregon, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call A. E. Lofstrand, 700 Pittock Block, 921 S.W. Washington Street, Portland, Oregon 97205, (503) 221-3461.

Dated: September 23, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy.

[FR Doc.75-26350 Filed 10-1-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-174]

F. JOSEPH LAMB CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 22, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace & Agricultural Implement Workers of America on behalf of the workers and former workers of Drillway Division of F. Joseph Lamb Company, Warren, Michigan (TA-W-174).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special automated machinery for handling of material related to the automobile industry produced by F. Joseph Lamb Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 13, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 23d day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-26391 Filed 10-1-75;8:45 am]

[TA-W-173]

OUTBOARD MARINE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 22, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of OMC-Lincoln-Cushman, Lincoln, Nebraska, a division of Outboard Marine Corporation, Waukegan, Illinois, and Cushman Sales and Services of Florida, West Palm Beach, Florida and Cushman Sales and Service of Illinois, Addison, Illinois, wholly owned subsidiaries of Outboard Marine Corporation, Waukegan, Illinois (TA-W-173).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with golf cars produced by Outboard Marine Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 13, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 23d day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-26393 Filed 10-1-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 872]

ASSIGNMENT OF HEARINGS

SEPTEMBER 29, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 113528 Sub-24, Mercury Freight Lines, Inc., now assigned November 3, 1975, at Baton Rouge, Louisiana, will be held at the White House Inn, 1575 Riverside North.

MC 112520 Sub-301, McKenzie Tank Lines, Inc., now assigned November 11, 1975, at Atlanta, Georgia, will be held in Room 220, Post Office & Courthouse Building, 57 Forsyth Street.

MC 128762 Sub-11, P. L. Lawton, Inc., now being assigned November 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 103926 Sub-42, W. T. Mayfield Sons Trucking, Co., now assigned November 4, 1975, at Atlanta, Georgia; will be held in Room 556, Federal Office Building, 275 Peachtree Street NE.

MC 103993 Sub-848, Morgan Drive-Away, Inc. and MC 107295 Sub-749, Pre-Fab Transit Co., A Corporation, now assigned November 10, 1975, at Atlanta, Georgia; will be held in Room 305, 1252 West Peachtree St. NW.

MC 113855 Sub-303, International Transport, Inc. and MC 115311 Sub-173, J & M Transportation Co., Inc., now assigned November 6, 1975, at Atlanta, Georgia; will be

held in Room 556, Federal Office Building, 275 Peachtree Street NE.

No. 36106, Dixie-Land Iron and Metal Co., Inc. v. The Southern Railway Company, now assigned November 12, 1975 at Atlanta, Georgia; will be held in Room 305, 1252 West Peachtree Street NW.

AB-1 Sub 26, Chicago and North Western Transportation Company Abandonment Between Dakota City and Wayne Counties, Nebraska, now assigned November 11, 1975 at Wayne, Nebraska, is canceled, and reassigned November 10, 1975 (3 days) at Wayne, Nebraska; in a hearing room to be designated later.

MC 730 Sub-364, Pacific Intermountain Express Co., continued to December 2, 1975 (9 days) at Dallas, Texas; in Room 5A15-17 New Federal Building, 1100 Commerce Street.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26414 Filed 10-1-75;8:45 am]

[Notice No. 89]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 2, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 22, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75677. By order dated September 25, 1975, the Motor Carrier Board, on reconsideration, approved the transfer to BTC, Inc., Saxonburg, Pa., of Certificate No. MC 83610 issued by the Commission May 4, 1956, to A. W. Bauman, Jr., Darlington, Pa., authorizing the transportation of fire clay shapes, clay pouring channels, fire clay saggers, coal and raw clay, grog and saggers scrap, silicon carbide grains, and pallets and skids, to and from named points in Pennsylvania, West Virginia, New York, New Jersey, Indiana, Ohio, and Illinois. Joseph Manion Ludwig, Esquire, Attorney for BTC, Inc., 312 Frick Building, Pittsburgh, Pa. 15219.

No. MC-FC-75752. By order of September 23, 1975, Division 3, acting as an Appellate Division, approved the transfer to Vulcan Freight Lines, Inc., Pinson, Ala., of that portion of the operating rights in Certificate No. MC 99653 (Sub-No. 3), issued December 8, 1970, to Victory Freight Lines, Inc., Birmingham, Ala., authorizing the transportation of commodities which by reason of size or weight required special equipment, between points in Alabama. R. Conner Wiggins, Jr., Suite 909-100, North Main Building, Memphis, Tenn. 38103 and John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Attorneys for applicants.

No. MC-FC-75864. By order entered September 26, 1975, the Motor Carrier Board approved the transfer to East-West Refrigerated Freight Lines, of Naperville, Ill., of the operating rights set forth in Permits Nos. MC 134793 (Sub-No. 2), and MC 134793 (Sub-No. 3), issued January 18, 1972, and August 1, 1974, respectively, to East-West Refrigerated Freight Lines, Naperville, Ill., authorizing the transportation of storm windows and doors, assembled and glazed, fibre-glass and aluminum awnings, and aluminum patio covers, knocked down, from the plantsite of Kinkead Industries, Inc., at Warrenville, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, under a continuing contract or contracts with Kinkead Industries, Inc.; and various specified commodities, from the plantsite and warehouse facilities of Chicago Mastic Company at Chicago and Rosemont, Ill., to points in the United States (except Alaska, Hawaii, Alabama, Florida, Georgia, North Carolina, and South Carolina), restricted against the transportation of commodities in bulk, under a continuing contract or contracts with Chicago Mastic Company. Donald S. Mullins, 4704 W. Irving Park Rd., Chicago, Ill. 60641, attorney for applicants.

No. MC-FC-76025. By order of September 29, 1975, the Motor Carrier Board approved the transfer to Frank Hamilton Warehouses, Inc., Cincinnati, Ohio, of the operating rights in certificate No. MC 18950 issued February 27, 1942, to Charles Wakeman, Cincinnati, Ohio, authorizing the transportation of household goods between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Indiana and Kentucky. James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215 Attorney for applicants.

No. MC-FC-76086. By order entered September 26, 1975, the Motor Carrier Board approved the transfer to Dalke Transport, Inc., Moundridge, Kans., of the operating rights set forth in Certificates Nos. MC 117375 (Sub-No. 2), MC 117375 (Sub-No. 4), MC 117375 (Sub-No. 5), MC 117375 (Sub-No. 6), and MC 117375 (Sub-No. 8), issued by the Commission July 8, 1968, November 1, 1967, January 18, 1968, January 13, 1969, and August 25, 1972, respectively, to Branson Truck Line, Inc., Lyons, Kans., authorizing the transportation of clay products, artificial stone, masonry products, masonry articles, concrete blocks, and concrete brickstone, from, to and between points in Iowa, Kansas, Missouri, Oklahoma, Nebraska, New Mexico, Colorado, Wyoming, Texas, Arkansas, Illinois, Minnesota, South Dakota, Wisconsin, and North Dakota. John E. Jandera, 641 Harrison St., Topeka, Kans., 66603, attorney for applicants.

No. MC-FC-76096. By order entered September 26, 1975, the Motor Carrier Board approved the transfer to J J & H Trucking Co., Inc., Inwood, N.Y., of the operating rights set forth in Permits Nos. MC 139523 (Sub-No. 1) and MC 139523 (Sub-No. 2), issued May 7, 1975, and September 16, 1974 (as corrected October 8, 1974), respectively, to John Ardito and Harold Flaum, a partnership, doing business as J & H Trucking Co., Inwood, N.Y., authorizing the transportation of carpeting, rugs, and padding, and such commodities as are dealt in, used by, and sold by retailers and distributors of carpeting, rugs, and padding, from, to, and between specified points in New York, Connecticut, Rhode Island, Maryland, Massachusetts, and Pennsylvania. Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26415 Filed 10-1-75;8:45 am]

[Notice No. 109]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 25, 1975.

The following are notices of filing of applictions for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Com-

mission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 100TA), filed September 17, 1975. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F St., P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas, for 180 days. Supporting shipper: J. J. Stefanec, Manager of Transportation Legislation, Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 33500 (Sub-No. 20TA), filed September 16, 1975. Applicant: PYRAMID VAN LINES, INC., 479 South Airport Blvd., South San Francisco, Calif. 94080. Applicant's representative: Dan J. Lutkenhouse (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, between Arizona, New Mexico, Nevada, Utah, Idaho, Montana, Wyoming on the one hand, and, on the other, points in California, Oregon, Washington, Texas, Louisiana, New York, Florida, Georgia, South Carolina, Virginia, Maryland, New Jersey, Delaware, and Alabama, for 180 days. Supporting shipper: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 61396 (Sub-No. 289TA), filed September 18, 1975. Applicant: HERMAN BROS., INC., P.O. Box 189, 2565 St. Marys Ave., Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, at or near Falls City, Nebr., to points in Iowa, Missouri, and Kansas, for 180 days. Supporting shipper: J. J. Stefanec, Manager of Transportation Legislation, Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 104832 (Sub-No. 10TA), filed September 18, 1975. Applicant: HOLMAN TRANSFER COMPANY, 49 SE. Clay St., Portland, Oreg. 97214. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Sugar*, dry, in bulk, from Portland, Oreg., to Spokane, Wash., for 180 days. Supporting shipper: California and Hawaiian Sugar Company, No. 1 California St., San Francisco, Calif. 94106. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 107541 (Sub-No. 36TA), filed September 17, 1975. Applicant: MAGEE TRUCK SERVICE, INC., 18101 SE. McLoughlin Blvd., Milwaukie, Oreg. 97222. Applicant's representative: David C. White, 2400 SW. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard panels, particleboard and prefinished plywood*, from points in Oregon to port of entry on the International Boundary, between the United States and Canada near Oroville, Wash., restricted to traffic moving in foreign commerce. Applicant will tack with its authority issued by British Columbia to provide through service to destination points, for 180 days. Supporting shipper: J. Fyfe Smith Company, Ltd., 424 Drake St., Vancouver, B.C., Canada. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 112266 (Sub-No. 8TA), filed September 17, 1975. Applicant: CRAYCRAFT TRUCKING, INC., P.O. Box 267, Upper Sandusky, Ohio 44315. Applicant's representative: Hazel Franks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from New Hudson, Mich., to Lucas County, Ohio, for 180 days. Supporting shipper: Kuhlman Corp., P.O. Box 714, 1845 Collingwood Ave., Toledo, Ohio 43695. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 113908 (Sub-No. 353TA), filed September 17, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rum, distilled spirits, wine and wine products*, in bulk, from Roberta and Atlanta, Ga., to Dayton, N.J., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 115931 (Sub-No. 32TA), filed September 16, 1975. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 925, Baker, Mont. 59313. Applicant's representative: John R. Davidson, Room 805, Midland Bank Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, packaged in bags and/or boxes and materials and supplies used in the protection, handling and sale of the product, from Casper, and Sheridan, Wyo., to points in Arizona, California, Idaho, Illinois, Iowa, Minnesota, Missouri, Montana, Nevada, New Mexico, Oregon, Utah and Washington, for 180 days. Supporting shipper: Gordon T. Peters, President, Fireplace Fuels, Inc., P.O. Box 3744, Casper, Wyo. 82601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. P.O. Bldg., Billings, Mont. 59101.

No. MC 117119 (Sub-No. 552TA), filed September 19, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Spring, Ark. 72728. Applicant's representative: Gimmel & Weiman, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical products* viz; coal tar dyes, chemicals, N.O.I.: cryolite; dye intermediates; iron oxide; liquid latex; plastic materials: resins; rubber, compound and crude; titanium dioxide; zinc oxide, from Union, Bayonne, Elizabeth and New Brunswick, N.J., and Mobay Chemical Corporation Plant, Natrium Marshal County, W. Va., to points in California, for 180 days. Supporting shipper: Verona Dyestuff Div., Mobay Chemical Corp., Metropolitan Park, P.O. Box 385, Union, N.J. 07083. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 124711 (Sub-No. 36TA), filed September 18, 1975. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the terminal site of Agrico Chemical Company, at or near Falls City, Nebr., to points in Iowa, Missouri and Kansas, for 180 days. Supporting shipper: Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 125161 (Sub-No. 19TA), filed September 17, 1975. Applicant: UNITED

FREIGHTWAYS, INC., 671 Chestnut St., North Andover, Mass. 01845. Applicant's representative: George C. O'Brien, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granulated limestone*, in bulk, in specially designed pneumatic self-unloading tank vehicles, from Adams, Mass., to Saco, Maine, under a continuing contract or contracts with Boston Feed Supply Corp., for 180 days. Supporting shipper: Boston Feed Supply Corp., 177 Milk St., Boston, Mass. 02109. Send protests to: Max Gorenstein, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

No. MC 126243 (Sub-No. 14TA), filed September 19, 1975. Applicant: ROBERTS TRUCKING CO., INC., Highway 271 South, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex and liquid foam rubber*, in bulk, in shipper owned trailers, from Poteau, Okla., to Lewisville, Monticello and Hope, Ark.; Des Moines, Iowa; Lincoln, Nebr., and Hillsboro and Marlin, Tex., for 180 days. Supporting shipper: Textile Rubber and Chemical Company, Route 1, Dalton, Ga. 30720. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126645 (Sub-No. 6TA), filed September 18, 1975. Applicant: ORSCOE ORWICK AND FRANCES ORWICK, doing business as ROSCOE AND FRANCES, 163 Kings Highway, Bellemead, Altoona, Pa. 16602. Applicant's representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, frozen dairy products, fruit juices, sherbert, milk, cottage cheese, buttermilk, yogurt and other dairy products*, from the plantsite of Sealtest Foods, Division of Kraftco Corp., Philadelphia, Pa., to Dunkirk, N.Y., in refrigerated vehicles, under a continuing contract with Sealtest Foods, Division of Kraftco Corp., for 180 days. Supporting shipper: Sealtest Foods, Division of Kraftco Corporation, 5501 Tabor Ave., Philadelphia, Pa. 19120. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 127737 (Sub-No. 3TA), filed September 19, 1975. Applicant: JIM EDWARD GODFREY, Route 3, Gaffney, S.C. 29340. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials* (except in bulk, in tank or dump vehicles), from points in Spartanburg County, S.C., to points in Georgia north of I-20 including but not limited to the towns of Rome, Cartersville, Dalton, Gainesville, Cummings, Jefferson, Blairsville, Commerce, Toccoa, Lawrenceville, Royston, Elberton, and others, for 180 days. Supporting shipper: International Minerals & Chemical Corp., P.O. Box 5398, Spartanburg, S.C. 29304. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 128988 (Sub-No. 69TA), filed September 17, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, camping, heating, recreational and mobile home equipment, and equipment, materials and supplies* utilized in the manufacture, distribution and sale of air conditioning, camping, heating, mobile home and recreational equipment, from Santa Fe Springs, Calif., to Ocala, Fla.; Americus, Ga.; Boise, Idaho; Portland, Oreg.; Camp Hill, Pa., and Dallas, Tex. Restrictions: Restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with The Coleman Company, Inc., Wichita, Kans. for 180 days. Supporting shipper: The Coleman Company, Inc., 250 North S. Francis, Wichita, Kans. 67202. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 133689 (Sub-No. 64TA), filed September 19, 1975. Applicant: OVERLAND EXPRESS, INC., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Glassware, glass-ceramicware, electric appliances*, and (B) *parts and accessories* of the commodities in (A) above (except commodities in bulk), from Greencastle, Pa., to points in Iowa, Minnesota, Nebraska and those points in Illinois on and north of U.S. Highway 36 (except Chicago, Ill., and points in the Chicago, Ill., Commercial Zone), restricted to traffic originating at the plantsite and/or storage facilities of Corning Glass Works at or near Greencastle, Pa., for 180 days. Supporting shipper: Corning Glass Works, Houghton Park, Corning, N.Y. 14830. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134783 (Sub-No. 34TA), filed September 17, 1975. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79022. Applicant's representative: Charles M. Williams, 646 Metropolitan Bldg., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities utilized by MBPXL Corporation, at or near Friona and Plainview, Tex., to points within 50 miles radius of Chicago, Ill., including Chicago, Ill., for 180 days. Supporting shipper: MBPXL Corporation, Box 2519, Wichita, Kans. 67201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135634 (Sub-No. 4TA), filed September 19, 1975. Applicant: JOSEPH M. HANEY, SR., doing business as J. M. HANEY TRUCKING CO., 4754 Mahoning Ave., Youngstown, Ohio 44515. Applicant's representative: Abraham A. Diamond, 29 South LaSalle St., Suite 545, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, accessories, equipment and supplies*, other than commodities in bulk and those requiring special equipment, from the facilities of Midas-International Corp., in Chicago, Ill., to points in New York, Pennsylvania and West Virginia, under a continuing contract or contracts with Midas-International Corporation, for 180 days. Supporting shipper: Midas-International Corporation, 4101 West 42nd Place, Chicago, Ill. 60632. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 136832 (Sub-No. 2TA), filed September 18, 1975. Applicant: SOUTHERN IDAHO TRANSPORT, INC., P.O. Box W, Filer, Idaho 83328. Applicant's representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boxes, corrugated fiber pulpboard, and fiberboard lining material*, from the plantsite and storage facilities of Longview Fibre Company, at or near Twin Falls, Idaho, to Winnemucca, Nev., and rejected shipments on return, under a continuing contract or contracts with Longview Fibre Company, Twin Falls, Idaho, for 180 days. Supporting shipper: Longview Fibre Company, P.O. Box 387, Twin Falls, Idaho 83301. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 136899 (Sub-No. 14TA), filed September 18, 1975. Applicant: HIGGINS TRANSPORTATION LTD., 824 Valley View Drive, Richland Center, Wis. 53581. Applicant's representative: Wayne

Wilson, 329 W. Wilson St., Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and related accessories*, (2) *household products* when moving in mixed loads with the commodities described in part (1) or part (3), and (3) *curtain and drapery rods*, between Baraboo, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Klein Industries, Inc., 715 Lynn Ave., Baraboo, Wis. 53913. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 138530 (Sub-No. 18TA) (Correction), filed August 19, 1975 published in the FEDERAL REGISTER issue of September 2, 1975, and republished as corrected this issue. Applicant: C. O. P. TRANSPORT, INC., 307 South High St., Cortland, Ohio 44410. Applicant's representative: Warren R. Keck, III, 28 Souty Second St., Greenville, Pa. 16125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper* and *copper alloys*, other than perforated or silver plated. Viz: *sheet, plate* and *strip, scrap* and *scrap copper alloy* (loose or in containers), *coils, bars*, drawn, rolled or extruded between the plantsite of Hussey Metals Division/Copper Range Co., Eminence, Ky., on the one hand, and, on the other, points in Cleveland, Ohio Commercial Zone, under a continuing contract with Hussey Metals Division/Copper Range Co., for 180 days. Supporting shipper: Hussey Metals Division/Copper Range Co., Eminence, Ky. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Minth St., Cleveland, Ohio 44199. The purpose of this republication is to clarify the commodity description.

No. MC 138844 (Sub-No. 8TA), filed September 19, 1975. Applicant: GAS INCORPORATED, 87 Industrial Ave., East, Lowell, Mass. 01854. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in vacuum insulated cryogenic tank vehicle, (1) from Carlstadt, N.J., to Providence, R.I.; (2) from Providence, R.I., to Wilmington, Del., for 180 days. Supporting shipper: Delmarva Power and Light, 800 King St., Wilmington, Del. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 139905 (Sub-No. 4TA), filed September 18, 1975. Applicant: R. B. STUCKY AND N. M. STUCKY, doing business as S & S DAIRIES, Route 2, Moundridge, Kans. 67107. Applicant's representative: Clyde N. Christey, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix, sherbert mix, ice milk, popsicle mix and fudgsicle mix, in bulk*, in tank vehicles only, between Hutchinson, Kans., and Denver, Colo., for 180 days. Supporting shipper: Jackson Ice Cream Company, Inc., 2600 East Fourth, Hutchinson, Kans. 67501. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140648 (Sub-No. 3TA), filed September 18, 1975. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: James E. Frasier, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, such as toothpicks, rolling pins, ice cream sticks and clothes pins; *Plastic products*, such as ice cream spoons, cocktail forks and bulk plastic cutlery; *Sporting goods*, such as Croquet sets, ball bats, toboggans and sleds, (1) from Wilton, Maine to Hutchinson, Kans.; Salt Lake City and Logan, Utah; Spokane and Tacoma, Wash.; Portland, Oreg.; Union City, San Diego and Fresno, Calif.; Tulsa and Oklahoma City, Okla.; Tolleson, Ariz.; Houston and San Antonio, Tex.; Memphis, Tenn.; Little Rock, Ark.; Joplin, Mo.; Miami, Jacksonville, Dodge Island, Hialeah, Orlando and Tampa, Fla.; Atlanta, Ga.; Monroe, La.; Indianola and Jackson, Miss.; (2) from Guilford, Maine, to Dallas, Tex.; Los Angeles and San Francisco, Calif.; Seattle, Wash.; under a continuing contract or contracts with Forster Mfg. Co., Inc., and Hardwood Products Company, for 180 days. Supporting shippers: Forster Mfg. Co., Inc., Albert C. Heath, Mgr. Traffic, Wilton, Maine 04294. Hardwood Products Company, Donald Templet, Sales Mgr., School St., Guilford, Maine 04443. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 140883 (Sub-No. 3TA), filed September 18, 1975. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle, NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store fixtures*, from the facilities of Warren/Sherer Division of Kysor Industrial Corporation, at or near Marshall, Mich., to points in the United States on and west of U.S. Highway 85, under a continuing contract or contracts with Warren/Sherer Division of Kysor Industrial Corp., for 180 days. Supporting shipper: Warren/Sherer Division of Kysor Industrial Corp., West Industrial Road, Marshall, Mich. 49068. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 141065 TA (Correction), filed June 19, 1975, published in the FEDERAL REGISTER issue of July 8, 1975, and republished as corrected this issue. Applicant: TOMMY MOON, doing business as MOON'S GARAGE, 8139 West Beaver St., Jacksonville, Fla. 32205. Applicant's representative: Lorense H. Blow, 6032 Robbins Circle South, Jacksonville, Fla. 32211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked and disabled vehicles and trailers;* (b) *Vehicles and trailers* as replacement for wrecked or disabled vehicles and trailers; (c) *Salvage or used parts* for vehicles and trailers when being transported on the same vehicle and at the same time as commodities set forth above; (d) *Repossessed vehicles*, between points in Florida on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan (east of Lake Michigan), Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shippers: There are approximately 25 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202. The purpose of this republication is to correct the applicant's name.

No. MC 141097 (Sub-No. 1TA), filed September 17, 1975. Applicant: CALTEX, INC., 3051 Capri Lane, Costa Mesa, Calif. 92626. Applicant's representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic yarn and synthetic fiber*, from the plantsites and warehouse facilities of (a) E. I. du Pont de Nemours and Co., located at or near Seaford, Del., to the facilities of Pharr Yarns, located at or near McAdenville, Gastonia, Belmont and Spencer Mountain, N.C.; Clover, S.C.; Rome, Ga.; and Costa Mesa, Calif.; (b) E. I. du Pont de Nemours and Co., located at or near Camden, S.C., to the facilities of Pharr Yarns located at or near McAdenville, Gastonia, Belmont and Spencer Mountain, N.C.; Rome, Ga.; and Costa Mesa, Calif.; (c) Monsanto Company, located at or near Greenwood, S.C., and the plantsite and warehouse facilities of Pharr Yarns, located at or near McAdenville, Gastonia, Belmont and Spencer Mountain, N.C.; Rome, Ga.; and Costa Mesa, Calif.; (d) Dow Badishe Co., located at or near Anderson, S.C., to the facilities of Pharr Yarns located at or

near McAdenville, Gastonia, Belmont, and Spencer Mountain, N.C.; Rome, Ga.; and Costa Mesa, Calif.; (2) *Synthetic yarn and synthetic fiber*, (a) between the facilities of Pharr Yarns located at or near Costa Mesa, Calif., on the one hand, and, on the other, Dallas, Marlin, El Paso, Hillsboro, and Houston, Tex.; Lake Charles, La.; Las Cruces, and Albuquerque, N. Mex.; Phoenix, Ariz., and points in Oklahoma; (b) between the facilities of Pharr Yarn located at or near McAdenville, Gastonia, Belmont and Spencer Mountain, N.C.; Clover, S.C.; and Rome, Ga.; on the one hand, and, on the other, Dallas, Marlin, El Paso, Hillsboro, and Houston, Tex.; Lake Charles, La.; Las Cruces and Albuquerque, N. Mex.; Phoenix, Ariz.; and points in Oklahoma and California; (c) from the facilities of Pharr Yarns located at or near Costa Mesa, Calif., to points in Georgia, Tennessee, Alabama, North Carolina, South Carolina and Pennsylvania; (d) between the facilities of Pharr Yarns located at or near McAdenville, Gastonia, Belmont, and Spencer Mountain, N.C.; Clover, S.C.; and Rome, Ga. Restriction: The above-described service to be restricted to transportation to be performed under a continuing contract or contracts with Pharr Yarns, Inc., of McAdenville, N.C., for 180 days. Supporting shipper: Pharr Yarns, Inc., McAdenville, N.C. 28101. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141281TA (Correction), filed September 2, 1975, published in the FEDERAL REGISTER issue of September 16, 1975, and republished as corrected this issue. Applicant: MINNESOTA LINES, INC., Route 2, Highway 13 North, Albert Lea, Minn. 56007. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and industrial insecticides, herbicides, pesticides and chemicals and empty containers* for the commodities described in (2) below (except commodities in bulk, in tank vehicles), from the facilities of Imperial, Inc., at or near Albert Lea, Minn., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, South Dakota, Tennessee, Wisconsin and Wyoming; and (2) *Materials and supplies* used in the packaging processing, formulating, production, blending and storage of the commodities described in (1) above (except commodities in bulk, in tank vehicles), from the destinations named in (1) above and points in Georgia, Michigan, Nevada, New Jersey, New York, Ohio and Pennsylvania to the facilities of Imperial, Inc., at or near Albert Lea, Minn. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Imperial, Inc., for 180 days. Supporting shipper: Imperial, Inc., P.O. Box 423, Shenandoah, Iowa 51601. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to include the above restriction and a portion of the territorial description.

No. MC 141288 (Sub-No. 1TA), filed September 17, 1975. Applicant: R. J. AND RALPH R. COSTELLO, doing business as D & R TRUCKING, P.O. Box 500, Casper, Wyo. 82601. Applicant's representative: Lawrence E. Middaugh, City Center Bldg., Casper, Wyo. 82601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sucker rods*, between points in Wyoming, Colorado, North Dakota, South Dakota, Montana, Utah, and New Mexico, under a continuing contract or contracts with Dover Corporation, Norris Division, for 180 days. Supporting shipper: Dover Corporation Norris Division, Box 1739, Tulsa, Okla. 74101. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg., & Post Office, 100 West "E" St., Casper, Wyo. 82601.

No. MC 141314 (Sub-No. 1TA) (Correction), filed September 10, 1975. Applicant: SOMERSIDE EXPRESS, INC., 210 South Horseshoe Dr., Somerset, Ky. 42501. Applicant's representative: R. H. Kinker, 711 McClure Building, Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unupholstered furniture, furniture parts, and furniture hardware*, from the plantsite and warehouse facilities of Karel of Cumberland, Inc., and Cumberland Wood and Chair Corporation, at or near Somerset, Ky., to Los Angeles, Calif., under a continuing contract or contracts with Karel of Cumberland, Inc., and Cumberland Wood and Chair Corporation, for 180 days. Supporting shipper(s): Franklin D. Hill, Secretary-Treasurer (both), Karel of Cumberland, Inc., Somerset, Ky., and Cumberland Wood and Chair Corporation, Somerset, Ky. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 141328 (Sub-No. 1TA), filed September 19, 1975. Applicant: MID-STATE HAULING CONTRACTORS, INC., P.O. Box 13, 106 North 25th St., Lexington, Mo. 64067. Applicant's representative: Thomas J. Presson, P.O. Box 71, Lot 27, River Bend Estates, Redfield, Ark. 72132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, and gravel*, from points in Hot Springs, Dallas, Sevier, Pulaski, Howard, and Clark Counties, Ark., to points in Louisiana, for 180 days. Supporting shipper: Pensacola Construction Company, 4745 Poplar, Suite 307, Memphis, Tenn. 37117. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141332 (Sub-No. 1TA), filed September 18, 1975. Applicant: BED-LINE MFG. CO., P.O. Box 4956, Whittier, Calif. 90607. Applicant's representative: William J. Lippman, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Washington and Oregon, to points in Los Angeles, San Bernardino, Orange, San Francisco, Alameda, and San Diego Counties, Calif., under a continuing contract or contracts with Maher Forest Products, Ltd., for 180 days. Supporting shipper: Maher Forest Products, Ltd., P.O. Box 387, Medina, Wash. 98039. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141338TA, filed September 19, 1975. Applicant: ROLAND J. MILLER, doing business as COMPASS TRANSPORT (proprietorship), 8584 Limonte Ave., Riverside, Calif. 92509. Applicant's representative: James H. Grossman, 700 South Flower St., Suite 700, Los Angeles, Calif. 90017. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles*, by driveway service, between points in Riverside, Orange, and San Bernardino Counties, Calif., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Nevada, Arizona, Montana, Utah, New Mexico, Colorado, and Texas, for 180 days. Supporting shippers: (1) Southwind Motor Homes, Inc., 5300 Via Ricardo, Riverside, Calif. (2) El Dorado Industries, Inc., 19940 Hansen Ave., Lakeview, Calif. (3) Travoy Corporation, 12561 Fischer Road, Riverside, Calif. 92502. (4) Dan's Travel Trailers, 240 Gentry Way, Reno, Nev. (5) Tioga Industries, Inc., Jamboree Industries, 1975 Third St., Riverside, Calif. 92507. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141339TA, filed September 19, 1975. Applicant: DAVIS TRUCKING, Route 3, Box 108, Starke, Fla. 32091. Applicant's representative: James A. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Offal, tankage, and inedible grease*, in bulk; (2) *Soybean meal and concentrated poultry feed ingredients*, in bulk, (1) between points in Florida, Georgia, Alabama, North Carolina, South Carolina, Tennessee, Virginia, Maryland, and Pennsylvania; (2) from Gainesville and Valdosta, Ga., Fayetteville, N.C., to Jacksonville, Fla., for 180 days. Supporting shippers: (1) National Protein, Inc., P.O. Drawer J, Hampton, Fla. 32044. (2) Painters Poultry/Cargill, Inc., 5421 W. Beaver St., Jacksonville, Fla. 32205. Send protests

to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26416 Filed 10-1-75;8:45 am]

IRREGULAR-ROUTE MOTOR CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 29, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateways herein described may be filed with the Interstate Commerce Commission on or before October 14, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 112595 (Sub-No. E1), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Kentucky within an area bounded by a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 27 to Paris, thence along U.S. Highway 227 to Winchester, thence along Kentucky Highway 15 to Hazard, thence along Kentucky Highway 80 to Hyden, thence along U.S. Highway 421 to Loyall, thence along U.S. Highway 119 to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to junction U.S. Highway 31-W, thence along U.S. Highway 31-W to the Kentucky-Indiana State line, thence along the Kentucky-Indiana State line and the Ohio-Kentucky State line to the point of beginning, on the one hand, and, on the other, those points in Ohio in an area bounded by a line beginning at the Ohio-Kentucky State line extending along Ohio Highway 28 to Midland, thence along U.S. Highway 68 to Wilmington, thence along U.S. Highway 22 to Washington Court House, thence along U.S. Highway 62 to Columbus, thence along U.S. Highway 23 to Delaware, thence along U.S. Highway 36 to Urbana, thence along U.S. Highway 68 to Springfield, thence along Ohio Highway 4 to Dayton, Ohio, thence along U.S. Highway 35 to Eaton, thence along U.S. Highway 127 to junction Ohio Highway 73, thence along Ohio Highway 73 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to the Ohio River, thence along the Ohio River to the point of beginning. The purpose of this filing is to eliminate the gateway of Covington, Ky.

No. MC 112595 (Sub-No. E2), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, and *liquid petroleum*, in bulk, in tank vehicles, between those points in Kentucky within an area bounded by a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to Winchester, thence along U.S. Highway 227 and Interstate Highway 75 and Kentucky Highway 461 to Somerset, thence along Kentucky Highway 80 to Bowling Green, thence along U.S. Highway 31-W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line and the Kentucky-Virginia State line to Jenkins, thence along U.S. Highway 23 to Paintsville, thence along Kentucky Highway 201 to Webbville, thence along Kentucky Highway 1 to Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line, on the one hand, and, on the other, points in Ohio on, east, and south of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateway of Catlettsburg, Ky.

No. MC 112595 (Sub-No. E3), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Kentucky in an area bounded on the west by U.S. Highway 31-W and on the east by a line extending from the Kentucky-Tennessee State line extending along U.S. Highway 25-W to junction Kentucky Highway 92, thence along Kentucky Highway 92 to Pineville, thence along Kentucky Highway 11 to Maysville, on the one hand, and, on the other, points in Ohio north and west of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 73 to junction U.S. Highway 127, thence along U.S. Highway 127 to Eaton, thence along U.S. Highway 35 to Dayton, thence along Interstate Highway 75 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of points in Ohio within the Covington, Ky., commercial zone.

No. MC 112595 (Sub-No. E4), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, and liquid petroleum*, in bulk, in tank vehicles, between those points in Kentucky on, south, and east of a line beginning at Ashland Ky., extending along U.S. Highway 60 to Graysin, thence along Kentucky Highway 7 to junction U.S. Highway 460 at Liberty, thence along Kentucky Highway 203 to Hazel Green, thence along Kentucky Highway 191 to Torrenci, thence along Kentucky Highway 11 to Levi, thence along Kentucky Highway 30 to London, thence along U.S. Highway 25 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Ohio north and east of a line beginning at Bridgeport extending along U.S. Highway 250 to Uhrichville, thence along U.S. Highway 36 to Delaware, thence along U.S. Highway 23 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Kenova, W. Va.

No. MC 112595 (Sub-No. E5), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Kentucky within an area bounded by a line beginning at Ashland extending along U.S. Highway 60 to Lexington, thence along U.S. Highway 25 to Corbin, thence along U.S. Highway 25-W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to Middlesboro, thence along the Kentucky-Virginia State line to Jenkins, thence along U.S. Highway 23 to Paintsville, thence along Kentucky Highway 201 to Webbville, thence along Kentucky Highway 1 to Grayson, thence along U.S. Highway 60 to Catlettsburg, thence along U.S. Highway 23 to Ashland, on the one hand, and, on the other, points in Ohio on and east of a line beginning at the Kentucky-Ohio State line near Ironton extending along Ohio Highway 93 to Jackson, thence along U.S. Highway 35 to Chillicothe, thence along U.S. Highway 23 to the Ohio-Michigan State line north of Toledo. The purpose of this filing is to eliminate the gateway of points in the Ashland, Ky., commercial zone.

No. MC 112595 (Sub-No. E6), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's rep-

resentative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Ohio south and west of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 73 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 35, thence along U.S. Highway 35 to Chillicothe, thence along U.S. Highway 23 to the Kentucky-Ohio State line at Portsmouth, on the one hand, and, on the other, points in West Virginia and Virginia within an area bounded by a line beginning at Princeton, W. Va., extending along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 460, thence along U.S. Highway 460 to Princeton, W. Va. The purpose of this filing to eliminate the gateway of Catlettsburg or Leach, Ky., or Kenova, W. Va.

No. MC 112595 (Sub-No. E7), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Ohio on, west, and north of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 73 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 35, thence along U.S. Highway 35 to Dayton, thence along Ohio Highway 4 to Springfield, thence along U.S. Highway 68 to Urbana, thence along U.S. Highway 36 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, on the one hand, and, on the other, points in West Virginia within an area bounded by a line beginning at Catlettsburg, Ky., and extending along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 52 to Kermit, thence along the Kentucky-West Virginia State line to Catlettsburg, Ky. The purpose of this filing is to eliminate the gateway of Catlettsburg or Leach, Ky.

No. MC 112595 (Sub-No. E8), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Ohio within an area bounded by a line beginning at the Ohio-Kentucky State line at Portsmouth extending along U.S. Highway 23 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction Ohio Highway 60, thence along Ohio Highway 60 to Zanesville, thence along Ohio Highway 93 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in Virginia on and west of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of Catlettsburg or Leach, Ky.

No. MC 112595 (Sub-No. E9), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Ohio north and east of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to Delaware, thence along U.S. Highway 42 to Medina, thence along Ohio Highway 18 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Pennsylvania-Ohio State line, on the one hand, and, on the other, points in Virginia west of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of Catlettsburg or Leach, Ky.

No. MC 112595 (Sub-No. E10), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Ohio on, west and north of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 33 to Marysville, thence along U.S. Highway 36 to Delaware, thence along U.S. Highway 23 to the Michigan-Ohio State line, on the one hand, and, on the other, points in Virginia west of Highway 52. The purpose of this filing is to eliminate the gateway of Catlettsburg or Leach, Ky.

No. MC 112595 (Sub-No. E11), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Kentucky within an area bounded by a line beginning at Louisville, Ky., and extending along U.S. Highway 31–W to Bowling Green, thence along U.S. Highway 68 to Lexington, thence along U.S. Highway 60 to Catlettsburg, thence along the Ohio-Kentucky State line to the Kentucky-Ohio-Indiana State line, thence along the Kentucky-Indiana State line to Louisville, on the one hand, and, on the other, points in Virginia on and east of U.S. Highway 52 and on and west of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 15 to Gordonsville, thence along U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Kenova, W. Va.

No. MC 112595 (Sub-No. E12), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between those points in Ohio on, north, and west of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to Delaware, thence along U.S. Highway 36 to the Indiana-Ohio State line, on the one hand, and, on the other, points in West Virginia within an area bounded by a line beginning at the Ohio-West Virginia State line near New Martinsville, W. Va., extending along West Virginia Highway 20 to Gypsy, thence along U.S. Highway 19 to Bluefield, thence along U.S. Highway 52 to Welch, thence along West Virginia Highway 16 to Pineville, thence along West Virginia Highway 10 to Oceana, thence along West Virginia Highway 85 to Madison, thence along U.S. Highway 119 to Charleston, thence along U.S. Highway 35 to the Ohio-West Virginia State line near Henderson, thence along the Ohio-West Virginia State line to New Martinsville, W. Va. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E13), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Ohio west and north of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to Delaware, thence along U.S. Highway 36 to the Ohio-Indiana State line, on the one hand, and, on the other, points in West Virginia within an area bounded by a line beginning at the Ohio-West Virginia State line at New Martinsville, extending along West Virginia Highway 20 to Gypsy, thence along U.S. Highway 19 to Bluefield, thence along U.S. Highway 52 to Naugatuck, thence along West Virginia Highway 65 to Logan, thence along U.S. Highway 119 to Charleston, thence along U.S. Highway 35 to Henderson, thence along the Ohio-West Virginia State line (Ohio River) to New Martinsville, W. Va. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E14), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's repre-

sentative: Walter S. Dail (same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Ohio on, east, and north of a line beginning at Cleveland, extending along U.S. Highway 42 to Medina, thence along Ohio Highway 3 to Wooster, thence along U.S. Highway 30 to East Liverpool, thence along the Ohio-West Virginia State line to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in West Virginia within an area bounded by a line extending from Williamstown along Interstate Highway 77 to Charleston, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, thence along U.S. Highway 52 to Huntington, thence along U.S. Highway 60 to the West Virginia-Kentucky State line, thence along the West Virginia-Kentucky State line to the West Virginia-Ohio State line, thence along the West Virginia-Ohio State line to the point of beginning. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E15), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Ohio on and south of a line beginning at the Indiana-Ohio State line extending along the northern boundary of Hamilton County and thence along the Hamilton-Clermont County line to junction Ohio Highway 32, thence along Ohio Highway 32 to junction Ohio Highway 41 at Peebles, thence along Ohio Highway 41 to junction Ohio Highway 124, thence along Ohio Highway 124 to Jackson, thence along U.S. Highway 35 to the Ohio-West Virginia State line near Kanauga, on the one hand, and, on the other, points in West Virginia north and east of a line beginning at Wheeling extending along West Virginia Highway 88 to junction U.S. Highway 250, thence along U.S. Highway 250 to Phillipi, thence along U.S. Highway 119 to Buckhannon, thence along U.S. Highway 33 to Elkins, thence along U.S. Highway 219 to the Maryland-West Virginia State line near Breedlove. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E16), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter R. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Ohio on and west of a line extending from Marietta along Interstate Highway 77 to junction U.S. Highway 36 near Newcomerstown, thence along U.S. Highway 36 to junction U.S. Highway 23, thence along U.S. Highway 23 to Circleville, thence along Ohio Highway 56 to Athens, thence along U.S. Highway 50 to Belpre, thence along the Ohio-West Virginia State line to Marietta, on the one hand, and, on the other, points in West Virginia within the area bounded by a line extending from Buckhannon along U.S. Highway 33 to Elkins, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to Summersville, thence along U.S. Highway 19 to Buckhannon. The purpose of this filing is to eliminate the gateway of Marietta, Ohio.

No. MC 112595 (Sub-No. E17), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Kentucky south and east of a line beginning at Catlettsburg extending along U.S. Highway 60 to Louisville, thence along U.S. Highway 31–W to the Tennessee-Kentucky State line, on the one hand, and, on the other, points in West Virginia east and north of a line beginning at Wheeling extending along West Virginia Highway 88 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 119 at Buckhannon, thence along U.S. Highway 33 to Elkins, thence along U.S. Highway 219 to the West Virginia-Maryland State line near Breedlove. The purpose of this filing is to eliminate the gateway of Kenova, W. Va.

No. MC 112595 (Sub-No. E18), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Kentucky on and north of U.S. Highway 60, on the one hand, and, on the other, points in Virginia and points in West Virginia in an area bounded on the north by a line extending from Buckhannon along U.S. Highway 33 to Elkins, thence along U.S. Highway 219 to Bluefield, thence along U.S. Highway 19 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to Buckhannon. The purpose of this filing is to eliminate the gateway of Kenova, W. Va.

No. MC 112595 (Sub-No. E19), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Kentucky on and east of U.S. Highway 31–W, on the one hand, and, on the other, points in West Virginia east of a line beginning at the West Virginia-Maryland State line extending along U.S. Highway 219 to Huttonsville, thence along U.S. Highway 250 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E20), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products and liquid petroleum*, in bulk, in tank vehicles, between points in Kentucky on and east of U.S. Highway 31–W and north of U.S. Highway 60, on the one hand, and, on the other, points in West Virginia east of a line beginning at Bluefield extending along U.S. Highway 219 to the Virginia-West Virginia State line, thence along the West Virginia-Virginia State line to Peterstown, thence along U.S. Highway 219 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Ironton, Ohio.

No. MC 112595 (Sub-No. E21), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases and natural gasoline*, in bulk, in tank vehicles, from points in West Virginia south and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, thence along U.S. Highway 52 to junction U.S. Highway 119, thence along U.S. Highway 119 to Logan, thence along West Virginia Highway 10 to junction West Virginia Highway 37, thence along West Virginia Highway 37 to the Kentucky-West Virginia State line, to points in Indiana and Michigan. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and the plantsite of Columbia Hydrocarbon Corporation at or near Siloam, Ky.

No. MC 112595 (Sub-No. E22), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases and natural gasoline*, in bulk, in tank vehicles, from points in West Virginia south and west of a line beginning at the Kentucky-West Vir-

ginia State line extending along West Virginia Highway 37 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line, to points in Michigan and those in Indiana north of a line beginning at Madison extending along Indiana Highway 256 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 56, thence along Indiana Highway 56 to Paoli, thence along U.S. Highway 150 to the Indiana-Illinois State line near Vincennes, Ind. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and the plantsite of Columbia Hydrocarbon Corporation at or near Siloam, Ky.

No. MC 112595 (Sub-No. E23), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases and natural gasoline*, in bulk, in tank vehicles, from points in West Virginia within an area bounded by a line beginning at Parkersburg extending along U.S. Highway 50 to the Maryland-West Virginia State line, thence along the Maryland-West Virginia State line to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, to points in Indiana south of Interstate Highway 74. The purpose of this filing is to eliminate the gateway of Middleport or Ironton, Ohio, and the plantsite of Columbia Hydrocarbon Corporation at or near Siloam, Ky.

No. MC 112595 (Sub-No. E24), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases and natural gasoline*, in bulk, in tank vehicles, from points in West Virginia north and east of a line beginning at the Kentucky-West Virginia State line extending along West Virginia Highway 37 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to Ft. Gay, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line, to points in Kentucky on and west of U.S. Highway 31-W. The purpose of this filing is to eliminate the gateway of Iron or Middleport, Ohio, and the plantsite of the Columbia Hydrocarbon Corporation at or near Siloam, Ky.

No. MC 112595 (Sub-No. E26), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Kentucky in the area bounded on the west by a line beginning at the Ohio-Indiana State line extending along US Highway 31-W to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to the Kentucky-Virginia State line, thence along the Kentucky-Virginia State line to the Kentucky-West Virginia State line, thence along the Kentucky-West Virginia State line to the Kentucky-Ohio State line to Vanceburg, Ky., thence along Kentucky Highway 59 to Olive Hill, thence along US Highway 60 to Mt. Sterling, thence along US Highway 460 to Louisville, to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, District of Columbia and those points in Virginia on and north of a line beginning at the Virginia-West Virginia State line extending along US Highway 50 to junction Virginia Highway 239, thence along Virginia Highway 239 to the Potomac River. The purpose of this filing is to eliminate the gateway of Leach, Ky.

No. MC 112595 (Sub-No. E27), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions*, *supra*), from points in Kentucky on and north of a line beginning at Louisville, Ky., and extending along US Highway 460 to junction US Highway 60, thence along US Highway 60 to junction Kentucky Highway 1, thence along Kentucky Highway 1 to the Kentucky-West Virginia State line at Louisa, to points in Virginia in an area bounded on the north by a line beginning at the Maryland-Virginia State line extending along US Highway 50 and on the south and west by a line beginning at the Virginia-West Virginia State line extending along US Highway 33 to junction US Highway 15, thence along US Highway 15 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the refineries located in Leach, Ky.

No. MC 112595 (Sub-No. E28), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Kentucky on, north and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 31-W to Elizabethtown, thence along U.S. Highway 62 to Versailles, thence along U.S. Highway 60 to the Kentucky-West Virginia State line at Catlettsburg, to points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 220 to junction U.S. Highway 311, thence along U.S. Highway 311 to Winston-Salem, thence along U.S. Highway 52 to Lexington, thence along U.S. Highway 29 to Charlotte, thence along Interstate Highway 77 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of refineries at Leach, Ky.

No. MC 112595 (Sub-No. E29), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and west of a line beginning at the Ohio-Kentucky State line extending along Ohio Highway 93 to junction U.S. Highway 33, thence along U.S. Highway 33 to Columbus, thence along U.S. Highway 23 to the Michigan-Ohio State line, to points in North Carolina east of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 321 to Lenoir, thence along North Carolina Highway 18 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of refineries at Leach, Ky.

No. MC 112595 (Sub-No. E30), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio in the area bounded on the west by a line beginning at the Ohio-

Kentucky State line extending along U.S. Highway 62 to Columbus, thence along U.S. Highway 33 to the Ohio-West Virginia State line, to points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 321 to Lenoir, thence along North Carolina Highway 18 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of refineries at Leach, Ky.

No. MC 112595 (Sub-No. E31), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), from points in Ohio north and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 68 to Wilmington, thence along Ohio Highway 73 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line and the Ohio-Kentucky State line to Aberdeen, to points in South Carolina. The purpose of this filing is to eliminate the gateway of refineries at Leach, Ky.

No. MC 112595 (Sub-No. E32), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and east of a line beginning at the Ohio-Kentucky State line at Portsmouth extending along Ohio Highway 73 to Locust Grove, thence along Ohio Highway 41 to Washington Court House, thence along Ohio Highway 38 to Marysville, thence along U.S. Highway 33 to junction U.S. Highway 68 (including Bellefontaine), thence along U.S. Highway 68 to Findlay, thence along U.S. Highway 25 to the Michigan-Ohio State line, to points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of refineries at Leach, Ky.

No. MC 112595 (Sub-No. E33), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, *supra*), from points in Ohio east of a line beginning at Portsmouth extending along U.S. Highway 23 to Columbus, thence along U.S. Highway 33 to Marysville, thence along Ohio Highway 31 to Kenton, Ohio, thence along U.S. Highway 68 to Findlay, thence along U.S. Highway 25 to the Michigan-Ohio State line, to points in Alabama, Louisiana and Mississippi. The purpose of this filing is to eliminate the gateway of refineries at Leach, Ky.

No. MC 112595 (Sub-No. E34), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio north and west of a line beginning at Cleveland extending along Interstate Highway 71 to Columbus, thence along U.S. Highway 40 to Springfield, thence along U.S. Highway 68 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line, to points in South Carolina and those points in North Carolina west and south of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 1 to Raleigh, thence along U.S. Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E35), filed April 11, 1974. Applicant FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates, supra,*) from points in Ohio south and west of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 73 to Wilmington, thence along US Highway 68 to the Kentucky-Ohio State line at Aberdeen, to points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line near Ennice extending along North Carolina Highway 18 to Morganton, thence along US Highway 64 to Rutherfordton, thence along US Highway 221 to the North Carolina-South Carolina State line, and points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line extending along US Highway 25 to Greenwood, thence along US Highway 221 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E36), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio, to points in Florida and those points in Georgia south of a line beginning at Augusta extending along US Highway 25 to Waynesboro, thence along Georgia Highway 56 to Mt. Vernon, thence along US Highway 280 to McRae, thence along US Highway 319 to Thomasville, thence along US Highway 84 to the Alabama-Georgia State line near Saffold, Ga. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E37), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on, east, and north of Ohio Highway 73, to points in Georgia south of a line beginning at the Georgia-South Carolina State line extending along US Highway 29 to Athens, thence along US Highway 129 to Macon, thence along US Highway 80 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E38), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C.

209), from points in Ohio on, north and east of a line beginning at the Ohio-Indiana State line extending along US Highway 36 to Delaware, thence along US Highway 23 to the Kentucky-Ohio State line, to points in Georgia south of a line beginning at the Georgia-South Carolina State line extending along US Highway 123 to Cornelia, thence along US Highway 23 to junction Georgia Highway 20, thence along Georgia Highway 20 to junction Georgia Highway 81, thence along Georgia Highway 81 to junction US Highway 19, thence along US Highway 19 to Zebulon, thence along Georgia Highway 18 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E39), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on, north and east of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 29 to Jefferson, thence along US Highway 40 to Columbus, thence along US Highway 23 to the Kentucky-Ohio State line at Portsmouth, to points in Georgia on and south of a line beginning at the Georgia-Alabama State line extending along Georgia Highway 166 to junction Interstate Highway 285, thence along Interstate Highway 285 to Sandy Springs, thence along US Highway 19 to junction Georgia Highway 60, thence along Georgia Highway 60 to the North Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E40), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Ohio, on, north and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 30 to Delphos, thence along U.S. Highway 30–N to Williamstown, thence along U.S. Highway 68 to Kenton, thence along Ohio Highway 31 to Columbus, thence along U.S. Highway 23 to the Kentucky-Ohio State line at Portsmouth, to points in Georgia north and west of a line beginning at the North Carolina-Georgia State line extending along Georgia Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to Sandy Springs, thence along Interstate Highway 285 to junction Georgia Highway 166, thence along Georgia Highway 166 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E41), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Ohio on and north and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 30 to Delphos, thence along U.S. Highway 30–S to Marion, thence along U.S. Highway 23 to the Ohio-Kentucky State line at Portsmouth, to points in Alabama. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E42), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Ohio on, north and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 36 to Covington, thence along Ohio Highway 41 to Springfield, thence along U.S. Highway 40 to Columbus, thence along U.S. Highway 23 to the Kentucky-Ohio State line at Portsmouth, to points in Alabama on and south of a line beginning at Eufaula, Ala., and extending along U.S. Highway 82 to Montgomery, thence along Alabama Highway 14 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E43), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and north of Ohio Highway 73, to points in Alabama south of a line beginning at Eufaula, Ala., extending along U.S. Highway 82 to Union Springs, thence along U.S. Highway 29 to Luverne, thence along Alabama Highway 10 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E44), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Ohio on and north of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 129 to Hamilton, thence along Ohio Highway 4 to junction Interstate Highway 275, thence along Interstate Highway 275 to junction Ohio Highway 125, thence along Ohio Highway 125 to Bethel, thence along Ohio Highway 133 to the Ohio-Kentucky State line, to points in Alabama on and south of a line beginning at the Georgia-Alabama State line extending along Alabama Highway 10 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to Mobile, thence along U.S. Highway 98 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E45), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and east of a line beginning at the Ohio-Michigan State line extending along Ohio Highway 109 to Ottawa, thence along Ohio Highway 65 to Lima, thence along Ohio Highway 117 to Bellefontaine, thence along US Highway 33 to Marysville, thence along Ohio Highway 38 to Washington Court House, thence along Ohio Highway 73 to the Ohio-Kentucky State line at Portsmouth,

to points in Mississippi. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E46), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and east of a line beginning at the Ohio-Michigan State line extending along Ohio Highway 66 to Delphos, thence along US Highway 30 to Lima, thence along US Highway 68 to Springfield, thence along Ohio Highway 72 to Hillsboro, thence along Ohio Highway 247 to the Ohio-Kentucky State line at Wrightsville, to points in Mississippi south of US Highway 82. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E47), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and east of a line beginning at the Ohio-Michigan State line extending along Ohio Highway 66 to St. Marys, thence along Ohio Highway 29 to Sidney, thence along Interstate Highway 75 to Dayton, thence along Ohio Highway 48 to junction Ohio Highway 73, thence along Ohio Highway 73 to Wilmington, thence along US Highway 68 to the Ohio-Kentucky State line at Ripley, to points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line extending along Mississippi Highway 19 to Kosciusko, thence along Mississippi Highway 35 to Carrollton, thence along US Highway 82 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E48), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on, north and east of a line beginning at the Ohio-Indiana State line extending along US Highway 36 to Covington, thence along Ohio Highway 41 to Springfield, thence along US Highway 68 to the Ohio-Kentucky State line at Ripley, to points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line extending along US Highway 84 to Collins, thence along US Highway 49 to Jackson, thence along US Highway 80 to the Mississippi-Louisiana State line at Vicksburg. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E49), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), from points in Ohio on, north and east of a line beginning at the Ohio-Indiana State line extending along US Highway 35 to Eaton, thence along Ohio Highway 122 to junction Ohio Highway 48, thence along Ohio Highway 48 to junction Ohio Highway 132, thence along Ohio Highway 132 to Batavia, thence along Ohio Highway 32, to Mt. Orab, thence along US Highway 68 to the Ohio-Kentucky State line at Ripley, to points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line extending along US Highway 98 to Hattiesburg, thence along US Highway 49 to Magee, thence along Mississippi Highway 28 to Georgetown, thence along Mississippi Highway 27 to the Louisiana-Mississippi State line at Vicksburg. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E50), filed April 11, 1974. Applicant: FORD BROTHERS, INC., PO Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on, north and east of a line extending along Ohio Highway 129 to Hamilton, thence along Ohio Highway 4 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 275, thence along Interstate Highway 275 to junction Ohio Highway 32, thence along Ohio Highway 32 to Mt. Orab, thence along US Highway 68 to the Kentucky-Ohio State line at Ripley, to points in Mississippi south and west of a line extending from Gulfport, over US Highway 49 to Maxie, thence along Mississippi Highway 13 to Columbia, thence along US Highway 98 to the Mississippi River. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E51), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XVI and XV to the report in the *Descriptions* case, *supra*), from points in Ohio north and east of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 36 to Greenville, thence along Ohio Highway 49 to Dayton, thence along U.S. Highway 35 to Xenia, thence along U.S. Highway 68 to the Kentucky-Ohio State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E52), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on, north and east of Ohio Highway 73, to points in Louisiana south and west of a line beginning at the Arkansas-Louisiana State line extending along Louisiana Highway 7 to Coushatta, thence along U.S. Highway 84 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E53), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209,

in bulk in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Description* case, *supra*), from points in Ohio on, north and east of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 129 to Hamilton, thence along Ohio Highway 4 to junction Interstate Highway 275, thence along Interstate Highway 275 to junction Ohio Highway 32, thence along Ohio Highway 32 to Mt. Orab, thence along U.S. Highway 68 to the Kentucky-Ohio State line, to points in Louisiana south and west of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 71 to Shreveport, thence along U.S. Highway 171 to Lake Charles, thence along U.S. Highway 90 to Lafayette, thence along U.S. Highway 167 to Opelousas, thence along U.S. Highway 190 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E54), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Ohio, to points in Louisiana on, south and west of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 71 to Shreveport, thence along U.S. Highway 171 to Lake Charles, thence along U.S. Highway 90 to Raceland, thence along Louisiana Highway 1 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E55), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Ohio on and east of a line beginning at Cleveland, extending along U.S. Highway 42 to Delaware, thence along U.S. Highway 23 to the Kentucky-Ohio State line, to points in Missouri on and east of a line beginning at Cape Girardeau extending along Missouri Highway 74 to junction Missouri Highway 25, thence along Missouri Highway 25 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky., or Kenova, W. Va.

No. MC 112595 (Sub-No. E56), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio east of a line beginning at Portsmouth extending along U.S. Highway 23 to Chillicothe, thence along Ohio Highway 159 to Lancaster, thence along Ohio Highway 37 to junction Ohio Highway 661, thence along Ohio Highway 661 to Mt. Vernon, thence along Ohio Highway 3 to Medina, thence along Ohio Highway 18 to Akron, thence along Ohio Highway 261 to junction Ohio Highway 88, thence along Ohio Highway 88 to junction Ohio Highway 528, thence along Ohio Highway 528 to Lake Erie, to points in Missouri on, south and west of a line beginning at Ste. Genevieve, extending along Missouri Highway 32 to Farmington, thence along Missouri Highway 8 to St. James, thence along Missouri Highway 68 to junction U.S. Highway 63, thence along U.S. Highway 63 to Columbia, thence along U.S. Highway 40 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction U.S. Highway 36, thence along U.S. Highway 36 to Chillicothe, thence along U.S. Highway 65 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E57), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio south of a line beginning at Portsmouth extending along Ohio Highway 139 to Jackson, thence along Ohio Highway 93 to McArthur, thence along U.S. Highway 50 to Athens, thence along U.S. Highway 50A to Marietta, to points in Missouri. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E58), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio south of a line beginning at Portsmouth extending along Ohio Highway 139 to Jackson, thence along Ohio Highway 346 to Tuppers Plains, thence along Ohio Highway 7 to the Ohio-West Virginia State line, to points in Wisconsin north and west of a line beginning at Racine extending along Wisconsin Highway 11 to Monroe, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E59), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, (except petroleum products described in Appendices XIV and XV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), from points in Ohio on and south of a line beginning at the Ohio-Kentucky State line at Portsmouth extending along U.S. Highway 23 to Lucasville, thence along Ohio Highway 348 to junction Ohio Highway 279, thence along Ohio Highway 279 to Thurman, thence along U.S. Highway 35 to the Ohio-West Virginia State line at Kanauga, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E60), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Kentucky on and east of a line beginning at Vanceburg extending along Kentucky Highway 59 to Olive Hill, thence along Kentucky Highway 174 to junction Kentucky Highway 649, thence along Kentucky Highway 649 to Green, thence along Kentucky Highway 7 to West Liberty, thence along U.S. Highway 460 to the Virginia-Kentucky State line, to points in Missouri. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E61), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*) from points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line at Maysville extending along Kentucky Highway 11 to Levi, thence along Kentucky Highway 30 to London, thence along Kentucky Highway 80 to Manchester, thence along U.S. Highway 421 to the Kentucky-Virginia State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E62), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Kentucky on, south, and east of a line beginning at the Kentucky-Tennesee State line extending along U.S. Highway 25W to junction Kentucky Highway 80, thence along Kentucky Highway 80 to Manchester, thence along U.S. Highway 421 to the Kentucky-Virginia State line, to points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 169 to Minneapolis, thence along Interstate Highway 35 to Forest Lake, thence along U.S. Highway 61 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E63), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line at Vanceburg extending along Kentucky Highway 59 to junction Kentucky Highway 377, thence along Kentucky Highway 377 to Morehead, thence along U.S. Highway 60 to Mt. Sterling, thence along Kentucky Highway 11 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to Tyner, thence along U.S. Highway 421 to the Kentucky-Virginia State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E64), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in Kentucky south of a line beginning at the Kentucky-Virginia State extending along U.S. Highway 421 to Loyall, thence along U.S. Highway 119 to Pineville, thence along U.S. Highway 25E to Corbin, thence along U.S. Highway 25W to junction Kentucky Highway 90, thence along Kentucky Highway 90 to Parkers Lake, thence along U.S. Highway 27 to the Kentucky-Tennessee State line, to points in Wisconsin north of Interstate Highway 94 to junction Wisconsin Highway 16, thence along Wisconsin Highway 16 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E64), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Kentucky on and south of a line beginning at the Tennessee-Kentucky State line extending along Interstate Highway 75 to Corbin, thence along Kentucky Highway 312 to junction Kentucky Highway 195, thence along Kentucky Highway 195 to Somerset, thence along U.S. Highway 27 to Bronson, thence along Kentucky Highway 90 to Monticello, thence along Kentucky Highway 200 to the Tennessee-Kentucky State line, to points in Wisconsin on and west of a line beginning at the Minnesota-Wisconsin State line near Trempealeau extending along Wisconsin Highway 93 to junction U.S. Highway 53, thence along U.S. Highway 53 to Osseo, thence along Wisconsin Highway 27 to Ladysmith, thence along U.S. Highway 8 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Lake Superior. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky

No. MC 112595 (Sub-No. E66), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia, on and south of U.S. Highway 40, to points in Minnesota on and west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E67), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia, to points in Minnesota west of a line beginning at Ortonville extending along U.S. Highway 12 to Benson, thence along Minnesota Highway 29 to Wallina, thence along U.S. Highway 71 to the United States-Canada International Boundary line at International Falls, Minn. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E68), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line at Parkersburg extending along U.S. Highway 50 to Clarksburg, thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E69), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Liquid petroleum products*, as described in Appendir XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 33 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E70), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line at Parkersburg extending along U.S. Highway 50 to Clarksburg, thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E71), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Virginia on, south and west of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 33 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E72), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia to points in Missouri south and east of a line beginning at the Missouri-Illinois State line at St. Louis, Mo., extending along Interstate Highway 70 to New Florence, thence along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to Moberly, thence along U.S. Highway 63 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E73), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line at Parkersburg extending along U.S. Highway 50 to Clarksburg, thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line, to points in Missouri. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E74), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 33 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line and east of a line beginning at the Kentucky-Virginia State line extending along U.S. Highway 23 to Pound, thence along Virginia Highway 83 to Fremont, thence along Virginia Highway 63 to St. Paul, thence along U.S. Highway Alternate 58 to Abingdon, thence along U.S. Highway 58 to Damascus, thence along Virginia Highway 91 to the Tennessee-Virginia State line, to points in Missouri north and west of a line beginning at the Missouri-Kentucky State line at Birds Point, extending along U.S. Highway 60 to junction Missouri Highway 25, thence along Missouri Highway 25 to junction Missouri Highway 9, thence along Missouri Highway 9 to Marble Hill, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to Winona, thence along Missouri Highway 19 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E75), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in *Descriptions* case, *supra*), from points in West Virginia, to points in Louisiana on, west, and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 51 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of the refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E76), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions case, supra*), from points in West Virginia north of a line beginning at the Kentucky-West Virginia State line at Williamson extending along U.S. Highway 52 to Welch, thence along West Virginia Highway 16 to Beckley, thence along West Virginia Highway 3 to Bellepoint, thence along West Virginia Highway 12 to the West Virginia-Virginia State line at Peterstown, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E77), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report

in the *Descriptions* case, *supra*), from points in West Virginia to points in Mississippi. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E78), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and north of a line beginning at the Kentucky-West Virginia State line near Naugatuck extending along West Virginia Highway 65 to Logan, thence along West Virginia Highway 10 to Tralee, thence along West Virginia Highway 16 to Beckley, thence along U.S. Highway 19 to Summersville, thence along West Virginia Highway 39 to the Virginia-West Virginia State line near Rimel, to points in Alabama. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E79), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia north of a line beginning at the Kentucky-West Virginia State line near Williamson extending along U.S. Highway 52 to Welch, thence along West Virginia Highway 16 to Tralee, thence along West Virginia Highway 10 to Princeton, thence along West Virginia Highway 20 to Rainelle, thence along U.S. Highway 60 to the West Virginia-Virginia State line, to points in Alabama west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 231 to Montgomery, thence along U.S. Highway 331 to the Florida-Alabama State line near Florala. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E80), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia north and west of U.S. Highway 119, to points in Alabama on and west of a line beginning at the Tennessee-Alabama State line near Fisk extending along U.S. Highway 231 to Montgomery, thence along U.S. Highway 82 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E81), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia north and west of a line beginning at the Pennsylvania-West Virginia State line near Pentress extending along unnumbered highways to Rivesville, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 119 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to West Hamlin, thence along West Virginia Highway 10 to junction West Virginia Highway 37, thence along West Virginia Highway 37 to the Kentucky-West Virginia State line near Ft. Gay, to points in Georgia. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E82), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and north of a line beginning at the Maryland-West Virginia State line extending along U.S. Highway 219 to Elkins, thence along U.S. Highway 33 to the Ohio-West Virginia State line at Henderson, to points in Georgia on and west of a line beginning at the Tennessee-Georgia State line extending along Interstate Highway 75 to Atlanta, thence along U.S. Highway 19 to Albany, thence along Georgia Highway 133 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E83), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and west of U.S. Highway 119, to points in Florida. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E84), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and north of a line beginning at the West Virginia-Maryland State line extending along U.S. Highway 219 to Elkins, thence along U.S. Highway 33 to the Ohio-West Virginia State line at Henderson, to points in Florida on and west of a line beginning at the Georgia-Florida State line extending along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 319 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Ironton, or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E85), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dall (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 19 to Beckley, thence along West Virginia Highway 3 to junction West Virginia Highway 99, thence

along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to Oceana, thence along West Virginia Highway 85 to North Spring, thence along U.S. Highway 51 to the Kentucky-West Virginia State line near Williamson, to points in Florida on and south of a line beginning at Sarasota extending along Florida Highway 780 to junction Florida Highway 70, thence along Florida Highway 70 to Okeechobee, thence along U.S. Highway 441 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E86), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on, west, and north of a line beginning at the Pennsylvania-West Virginia State line near Pentress extending along unnumbered highway thru Fairview and Baxter to Rivesville; thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Ohio State line near Parkersburg, to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line extending along South Carolina Highway 9 to Pacolet, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to Saluda, thence along U.S. Highway 178 to North, thence along U.S. Highway 321 to Fairfax, thence along U.S. Highway 21 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E87), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia in Hancock, Brooke, Ohio, Marshall, and Wetzel Counties, and points on and west of a line beginning at New Martinsville, extending along West Virginia Highway 18A to junction West Virginia Highway 18, thence along West Virginia Highway 18 to Linn, thence along U.S. Highway 33 to the Ohio-West Virginia State line near Henderson, to points in South Carolina. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E88), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia north of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the Ohio-West Virginia State line at Parkersburg, to points in North Carolina west of U.S. Highway 25. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E89), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Hancock, Brooke, Ohio, and Wetzell and Marshall Counties, W. Va., to points in North Carolina on and south of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 23 to Asheville, thence along U.S. Highway 74 to Lawrinburg, thence along U.S. Highway 401 to Fayetteville, thence along North Carolina Highway 24 to Clinton, thence along U.S. Highway 421 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E90), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia north and west of a line extending from Parkersburg along West Virginia Highway 14 to Gandeeville, thence along West Virginia Highway 34 to Hamlin, thence along West Virginia Highway 3 to West Virginia Highway 10, thence along West Virginia Highway 10 to Huntington, to points in North Carolina south and east of a line beginning at Hobucken extending along North Carolina Highway 33 to Greenville, thence along North Carolina Highway 43 to Rocky Mount, thence along U.S. Highway 117 to Goldsboro, thence along U.S. Highway 13 to Newton Grove, thence along U.S. Highway 701 to White Lake, thence along North Carolina Highway 41 to Lumberton, thence along U.S. Highway 301 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E91), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia in the area bounded by a line beginning at the Ohio-West Virginia State line at Mason extending along U.S. Highway 33 to Ripley, thence along Interstate Highway 77 to West Virginia Highway 34, thence along West Virginia Highway 34 to Hamlin, thence along West Virginia Highway 3 to West Hamlin, thence along West Virginia Highway 10 to Ranger, thence along West Virginia Highway 37 to the Kentucky-West Virginia State line at Ft. Gay, W. Va., to points in North Carolina. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E92), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia in the area bounded by a line beginning at the Ohio-West Virginia State line at Mason extending along U.S. Highway 33 to Ripley, thence along Interstate Highway 77 to junction West Virginia Highway 34, thence along West Virginia Highway 34

to Hamlin, thence along West Virginia Highway 3 to West Hamling, thence along West Virginia Highway 10 to Ranger, thence along West Virginia Highway 37 to the Kentucky-West Virginia State line at Ft. Gay, to points in Virginia in and area bounded on the south and west by a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 33 to Gordonsville, and on the west by U.S. Highway 15 to the North Carolina-Virginia State line, and on the north by a line extending from the West Virginia-Virginia State line along Virginia Highway 259 to junction Virginia Highway 260, thence along Virginia Highway 260 to New Market, thence along U.S. Highway 211 to junction U.S. Highway 522, thence along U.S. Highway 522, to Culpeper thence along Virginia Highway 3 to Warsaw, thence along U.S. Highway 360 to the Maryland-Virginia State line, including points in Virginia on the Del-Mar-Va Peninsula. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E93), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Cabell, Wayne, and Mingo Counties, W. Va., to points in Maryland on and north of a line beginning at the Pennsylvania-Maryland State line extending along Maryland Highway 47 to Cumberland, thence along U.S. Highway 40 to Baltimore, thence along Maryland Highway 3 to junction Maryland Highway 178, thence along Maryland Highway 178 to Annapolis, thence along U.S. Highway 50 to Queenstown, including points in Maryland on the Del-Mar-Va Peninsula, and points in Delaware. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E94), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Cabell, Wayne, and Mingo Counties, W. Va., to points in Virginia north of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 50 to Winchester, thence along Virginia Highway 7 to Berryville, thence along U.S. Highway 340 to the Virginia-West Virginia State line near Gaylord, including those points in Virginia on the Del-Mar-Va Peninsula. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E95), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Cabell, Wayne, Lincoln, Logan, and Mason Counties, W. Va., to points in Maryland on and north of a line beginning at the Pennsylvania-Maryland State line extending along Maryland Highway 47 to Cumberland, thence along U.S. Highway 40 to Hagerstown, thence along Maryland Highway 77 to Middleburg, thence along Maryland Highway 84 to junction Maryland Highway 31, thence along Maryland Highway 31 to Westminster, thence along U.S. Highway 140 to Pikesville, thence along Interstate Highway 695 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Maryland Highway 700, thence along Maryland Highway 700 to junction Maryland Highway 150, thence along Maryland Highway 150 to the Chesapeake Bay near Chase, including all points in Maryland on the Del-Mar-Va Peninsula. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E96), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on, south, and west of a line beginning at the Ohio-West Virginia State line near Henderson extending along U.S. Highway 35 to junction Interstate Highway 64, thence along Interstsate Highway 64 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line, to points in Delaware. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E97), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia west of a line beginning at the West Virginia-Virginia State line extending along West Virginia Highway 80 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to Logan, thence along U.S. Highway 119 to Charleston, thence along U.S. Highway 35 to the Ohio-West Virginia State line near Henderson, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E98), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Cabell, Logan, Mingo, and Wayne Counties, W. Va., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E99), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line at Henderson extending along U.S. Highway 35 to Charleston, thence along U.S. Highway 119 to Logan, thence along West Virginia Highway 10 to West Virginia Highway 80, thence along West Virginia Highway 80 to the Virginia-West Virginia State line, to points in Pennsyl-

vania on and east of a line beginning at the New York-Pennsylvania State line near Lawrenceville, extending along U.S. Highway 15 to Tioga, thence along Pennsylvania Highway 287 to Morris, thence along Pennsylvania Highway 414 to Canton, thence along Pennsylvania Highway 154 to Laporte, thence along Pennsylvania Highway 42 to Ashland, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E100), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and west of a line beginning at Huntington, W. Va., extending along U.S. Highway 60 to junction West Virginia Highway 34, thence along West Virginia Highway 34 to Hamlin, thence along West Virginia Highway 3 to junction U.S. Highway 119, thence along U.S. Highway 119 to Logan, thence along West Virginia Highway 10 to junction West Virginia Highway 80, thence along West Virginia Highway 80 to the Virginia-West Virginia State line, to points in New York. The purpose of this filing is to eliminate the gateways of refineries at or near Leach, Ky., and Ironton or Middleport, Ohio.

No. MC 112595 (Sub-No. E101), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on, south, and west of a line beginning at the Kentucky-West Virginia State line at Williamson extending along U.S. Highway 52 to junction U.S. Highway 119, thence along U.S. Highway 119 to Logan, thence along West Virginia Highway 10 to Pineville, thence along West Virginia Highway 16 to Beckley, thence along U.S. Highway 19 to the Virginia-West Virginia State line at Bluefield, to points in New York on and west of a line beginning at the New York-Pennsylvania State line extending along New York Highway 16 to Hinsdale, thence along New York Highway 408 to Garwoods, thence along New York Highway 70 to junction New York Highway 70A, thence along New York Highway 70A to junction New York Highway 36, thence along New York Highway 36 to Dansville, thence along New York Highway 63 to Wayland, thence along New York Highway 15 to Lake Ontario north of Rochester. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E102), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line at Henderson extending along U.S. Highway 35 to Charleston, thence along U.S. Highway 21 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line, to points in New York on and east of a line beginning at the New York-Pennsylvania State line extending along New York Highway 248A to junction New York Highway 21, thence along New York Highway 21 to Pultneyville. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E103), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line at Henderson extending along U.S. Highway 35 to Charleston, thence along U.S. Highway 21 to Beckley, thence along West Virginia Highway 16 to Yukon, thence along West Virginia Highway 83 to the Virginia-West Virginia State line, to points in Vermont and New Hampshire. The purpose of this filing is to eliminate the gateways of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E104), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in West Virginia on and west of a line beginning at Henderson extending along U.S. Highway 35 to Charleston, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to Iaeger, thence along West Virginia Highway 80 to Bradshaw, thence along West Virginia Highway 83 to the West Virginia-Virginia State line, to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Ironton or Middleport, Ohio, and refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E105), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Virginia north and west of a line beginning at the Virginia-West Virginia State line at Paynesville extending along Virginia Highway 83 to Fremont, thence along Virginia Highway 63 to St. Paul, thence along U.S. Highway Alternate 58 to Jonesville, thence along Virginia Highway 70 to the Virginia-Tennessee State line, to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E106), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and south of U.S. Highway 35 to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky., and Huntington, W. Va.

No. MC 112595 (Sub-No. E107), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and south of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 73 to Wilmington, thence along U.S. Highway 22 to Washington Court House, thence along U.S. Highway 35 to Chillicothe, thence along U.S. Highway 50 to Athens, thence along U.S. Highway 33 to the Ohio-West Virginia State line near Pomeroy, to points in New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways of refineries at or near Leach, Ky., and Huntington, W. Va.

No. MC 112595 (Sub-No. E108), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and south of U.S. Highway 35, to points in New York south and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 209 to Kingston, thence along Interstate Highway 87 to Albany, thence along New York Highway 20 to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky., and Huntington, W. Va.

No. MC 112595 (Sub-No. E109), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and south of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 52 to Cincinnati, thence along U.S. Highway 50 to Chillicothe, thence along U.S. Highway 35 to Jackson, thence along Ohio Highway 124 to the Ohio-West Virginia State line near Pomeroy, to points in New York on and east of a line beginning at the New York-Pennsylvania State line near Seeley Creek extending along New York Highway 328 to Elmira, thence along New York Highway 13 to Cazenovia, thence along U.S. Highway 20 to East Winfield, thence along New York Highway 51 to Mohawk, thence along New York Highway 28 to Poland, thence along New York Highway 8 to Speculator, thence along New York Highway 30 to Tupper Lake, thence along New York Highway 3 to junction New York Highway 56 near Childwold, thence along New York Highway 56 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of refineries at or near Leach, Ky., and Huntington, W. Va.

No. MC 112595 (Sub-No. E110), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio south of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 52 to Cincinnati, thence along U.S. Highway 50 to Hillsboro, thence along Ohio Highway 124 to Jackson, thence along U.S. Highway 35 to the Ohio-West Virginia State line near Kanauga, to points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 11 to Chambersburg, thence along Pennsylvania Highway 433 to Roxbury, thence along Pennsylvania Highway 641 to Spring Run, thence along Pennsylvania Highway 75 to Port Royal, thence along Pennsylvania Highway 333 to Lewistown, thence along U.S. Highway 322 to Potters Mill, thence along Pennsylvania Highway 144 to Pleasant Gap, thence along Pennsylvania Highway 64 to Lock Haven, thence along U.S. Highway 220 to Larry's Creek, thence along Pennsylvania Highway 287 to Tioga, thence along U.S. Highway 15 to the New York-Pennsylvania State line north of Lawrenceville. The purpose of this filing is to eliminate the gateways of refineries at or near Leach, Ky., and Huntington, W. Va.

No. MC 112595 (Sub-No. E111), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), from points in Ohio on and south of U.S. Highway 35, to points in New Jersey. The purpose of this filing is to eliminate the gateways of refineries at or near Leach, Ky., and Huntington, W. Va.

No. MC 112595 (Sub-No. E112), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant: representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia north and east of a line beginning at the Kentucky-West Virginia State line extending along West Virginia Highway 37 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line, to points in Kentucky on and west of U.S. Highway 31-W. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plant site of Oxo-Chemical Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E113), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in Ohio on and east of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to the Ohio-Kentucky State line near Portsmouth, to points in Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateways of Catlettsburg and Ashland, Ky., and the plant site of Oxo-Chemical Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E113), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in Ohio on and east of a line beginning at the Ohio-Michigan State line extending along U.S. Highway 23 to the Ohio-Kentucky State line near Portsmouth, to points in Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateways of Catlettsburg and Ashland, Ky., and the plant site of Oxo-Chemical Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E114), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia south and west of a line beginning at Huntington extending along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, thence along U.S. Highway 51 to junction U.S. Highway 119, thence along U.S. Highway 119 to Logan, thence along West Virginia Highway 10 to junction West Virginia Highway 37, thence along West Virginia Highway 37 to the Kentucky-West Virginia State line, to points in Indiana and Michigan. The purpose of this filing is to eliminate the gateway of the plant site of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E115), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia south and west of a line beginning at the Kentucky-West Virginia State line at Ft. Gay extending along West Virginia Highway 37 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line at Bluefield, to points in Michigan and those points in Indiana north of a line beginning at Madison, extending along Indiana Highway 256 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 56, thence along Indiana Highway 56 to Paoli, thence along U.S. Highway 150 to the Indiana-Illinois State line near Vincennes, Ind. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E116), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia within an area bounded by a line beginning at Parkersburg extending along U.S. Highway 50 to the Maryland-West Virginia State line near Aurora, thence along the Maryland-West Virginia State line to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, to points in Indiana south of Interstate Highway 74. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E117), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in Virginia on and west of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 33 to Gordonsville, thence along U.S. Highway 15 to the North Carolina-Virginia State line, and on and east of U.S. Highway 21, to points in Illinois. The purpose of this filing is to eliminate the gateways of Catlettsburg or Leach, Ky., and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E118), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia, to points in Illinois on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in

bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va. to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E119), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Mason extending along U.S. Highway 33 to Weston, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Maryland State line near Aurora, W. Va., to points in Illinois. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E120), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at the West Virginia-Ohio State line at Huntington extending along U.S. Highway 60 to Gauley Bridge, thence along West Virginia 39 to the Virginia-West Virginia State line, to points in Michigan. The purpose of this filing is to eliminate the gateways of Ironton, Ohio, and the plantsite of Oxo-Chemicals, at Haverhill, Ohio.

No. MC 112595 (Sub-No. E121), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols and liquid spent olefins*, in bulk, in tank vehicles, from points in Virginia on, west, and south of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 33 to Gordonsville, thence along U.S. Highway 15 to the North Carolina-Virginia State line, to points in Michigan. The purpose of this filing is to eliminate the gateways of Catlettsburg or Leach, Ky., and the plantsite of Oxo-Chemicals Co., at Haverhill, Ohio.

No. MC 112595 (Sub-No. E122), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), (except petro chemicals), from Freedom, Pa., to points in Minnesota north of a line beginning at Breckenridge extending along Minnesota Highway 210 to Fergus Falls, thence along U.S. Highway 59 to Detroit Lakes, thence along Minnesota Highway 34 to Park Rapids, thence along U.S. Highway 71 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gate of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E124), filed April 11, 1974. Applicant: FORD

BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), (except petro chemicals), from Freedom, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and those points in Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateways of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E125), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except petroleum products described in Appendices XIV and XV to the report in the *Descriptions* case, *supra*), (except petro-chemicals), from Freedom, Pa., to points in North Carolina on and west of North Carolina Highway 16. The purpose of this filing is to eliminate the gateways of refineries at or near Leach, Ky.

No. MC 112595 (Sub-No. E128), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum products, in bulk, in tank vehicles, from points in West Virginia on and south and west of U.S. Highway 60, to points in Michigan. The purpose of this filing is to eliminate the gateway of Van Wert, Ohio, and Ashland, Ky.

No. MC 112595 (Sub-No. E129), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in Virginia south and west of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 33 to Gordonsville, thence along U.S. Highway 15 to the Virginia-North Carolina State line, to points in Michigan. The purpose of this filing is to eliminate the gateways of Van Wert, Ohio, and Leach, Ky.

No. MC 112595 (Sub-No. E132), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum products, in bulk, in tank vehicles, from points in West Virginia on and south of a line beginning at Huntington extending along U.S. Highway 60 to Gauley Bridge, thence along West Virginia Highway 39 to the Virginia-West Virginia State line near Rimel, to points in Indiana on and north of Indiana Highway 26. The purpose of this filing is to eliminate the gateways of Van Wert and Ironton, Ohio.

No. MC 112595 (Sub-No. E133), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in West Virginia within an area bounded by a line beginning at Huntington extending along West Virginia Highway 10 to Logan, thence along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to Bluefield, thence along U.S. Highway 21 to Charleston, thence along U.S. Highway 35 to the Ohio-West Virginia State line, to points in Illinois on and north of a line beginning at the Indiana-Illinois State line extending along Illinois Highway 9 to Paxton, thence along U.S. Highway 45 to Champaign, thence along Illinois Highway 10 to Lincoln, thence along U.S. Highway 66 to Springfield, thence along U.S. Highway 36 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateways of Van Wert and Ironton, Ohio.

No. MC 112595 (Sub-No. E134), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in West Virginia on and south of U.S. Highway 50, and on and east of a line beginning at Bluefield extending along U.S. Highway 21 to Charleston, thence along U.S. Highway 35 to the Ohio-West Virginia State line, to points in Illinois on and north of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 9 to Paxton, thence along U.S. Highway 45 to Champaign, thence along Illinois Highway 47 to Decatur, thence along Illinois Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to Hamel, thence along Indiana Highway 140 to the Illinois-Missouri State line at Alton. The purpose of this filing is to eliminate the gateways of Van Wert and Ironton, Ohio.

No. MC 112595 (Sub-No. E135), filed April 11, 1974. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton (Coal Grove), Ohio. Applicant's representative: Walter S. Dail (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, which is a liquid petroleum product, in bulk, in tank vehicles, from points in Virginia within an area bounded by a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 33 to Gordonsville, thence along U.S. Highway 15 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to junction U.S. Highway 52 near Cana, thence along U.S. Highway 52 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to point of beginning, to points in Indiana north of a line beginning at the Ohio-Indiana State line extending along Indiana Highway 26 to Portland, thence along Indiana Highway 67 to Anderson, thence along Indiana Highway 32 to Crawfordsville, thence along U.S. Highway 136 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Van Wert, Ohio, and Leach, or Catlettsburg, Ky.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26413 Filed 10-1-75;8:45 am]

[Notice 78]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 26, 1975.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such author-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ity to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 322), filed September 5, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, and wine by-products*, in bulk, in tank vehicles, from Altus, Ark., to Brooklyn, Hammondsport, Highland, Hudson Falls, Marlboro, and Naples, N.Y. and Buchannon, Harbert, Hartford, Lawton, Paw Paw, and St. Joseph, Mich. and their commercial zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Oklahoma City, Okla.

No. MC 2202 (Sub-No. 495), filed September 5, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Durex Products of Indiana, Inc., located at or near Windfall, Ind., as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 2202 (Sub-No. 496), filed September 8, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Sara Lou Fashions, Inc. at or near Greenwood Springs, Miss. as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn. or Washington, D.C.

No. MC 2860 (Sub-No. 150), filed September 4, 1975. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and sold by retail chain grocery and department stores (except commodities in bulk), between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, North Carolina, South Carolina and Virginia, restricted to the transportation of traffic originating at or destined to the stores, warehouses or storage facilities of Food Fair Stores, Inc., J.M. Fields, Inc., and Ideal Shoe Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 2900 (Sub-No. 279), filed September 8, 1975. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving Bastrop, La., as an off-route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Shreveport or New Orleans, La., or Washington, D.C.

No. MC 3062 (Sub-No. 36), filed August 29, 1975. Applicant: L. A. TUCKER TRUCK LINES, INCORPORATED, Operator of BONIFIELD BROS. TRUCK LINES, INC., 321 No. Spring Ave., P.O. Box 1060, Cape Girardeau, Mo. 63701. Applicant's representative: James R. Ponsot (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) Between St. Louis, Mo. and Chicago, Ill.: From St. Louis, Mo. over Interstate Highway 55 (U.S. Highway 66 where not complete), to Chicago, Ill., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) Between Decatur, Ill. and Chicago, Ill.: (A) From Decatur, Ill. over Illinois Highway 47 to junction Illinois Highway 10, thence over Illinois Highway 10 to junction Interstate Highway 57, thence over Interstate Highway 57 to Chicago, Ill., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (B) From Decatur, Ill. over U.S. Highway 36 to junction Interstate Highway 57, thence over Interstate Highway 57 to Chicago, Ill., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 13179 (Sub-No. 4), filed August 25, 1975. Applicant: R. C. WILLIAMS, INC., West 40 Highway, P.O. Box 273, Russell, Kans. 67665. Applicant's representative: E. H. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection

with, the generating, transmission, or distribution of electricity, the loading, unloading, or movement of which requires the use of special equipment, between points in Kansas bounded on the east by a line beginning on the Kansas-Nebraska State Boundary line and extending along U.S. Highway 77 to intersection U.S. Highway 24, thence westerly along U.S. Highway 24 to intersection U.S. Highway 81, thence southerly along U.S. Highway 81 to the Kansas-Oklahoma State Boundary line and points in Beaver, Cimarron, and Texas Counties, Okla., on the one hand, and, on the other, all railhead points within the same area, as described in the base radial territory, and repair facilities in Kansas, Oklahoma, Colorado, Nebraska, Texas and within the Commercial Zone of Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 17051 (Sub-No. 17), filed September 9, 1975. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, N.J. 07202. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, (on hangers), *equipment, materials and supplies* used or useful in the manufacture and sale of wearing apparel (except in bulk and except as presently authorized), between Newark, Perth Amboy, and Trenton, N.J., Johnsontown, N.Y., on the one hand, and on the other, points in Tennessee and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requesta it be held at New York, N.Y.

No. MC 19157 (Sub-No. 20), filed September 10, 1975. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas or liquids, and *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (2) *parts, materials, equipment and supplies* used in the manufacture, distribution, installation, or operation of the items in (1) above (except in bulk), between points in Monroe, Randolph, and Perry Counties, Ill., and points in St. Clair County, Ill. on and south of a line beginning at the intersection of Illinois Highway 177 and the St. Clair County Boundary line and extending along Illinois Highway 177 to intersection Illinois Highway 158, thence along Illinois Highway 158 to intersection the St. Clair County Boundary line, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at points in Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 22179 (Sub-No. 17), filed August 29, 1975. Applicant: FREEMAN TRUCK LINE, INC., 416 Jackson Avenue, P.O. Drawer 925, Oxford, Miss. 38655. Applicant's representative: Louis I. Dailey, 2208 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Yazoo City, Miss. and Vicksburg, Miss.: From Yazoo City over Mississippi Highway 3 to junction U.S. Highway 61 at or near Redwood, Miss., thence over U.S. Highway 61 to Vicksburg, and return over the same route, serving Redwood and Sartartia, Miss. as intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Vicksburg or Jackson, Miss.

No. MC 22229 (Sub-No. 103), filed September 2, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave., S.E., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the plantsite of The Lovable Company at or near Buford, Ga., as an off-route point in connection with carrier's regular route operations in Docket No. 22229.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Atlanta, Ga. or Washington, D.C.

No. MC 23441 (Sub-No. 19), filed September 4, 1975. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, LaPorte, Ind. 46350. Applicant's representative: Donald W. Smith, Suite 2465–One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Haypressers and windrow pickups, combined, forage or ensilage harvesters, dump blowers with pipes and attachments, corn pickers and huskers*, combined, rakes with teeth attached folded, *manure spreaders or loaders, mowers, and hay loaders*, knocked down, from Chicago, Ill., to points in Indiana, Michigan, Kentucky, Tennessee, Ohio and Pennsylvania; (2) *roadgraders, combined harvesters, separator, clover hullers, tractors, plows, and parts of the foregoing commodities*, from Chicago, Ill., to points in Indiana, Michigan, Kentucky, Missouri, Tennessee, Ohio, and Pennsylvania.

NOTE.—The purpose of this filing is to eliminate the gateway of LaPorte, Ind. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 26739 (Sub-No. 87), filed August 15, 1975. Applicant: CROUCH FREIGHT SYSTEMS INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Roland Rice, 1111 E Street NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Jersey City, N.J. and Minneapolis, Minn.: (1) From Jersey City, N.J. over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee, Wis., thence over U.S. Highway 141 to junction U.S. Highway 10 (near Maintowoc, Wis.), thence over U.S. Highway 10 to junction Interstate Highway 94, thence over Interstate Highway 94 to Minneapolis, Minn. and return over the same route; and (2) From Jersey City, N.J. over U.S. Highway 1 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 35, thence over Interstate Highway 35 to Minneapolis, Minn. and return over the same route, in (1) and (2) above, as alternate routes for operating convenience only, in conjunction with its authorized regular routes, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 27817 (Sub-No. 120), filed September 10, 1975. Applicant: H. C. GABLER, INC., P.O. Box 200, R.D. #3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery food business houses (except commodities in bulk), between the shipping facilities of Hanover Terminals, Inc., D. Westervelt, Inc. and Hanover Brands, Inc. located at or near Shrewbury, New Freedom, and Hanover, Pa., on the one hand, and, on the other,

points in Connecticut, Delaware, the District of Columbia, Florida, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia and West Virginia, restricted to transportation originating at or destined to the above-named shipping facilities at or near Shrewsbury, New Freedom, and Hanover, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 29886 (Sub-No. 326), filed August 18, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts, and related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts*, and *supplies* when moving in connection therewith, between points in Niagara and Erie Counties, N.Y., and that portion of Cattaraugus County, N.Y. on and east of U.S. Highway 219, on the one hand, and, on the other, points in Michigan on and east of a line beginning at the Michigan-Ohio State line and extending northerly along U.S. Highway 127 to its junction with Michigan Highway 78, thence northeasterly along Michigan Highway 78 to its junction with Michigan Highway 21, thence over Michigan Highway 21 to its junction with Interstate Highway 75, thence extending northerly along Interstate Highway 75 to Saginaw Bay (except points in Monroe County, Mich.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 551), filed September 8, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loose books and such materials and supplies* as are used by schools and libraries when transported in vehicles equipped with mechanical heating units, (1) from Amherst, Ashburnham, Boston, Burlington, Cambridge, Clinton, Lawrence, Lee, Lexington, Newton, Reading, Springfield, Waltham, and Wellsley Hills, Mass., to Jersey City, N.J., Commerce, and Atlanta, Ga., Clarksville, Tex., Momence, Ill., Nashville, Tenn., Little Rock, Ark., Allentown, Pa., Cedar Falls, Iowa and Reno, Nev.; and (2) from Jersey City, N.J.; Philadelphia and Scranton, Pa.; Binghamton, Buffalo, and Syracuse, N.Y., and Westminster, Md., to Commerce and Atlanta, Ga.; Clarksville, Tex.; Momence, Ill.; Nashville, Tenn.; Little Rock, Ark.; Allentown, Pa.; Cedar Falls, Iowa, and Reno, Nev., restricted to shipments originating at or destined to warehouses and facilities utilized by Baker & Taylor Companies—Division of W. R. Grace & Co., located at the above-named origins and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify location.

No. MC 31389 (Sub-No. 206), filed August 28, 1975. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Atwater-Strong Company at or near Atwater, Ohio, as an off-route point in conjunction with applicant's regular route operations to and from Akron, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 33426 (Sub-No. 6), filed September 4, 1975. Applicant: FULLER TRANSPORTATION, INC., P.O. Box 198, West Columbia, S.C. 29169. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from points in South Carolina, to Augusta and Savannah, Ga. and points in their commercial zones.

NOTE.—Applicant states that it intends to tack the above requested authority with the authority it holds in MC 33426 in order to provide service on *General commodities* (with exceptions) between points in South Carolina, and Augusta and Savannah, Ga. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 42261 (Sub-No. 122), filed September 11, 1975. Applicant: LANGER TRANSPORT CORP., a Corporation, Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink, ink materials and varnish*, in bulk, in tank vehicles, from New Albany, Ind., to points in Illinois, Kentucky, Mississippi, New York, Ohio, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit, Mich., Indianapolis, Ind. or Washington, D.C.

No. MC 44735 (Sub-No. 25), filed September 2, 1975. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass materials and products; mineral wool, mineral wool material and products; air ducts, roofing, roofing material and supplies, and materials and supplies*, necessary in the installation of these products, from the facilities of Owens-Corning Fiberglas Corporation, at Pauline, Kans., to points in Missouri on and south of U.S. Highway 50, and points in Illinois on and south of Interstate Highway 80.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 46219 (Sub-No. 13), filed September 4, 1975. Applicant: STERNBERGER MOTOR CORPORATION, 40–50 Court Square, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are dealt in by department stores*, and in connection therewith, *materials, supplies, and equipment*, used in the conduct of such business, between Tysons Corner and Alexandria, Va., on the one hand, and, on the other, points in Fairfax, Loudoun, Clarke, Frederick, Warren, Rappahannock, Fauquier, Culpeper, Orange, Spotsylvania, Prince William, Stafford, Caroline, King George and Westmoreland Counties, Va.; and points in Frederick, Carroll, Montgomery, Howard, Anne Arundel, Prince Georges, Calvert, St. Marys and Charles Counties, Md.; Washington, D.C., and Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 48213 (Sub-No. 42), filed August 28, 1975. Applicant: C. E. LIZZA, INC., P.O. Box 447, Latrobe, Pa. 15650. Applicant's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, supplies and materials* used in the distribution, manufacture and installation thereof, between Hazle Township, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Standard Coated Products, a department of American Cyanamid Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50493 (Sub-No. 57) (CORRECTION), filed August 12, 1975, published in the FEDERAL REGISTER issue of

September 18, 1975 as MC 115859 (Sub-No. 6), and republished as corrected this issue. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. 18104. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy beans, soy bean meal and soy bean by-products*, dry, in bulk, from points in Indiana, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Allentown or Philadelphia, Pa.

No. MC 56679 (Sub-No. 82), filed September 10, 1975. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue, S.E., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which by reason of size or weight require the use of special equipment), from the plantsite and storage facilities of Minnesota Mining and Manufacturing Company at or near Ames and Knoxville, Iowa and Norfolk, Neb., to Atlanta, Ga. and Charlotte, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn. or Atlanta, Ga.

No. MC 57239 (Sub-No. 27), filed August 20, 1975. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Richard R. Sigmon, 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Russellville, Ky. and Nashville, Tenn.: (1) From Russellville, Ky. over U.S. Highway 68 to Elkton, Ky., thence over Kentucky Highway 181 to junction U.S. Highway 41, thence over U.S. Highway 41 to Nashville, Tenn., and return over the same route, serving all intermediate points between Russellville and Elkton, Ky., including Elkton, Ky., those between Russellville and Scottsville, Ky., including Scottsville, Ky., and those between Scottsville and the Kentucky-Tennessee State Boundary line, (a) restricted against traffic moving between Louisville, Ky. and points in the Louisville, Ky., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Nashville, Tenn. and its Commercial Zone, as defined by the Commission; and (b) further restricted against traffic moving from, to, or through Evansville, Ind., and its Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Louisville, Ky. and its Commercial Zone, as defined by the Commission; and (2) From Russellville, Ky. over Kentucky Highway 100 to Scottsville, Ky., thence over U.S. Highway 31-E to Nashville, Tenn. and return over the same route, (a) Service at Franklin, Ky. restricted in (2) above against traffic originating at, destined to, or interchanged at Nashville, Tenn., and its Commercial Zone, as defined by the Commission; (b) Service at Nashville, Tenn. restricted against traffic originating at, destined to, or interchanged at Louisville, Ky., and its Commercial Zone, as defined by the Commission; (c) Service at Nashville, Tenn., restricted against traffic, the origin or destination of which is Scottsville, Ky., and (d) Service at Nashville, Tenn., and its Commercial Zone, as defined by the Commission, restricted against traffic originating at, destined to, or interchanged from or for points on U.S. Highway 31-W between and including Franklin and Rich Pond, Ky. (Rich Pond being at the junction of U.S. Highway 31-W and Kentucky Highway 242).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 59135 (Sub-No. 31), filed September 2, 1975. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Between Pittsburgh, Pa. and New York, N.Y.: (1) From Pittsburgh over Interstate Highway 76 to Carlisle, Pa., thence over Interstate Highway 78 to New York, N.Y., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) From Pittsburgh over U.S. Highway 22 to Fredericksburg, Pa., thence over Interstate Highway 78 to New York, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., New York, N.Y. or Washington, D.C.

No. MC 61592 (Sub-No. 365), filed August 27, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, RR #3, Jeffersonville, Ind. 47130. Applicant's representative: Emil Anthony, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, cylinders, and commodities*, the transportation of which, because of size or weight, require the use of special equipment and material handling equipment, between Beardstown, Ill., Tulsa and Enid, Okla.; New London, Minn.; Rocky Mount, N.C.; Lincoln, Nebr.; Jacksonville, Fla., West Memphis, Ark.; Montgomery, Ala., Madisonville, New Orleans, and Shreveport, La.; Fort Worth, Denton, Navasota, Dallas, Tyler, Longview, Lubbock, Houston and San Antonio, Tex., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii; and (2) *trailer mounted equipment, and construction machinery, equipment, materials, supplies and parts* (except commodities in bulk), between points in Arkansas, Alabama, Louisiana, Mississippi, Oklahoma, and Texas, restricted in part (1) and (2) above to traffic originating at or destined to, sites of plants, sales branches, warehouses, field location exhibits, field locations and dealers or customers of Equitable Equipment Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 367), filed September 11, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697 RR #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New Furniture*, between points in Washington, Oregon and Idaho, on the one hand, and, on the other, points in Colorado, New Mexico, and Arizona; and (2) *new fixtures*, uncrated, between points in Washington, Oregon and Idaho, on the one hand, and, on the other, points in Colorado, New Mexico and Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 65916 (Sub-No. 17), filed September 8, 1975. Applicant: WARD TRUCKING CORP., 2nd Avenue and 7th Street, Altoona, Pa. 16603. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Paulsboro (Glouchester County), N.J., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 66886 (Sub-No. 47), filed September 8, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt making machinery, storage systems, storage silos, surge systems, control centers, heaters and equipment, and parts, materials, and supplies*, used in the construction thereof, between the plantsite of C.M.I. Corporation, located at Oklahoma City, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 72285 (Sub-No. 11), filed August 28, 1975. Applicant: MOTOR TRANSPORT COMPANY, a Corporation, 4101 W. Blue Mound Road, Milwaukee, Wis. 53208. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Beloit, Wis. and Rockford, Ill.: (1) From Beloit over U.S. Highway 51 to Rockford, and return over the same route, serving no intermediate points; and (2) From Beloit over Interstate Highway 90 to junction U.S. Highway 20, thence over U.S. Highway 20 (also over U.S. Highway 20 B.R.) to Rockford, and return over the same route, serving no intermediate points, restricted in (1) and (2) above to the transportation of shipments received from or delivered to connecting carriers at Rockford, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 73276 (Sub-No. 1), filed September 5, 1975. Applicant: FRED J. ADRIAN, 201 Main St., Everly, Iowa 51338. Applicant's representative: Duane L. Stromer, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, from the plantsite of Swift Agricultural Chemicals Corp. located at or near Estherville, Iowa, to points in Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Omaha, Nebr.

No. MC 76266 (Sub-No. 128), filed September 4, 1975. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 South 11th St., Minneapolis, Minn. 55403. Applicant's representative: Cecil L. Goettsch, 11th floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Company, located at or near Newport, Minn., to points in Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio and Wisconsin, restricted to traffic originating at the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn., or Washington, D.C.

No. MC 82841 (Sub-No. 162), filed September 11, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast and prestressed concrete products*, from the plantsite and warehouse facilities of MidCon, Inc., at Plattsmouth, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin and Wyoming; and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in the destination states named in (1) above, to the plantsite and warehouse facilities of MidCon, Inc. at Plattsmouth, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 414), filed September 8, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, aluminium, aluminium articles*, and *tanks and parts*, between points in Liberty County, Tex., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 95540 (Sub-No. 930), filed Sept. 3, 1975. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from the plantsite of the Kitchens of Sara Lee, located at or near Deerfield, Ill., to points in Arkansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97127 (Sub-No. 10), filed September 4, 1975. Applicant: BATESVILLE TRUCK LINE, INC., Lower Boswell Street, P.O. Box E, Batesville, Ark. 72501. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those which because of size or weight require the use of special equipment): (1) Between Memphis, Tenn. and Bald Knob, Ark.: From Memphis over Interstate Highway 55 to junction U.S. Highway 64, thence over U.S. Highway 64 to Bald Knob, and return over the same route, serving no intermediate points, and serving Bald Knob for purposes of joinder only, restricted against the transportation of traffic moving between Memphis, Tenn., and points in its commercial zone, on the one hand, and, on the other, Ash Flat, Black Rock, Cherokee Village, Hardy, Heber Springs, Imboden, Little Rock, Lynn, Mammoth Springs, Portia, Ravenden, Salem, and Smithville, Ark., and St. Louis, Mo., and points in their respective commercial zones; (2) Between Little Rock, Ark. and the junction of U.S. Highway 167 and U.S. Highway 62 at or near Ash Flat, Ark.: From Little Rock over U.S. Highway 67 to Bald Knob, Ark., thence over U.S. Highway 167 to junction U.S. Highway 62, and return over the same route, serving all intermediate points, restricted to the delivery of traffic moving from or through points in the Batesville, Ark. Commercial Zone; (3) Between Batesville, Ark. and the junction of U.S. Highway 67 and Arkansas Highway 16: From Batesville over Arkansas Highway 25 to junction Arkansas Highway 16 near Heber Springs, Ark., thence over Arkansas Highway 16 to junction U.S. Highway 67 near Searcy, Ark., and return over the same routes, serving all intermediate points between Batesville and the junction of Arkansas Highway 16 and Arkansas Highway 25, with service at those intermediate points located between the junction of Arkansas Highway 16 and Arkansas Highway 25 and Heber Springs, Ark. (including Heber Springs) restricted against the delivery of traffic moving from or through points in the Little Rock, Ark. Commercial Zone;

(4) Between Batesville, Ark. and the junction of Arkansas Highway 106 and U.S. Highway 69: From Batesville over Arkansas Highway 106 to junction U.S. Highway 69, and return over the same route, serving all intermediate points; (5) Between Batesville, Ark. and Melbourne, Ark.: From Batesville over U.S. Highway 69 to Melbourne, and return over the same route, serving all intermediate points; (6) Between Mountain View, Ark. and Mammoth Spring, Ark.: From Mountain View over Arkansas Highway 9 to Mammoth Spring, and return over the same route, serving all intermediate points; (7) Between Calico Rock, Ark. and Ash Flat, Ark.: From Calico Rock over Arkansas Highway 56 to Ash Flat, and return over the same route, serving all intermediate points;

(8) Between Hardy, Ark. and Salem, Ark.: From Hardy over U.S. Highway 62 to Salem, and return over the same route, serving all intermediate points; (9) Between Mammoth Spring, Ark. and Hardy, Ark.: From Mammoth Spring over U.S. Highway 63 to Hardy, and return over the same route, serving all intermediate points; (10) Between the junction of U.S. Highway 167 and Arkansas Highway 58, and the junction of Arkansas Highway 58 and Arkansas Highway 69: From the junction of U.S. Highway 167 and Arkansas Highway 58 over Arkansas Highway 58 to junction Arkansas Highway 69, and return over the same route, serving all intermediate points; (11) Between Mountain View, Ark. and the junction of Arkansas Highway 14 and Arkansas Highway 25: From Mountain View over Arkansas Highway 14 to junction Arkansas Highway 25, and return over the same route, serving all intermediate points; (12) Between Mountain View, Ark. and Leslie, Ark.: From Mountain View over Arkansas Highway 66 to Leslie, and return over the same route, serving all intermediate points;

(13) Between Guion, Ark., and the junction of Arkansas Highway 58 and Arkansas Highway 69; From Guion over Arkansas Highway 58 to junction Arkansas Highway 69, and return over the same route, serving all intermediate points; (14) Between Mt. Pleasant, Ark., and Guion, Ark.: From Mt. Pleasant over unnumbered Izard County road to Guion, and return over the same route, serving all intermediate points; (15) Between Guion, Ark., and the junction of Arkansas Highway 14 and unnumbered Izard County road: From Guion over unnumbered Izard County road to junction Arkansas Highway 14, and return over the same route, serving all intermediate points; (16) Between the junction of Arkansas Highway 5 and Arkansas Highway 9 and Calico Rock, Ark.: From the junction of Arkansas Highway 5 and Arkansas Highway 9 over Arkansas Highway 5 to Calico Rock, and return over the same route, serving all intermediate points; (17) Between the junction of Arkansas Highway 14 and Arkansas Highway 9 and the junction of Arkansas Highway 14 and Arkansas Highway 27: From the junction of Arkansas Highway 14 and Arkansas Highway 9 over Arkansas Highway 14 to junction Arkansas Highway 27, and return over the same route, serving all intermediate points; (18) Between Batesville, Ark., and Newark, Ark.: (a) From Batesville over Arkansas Highway 69 to Newark, and return over the same route, serving all intermediate points; (b) From Batesville over Arkansas Highway 69 to junction unnumbered W.P.A.-Gap Road, approximately 3 miles east of Batesville, thence over W.P.A.-Gap Road to junction Arkansas highway 69 near Magness, Ark., thence over Arkansas Highway 69 to Newark, and over all unnumbered highways connecting with the W.P.A.-Gap Road and Arkansas Highway 69 between Batesville and Newark, and return over the same route, serving all intermediate and off-points on and adjacent to the highways described in 18 (a) and (b) above;

(19) Between the junction of Arkansas Highway 115 and U.S. Highway 167 and Imboden, Ark.: From the junction of Arkansas Highway 115 and U.S. Highway 167 over Arkansas Highway 115 to Imboden, and return over the same route, serving all intermediate points; (20) Between Batesville, Ark. and Black Rock, Ark.: From Batesville over Arkansas Highway 25 to Black Rock, and return over the same route, serving all intermediate points; (21) Between Hardy, Ark. and Portia, Ark.: From Hardy over U.S. Highway 63 to Portia, and return over the same route, serving all intermediate points; (22) Between the junction of U.S. Highway 63 and Arkansas Highway 58 and the junction of U.S. Highway 167 and Arkansas Highway 58: From the junction of U.S. Highway 63 and Arkansas Highway 58 over Arkansas Highway 58 to junction U.S. Highway 167, and return over the same route, serving all intermediate points; (23) Between Cave City, Ark. and Strawberry, Ark.: From Cave City over Arkansas Highway 230 to Strawberry, and return over the same route, serving all intermediate points; (24) Between Newark, Ark. and the junction of Arkansas Highway 25 and Arkansas Highway 122: From Newark over Arkansas Highway 122 to junction Arkansas Highway 25, and return over the same route, serving all intermediate points; (25) Between Strawberry, Ark. and Black Rock, Ark.: From Strawberry over Arkansas Highway 117 to Black Rock, and return over the same route, serving all intermediate points; (26) Between Ash Flat, Ark. and Smithville, Ark.: From Ash Flat over Arkansas Highway 354 to Smithville, and return over the same route, serving all intermediate points;

(27) Between Franklin, Ark. and Glenco, Ark.: From Franklin over Arkansas Highway 289 to Glenco, and return over the same route, serving all intermediate points; (28) Between Calico Rock, Ark. and Viola, Ark.: From Calico Rock over Arkansas Highway 223 to Viola, and return over the same route, serving all intermediate points; (29) Between Salem, Ark. and Viola, Ark.: From Salem over U.S. Highway 62 to Viola, and return over the same route, serving all intermediate points; (30) Between Pleasant Plains, Ark. and Concord, Ark.: From Pleasant Plains over Arkansas Highway 87 to Concord, and return over the same route, serving all intermediate points.

NOTE.—Applicant states that the purpose of routes (2) through (30) above is to convert the authority held in its Certificates of Registration in MC 97127 (Sub-Nos. 3, 4, 5 and 7) to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held on consolidated record with the application of Ozark Truck Lines, Inc. in MC 119837 (Sub-No. 11), or at Batesville or Little Rock, Ark.

No. MC 100666 (Sub-No. 307), filed Sept. 5, 1975. Applicant: MELTON TRUCK LINES, INC., P. O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Fdn. Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts and accessories*, for cooling towers and fluid coolers, between Henderson, Ky.; Houston, Tex.; Tulsa, Okla., and points in Sonoma County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture, sale and distribution of the commodities in (1) above (except in bulk), between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 100666 (Sub-No. 308), filed September 5, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Fdn. Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing material*, from Laredo, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 102295 (Sub-No. 26), filed September 8, 1975. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, Pa. 19438. Applicant's representative: Maxwell A. Howell, 1511 K Street, N.W., Suite 1100, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel*, from points in Cecil County, Md., to points in Pennsylvania on and east of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105007 (Sub-No. 33), filed September 8, 1975. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require special handling or the use of special equipment, between points in Blue Earth, Waseca, Steele, Dodge, Martin, Faribault, Freeborn and Mower Counties, Minn., on the one hand, and, on the other, points in Kossuth, Winnebaga, Worth, Mitchell, Howard, Hancock, Cerro Gordo, Humbolt, Wright and Franklin Counties, Iowa, restricted to the transportation of traffic originating at and destined to the above named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 105566 (Sub-No. 115), filed Sept. 2, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tire treads, tire recapping, retreading or vulcanizing machines*, (a) from Oakland, Calif., to Atlanta, Ga., Dallas, Tex., and points in New Jersey, Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia; and (b) from Flemington, N.J., to Atlanta, Ga., and Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 105566 (Sub-No. 116), filed September 3, 1975. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, including magazines, periodicals, catalogues, newspaper supplements, and printed advertising matter*, from Salem, Ill., to points in Arizona, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, New Mexico, California, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 106644 (Sub-No. 214), filed Sept. 5, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated wire fabric, and wire mesh, and accessorial items*, from the plant and warehouse facilities of C. E. Shepherd Co., at Houston, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 106775 (Sub-No. 38), filed September 8, 1975. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, aluminum articles, iron and steel tanks, aluminum tanks, and parts, attachments, and accessories*, for iron and steel tanks and aluminum tanks, and contractors equipment, from points in Liberty County, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of Pittsburgh-Des Moines Steel Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 106943 (Sub-No. 116), filed September 8, 1975. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: Peter M. Witham (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Becton, Dickinson & Company at Hancock, N.Y. as an off-route point in connection with applicant's authorized regular route operations to and from Scranton, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Scranton, Pa.

No. MC 107403 (Sub-No. 947), filed August 27, 1975. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia and West Virginia.

No. MC 107515 (Sub-No. 989), filed Sept. 2, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas, when transported in mixed loads with commodities*, exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from points in Webb, Zapata, Starr, Hidalgo, Willacy, and Cameron Counties, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 990), filed September 2, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in or used by food processors, manufacturers, distributors, wholesalers and retailers (except foodstuffs), in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Georgia, Alabama, Florida, Mississippi, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and Kentucky, restricted to the transportation of traffic having a prior movement from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, located at points in Prince Georges County, Md. and the District of Columbia, and destined to points in the above named destination states; (2) *foodstuffs* (except frozen foods), from Doraville, Ga., to points in Georgia, restricted to the transportation of shipments having a prior movement from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, located at points in Prince Georges County, Md. and the District of Columbia; and (3) *such commodities* as are dealt in or used by food processors, manufacturers, distributors, wholesalers and retailers, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, located at points in Prince Georges County, Md. and the District of Columbia, to Doraville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 991), filed September 2, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Rd., N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by food processors, manufacturers, distributors, wholesalers, and retailers (except commodities in bulk), in vehicle equipped with mechanical refrigeration: (1) from Doraville, Ga., to points in Minnesota, Iowa, Missouri, Oklahoma, Texas, Arkansas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware and Maryland, restricted to the transportation of traffic having a prior movement from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, located at points in Prince Georges County, Md. and the District of Columbia, and destined to points in the above named destination states; and (2) from the plantsite and warehouse facilities of Fairfield Farm Kitchens, Division of Marriott Corporation, located at points in Prince Georges County, Md. and the District of Columbia, to points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma and Texas, re-

stricted to the transportation of traffic originating at the above named origins and destined to points in the above named destination state.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107544 (Sub-No. 122), filed September 11, 1975. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Webster County, Ky., to points in West Virginia.

NOTE.—Applicant holds motor contract carrier authority in MC 113959 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va. or Washington, D.C.

No. MC 107839 (Sub-No. 162) (CORRECTION), filed May 12, 1975, published in the FEDERAL REGISTER issue of June 19, 1975, republished as corrected this issue. Applicant: DENVER ALBUQUERQUE MOTOR TRANSPORT, INC., P.O. Box 16106, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1660 Lincoln Street, Suite 1600 Lincoln Center Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), (1) from points in the United States (except Alaska and Hawaii), to Laramie, Wyo.; and (2) from Laramie, Wyo. to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic moving to or from storage facilities at Laramie, Wyo.

NOTE.—The purpose of this republication is to correct the requested authority and to add a restriction to the commodity description. If a hearing is deemed necessary, applicant requests a consolidated record with Bray Lines, Incorporated in MC-112822 (Sub-No. 374).

No. MC 110012 (Sub-No. 31) filed September 8, 1975. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, Tenn. 37814. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sawdust, wood shavings, and scrap*, from points in Tennessee in and east of Claiborne, Union, Knox and Blount Counties, to points in Kentucky, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama and Mississippi; and (2) *materials and supplies* used in the manufacture of furniture (except commodities in bulk in tank vehicles and lumber and composition board), from points in Kentucky, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama and Mississippi, to points in Tennessee in and east of Claiborne, Union, Knox and Blount Counties (except Morristown).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville, Tenn., or Washington, D.C.

No. MC 110525 (Sub-No. 1129), filed September 5, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed Gases*, in manifold tube trailers, (1) from Bethlehem, Pa., to points in New Jersey (except points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties); and (2) from Johnstown, Pa., Arroyo, W. Va.; Warren, Ohio and Claymont, Del., to Bethlehem, Pa. and Riverton, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 111729 (Sub-No. 571), filed September 3, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* moving in courier service (except articles of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment; and commercial papers, documents, and written instruments as are used in the business of banks and banking institutions), between points in Iowa, Kansas, Missouri and Nebraska, restricted against the transportation of packages weighing more than 50 pounds, with each package or article considered to be a separate and distinct shipment; and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location, in any one day.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. and Topeka or Wichita, Kans.

No. MC 112223 (Sub-No. 97), filed September 2, 1975. Applicant: QUICKIE TRANSPORT COMPANY, a Corporation, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., near Glenwood, Minn., to points in Minnesota, North Dakota, South Dakota, Iowa and Wisconsin; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., near Grand Forks, N. Dak., to points in North Dakota, Minnesota, Montana and South Dakota; and (3) *nitrogen fertilizer solution*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., near Grand Forks, N. Dak., to points in North Dakota, Minnesota, Montana and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 112223 (Sub-No. 98), filed Sept. 12, 1975. Applicant: QUICKIE TRANSPORT COMPANY, a Corporation, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing granules, ground rock and crushed stone*, in bulk, from Wausau and Kremlin, Wis., to points in Hennepin, Ramsey, Scott and Dakota Counties, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 112520 (Sub-No. 311), filed August 29, 1975. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin*, in bulk, in tank vehicles, from points in Charleston County, S.C., to points in Appling County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, or Savannah, Ga.

No. MC 112801 (Sub-No. 176), filed September 2, 1975. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in tank vehicles, from Owensboro, Ky., to points in Illinois, Indiana, Kentucky, Missouri, Tennessee, Ohio, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Louisville, Ky.

No. MC 113843 (Sub-No. 222), filed September 8, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *food, food products and food ingredients*, in vehicles equipped with

mechanical refrigeration, from New York, N. Y., points in Nassau, Rockland and Westchester Counties, N. Y., points in New Jersey, and points in Pennsylvania on and east of U. S. Highway 15, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island; and (2) *pet foods*, from Jersey City, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 114290 (Sub-No. 78), filed Auguest 25, 1975. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from LaConner, Wash., to Salem, Oreg.

NOTE.—Applicant states that it intends to tack the requested authority with its existing regular route authority at Salem, Oreg. to provide a through service from LaConner, Wash., to points in California, Arizona and Nevada. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 114334 (Sub-No. 32), filed September 8, 1975. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, (a) from Calvert City, Ky., to points in Tennessee and Arkansas; and (b) from points in Tennessee and Arkansas to Calvert City, Ky.; and (2) *materials and supplies* used in the manufacture of iron and steel articles, (a) from Hope, Ark., to points in Tennessee and Mississippi; and (b) from points in Tennessee and Mississippi, to Hope, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Little Rock, Ark.

No. MC 114533 (Sub-No. 328), filed August 27, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Audit media and other business records*, and (b) *graphic arts materials*, between Wabash, Ind., on the one hand, and, on the other, Huntley, Ill.; (2) *Human blood and blood products*, between Omaha, Nebr., on the one hand, and, on the other, points in Marshall and Nemaha Counties, Kans.

NOTE.—Applicant holds contract carrier authority in MC 128616, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Omaha, Nebr.

No. MC 114569 (Sub-No. 124), filed September 2, 1975. Applicant SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (Same address as applicant.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, crated and uncrated, *shelving, bookcases, institutional furniture, countertops and blanks, bathroom vanities, related items* and *parts* thereof, and those *commodities* used in the manufacture and distribution thereof, between Glen Rock, Stewartstown, Mifflinburg, Red Lion, Pa., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii and Pennsylvania).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Grand Rapids, Mich. or Washington, D.C.

No. MC 115331 (Sub-No. 397), filed September 5, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from the plantsite and warehouse facilities of Economics Laboratory, Inc. located at Joliet, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115789 (Sub-No. 3), filed August 29, 1975. Applicant: LOWTHER TRUCKING COMPANY, P.O. Box 3117 C.R.S., Rock Hill, S.C. 29730. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt protective coatings*, from Rock Sill, S.C., to points in North Carolina, South Carolina, Virginia, West Virginia, those in Tennessee on and east of U.S. Highway 27, Alabama, Georgia and Florida; and (2) *materials, supplies and equipment* used in the manufacture and distribution of asphalt protective coatings, from points in Georgia and Kimberton, Pa., to Rock Hill, S.C., under a continuing contract with Momsey Products Co.

NOTE.—Applicant holds common carrier authority in MC 114098 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 115841 (Sub-No. 507), filed September 2, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Florida, to points in Alabama, Arkansas, California, Connecticut, Iowa, Kansas, Kentucky, Indiana, Illinois, Louisiana, Maryland, Missouri, Mississippi, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, Michigan, North Carolina, Oregon, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, Washington, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at and destined to points in the above named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 115931 (Sub-No. 31), filed August 25, 1975. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 925, Baker, Mont. 59313. Applicant's representative: William A. Grimshaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and non-treated playground equipment* manufactured of wood or steel or both including all *parts and accessories* for assembly and erection, from points in Washington and Oregon, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, West Virginia and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 116947 (Sub-No. 44), filed September 9, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, S.W., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic buckets*, from Lithonia, Ga., to points in North Carolina, South Carolina, Tennessee, Alabama, Louisiana, Texas and Arkansas, under a continuing contract or contracts with Bennett Industries, of Lithonia, Ga.

NOTE.—Applicant holds common carrier authority in MC 117956 Subs 2 and 8, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117119 (Sub-No. 548), filed September 2, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (other than in bulk) and *related personal safety devices* in vehicles equipped with mechanical refrigeration, from Somerset County, N.J., and Pleasants County, W. Va., to points in California and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117765 (Sub-No. 196), filed September 2, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Malt beverages*, in containers, from San Antonio, Tex., to points in Iowa, Kansas, Nebraska, North Dakota, Oklahoma and South Dakota; and (II) (1) *empty used containers* having a prior movement from Continental Oil Company, Ponca City, Okla., and (2) *petroleum and petroleum products*, in containers: (a) from points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, to Coffeyville, Kans., Kansas City, Kans., and Tulsa, Okla.; (b) from Ponca City, Okla., to points in Michigan and Nebraska; and (c) from Eldorado, Kans., to points in Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 117823 (Sub-No. 49), filed August 29, 1975. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, Utah 84104. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the facilities of Heinz U.S.A. located at Tracy and Stockton, Calif., to points in Idaho, Wyoming, Utah and Nevada, restricted to traffic originating at the above-named origins and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 119118 (Sub-No. 41), filed September 3, 1975. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from Baltimore, Md., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi and South Carolina; and (2) *empty used malt containers*, from the above-stated destinations to the above-stated origin.

NOTE.—Applicant holds contract carrier authority in MC 116564 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119669 (Sub-No. 55), filed August 27, 1975. Applicant: TEMPCO TRANSPORTATION, INC., P.O. Box 886, 546 S. 31A, Columbus, Ind. 47201. Applicant's representative: Donald W. McCameron (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *agricultural commodities*, otherwise exempt from economic regulation under Section 203(b)(6) of the Act when transported in mixed loads with bananas, from Gulfport, Miss., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee and Wisconsin, restricted to shipments having a prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or New Orleans, La.

No. MC 119689 (Sub-No. 16), filed September 8, 1975. Applicant: PEERLESS TRANSPORT CORP., 2700 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude synthetic rubber, rubber compounds and plastic materials* (except in bulk), from the plant site of Shell Chemical Co., a division of Shell Oil Co., located at Belpre, Ohio, to Nesquehoning, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 119777 (Sub-No. 322), filed September 8, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer L, Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in Liberty County, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies*, used in the production and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to points in Liberty County, Tex., restricted to the transportation of Traffic originating at the facilities of National Pipe & Tube Company.

NOTE.—Applicant holds contract carrier authority in MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 119789 (Sub-No. 265), filed September 5, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 E. Irving Blvd., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulators, electric wire or wiring, pottery or pottery and iron combined, and parts*, from LeRoy, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Rochester, N.Y.

No. MC 119880 (Sub-No. 71), filed August 29, 1975. Applicant: DRUM TRANSPORT, INC., 617 Chicago St., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Wine*, in bulk, in tank vehicles, from Cutler, Calif., to Montgomery, Ala.; Little Rock, Ark.; Tampa, Fla.; Alexandria, Baton Rouge, and Church Point, La. and Salem, Oreg.; and (2) *alcoholic liquors*, in bulk, in tank vehicles, from points in Kentucky, to Crosswicks, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119897 (Sub-No. 21), filed September 4, 1975. Applicant: A–1 TRANSPORTATION COMPANY, 3102 Maury Street, Houston, Tex. 77026. Applicant's representative: J. G. Dail, Jr., 1111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wellpoint equipment, machinery, and supplies* (except commodities in bulk and except commodities described in the report in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), between the plantsite and storage facilities of Moretrench American Corp., located at or near Tomball, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee and Texas.

NOTE.—Applicant states that it now holds identical authority to and from shipper's former plantsite at or near Houston, Tex. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 121638 (Sub-No. 2), filed August 20, 1975. Applicant: BARTLESVILLE MOTOR FREIGHT, INC., 207 North Cincinnati Street, Tulsa, Okla. 74103. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Tulsa, Okla., and Caney, Kans., serving the intermediate points of Bartlesville, Dewey, Copan, and Owen: From Tulsa over U.S. Highway 75 to Caney, Kans., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tusla or Oklahoma City, Okla.

No. MC 123048 (Sub-No. 329) filed September 5, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wisc.

53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wisc. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and dozer blades*; (2) *attachments*, for (1) above; and (3) *parts*, for (1) and (2) above, from Yazoo City, Miss., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123407 (Sub-No. 264), filed September 2, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and zinc die castings, plastic injection moldings, and door and window hardware*, from St. Paul, Minn., Rice Lake and Turtle Lake, Wis., to points in Louisiana, Mississippi and Arkansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 124078 (Sub-No. 660), filed August 28, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and varnish*, in bulk, in tank vehicles, from New Albany, Ind., to points in Illinois, Indiana, Kentucky, Mississippi, New York, Ohio, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 124211 (Sub-No. 270), filed Sept. 3, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *motorcycles, motorbikes, recreational motor vehicles, and motor vehicle parts, supplies, and accessories* (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk), between points in Dodge County, Nebr., on the one hand, and, on the other, points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (2) *such commodities* as are dealt in and used by banking and financial institutions, between points in Burt and Madison Counties, Nebr., on the one hand, and, on the other, points in the United States (except Alaska, California, Hawaii, and Texas).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 124212 (Sub-No. 89), filed September 5, 1975. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Trumbull, Mahoning and Columbiana Counties, Ohio to the plant site of Bessemer Cement Company, located at Bessemer, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 12451 (Sub-No. 36), filed August 29, 1975. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, in bulk, from points in Jasper County, Ga., to points in North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124673 (Sub-No. 22), filed August 27, 1975. Applicant: FEED TRANSPORTS, INC., Box 2167, Amarillo, Tex. 79105. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet feed ingredients*, in bulk, from points in Texas on and north of a line beginning at the Texas-New Mexico State Boundary line and extending along the southern boundaries of Cochran, Hockley, Lubbock, Crosby, Dickens and King Counties, Tex., thence on and along the eastern boundaries of King, Cottle and Childress Counties, Tex. to the Texas-Oklahoma State Boundary line, to the plantsite of Ralston Purina Co., at or near Flagstaff, Ariz.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Amarillo or Dallas, Tex.

No. MC 124802 (Sub-No. 15), filed September 2, 1975. Applicant: ACE MOTOR FREIGHT, INC., Box 127, Summerville, Pa. 15864. Applicant's representative: H. Ray Pope, 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles: (1) from points in Pennsylvania on and west of U.S. Highway 15, to points in Indiana, Kentucky, Maine, Massachusetts, New Hampshire, Pennsylvania, Rhode Island and Vermont; and (2) from points in Pennsylvania (except points in Armstrong, Clarion and Jefferson Counties, Pa.) on and west of U.S. Highway 15, to points in Connecticut, Delaware, the District of Columbia, Maryland, Michigan, Virginia, West Virginia, Ohio (except to points in Cuyahoga, Geauga, Lorain and Portage Counties, Ohio), New Jersey (except to points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden and Burlington Counties, N.J.), and New York (except from points in Cambria, Elk, and Indiana Counties, Pa. and Houston Township (Clearfield County), Pa., to points in New York on and west of Interstate Highway 81; and except from points in Clearfield County, Pa., to points in Erie, Chautauqua and Niagara Counties, N.Y.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 124896 (Sub-No. 12), filed September 5, 1975. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Charleston, S.C., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Virginia and West Virginia, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Miami, Fla., or Washington, D.C.

No. MC 124947 (Sub-No. 41), filed Sept. 2, 1975. Applicant: MACHINERY TRANSPORTS, INC., Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt making machinery, storage systems, storage silos, surge systems, control centers, heaters and equipment and parts, materials and supplies*, used in the construction thereof, between the plantsite of CMI Corporation, located at Oklahoma City, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.; Nashville, Tenn.; Chicago, Ill.; or Washington, D.C.

No. MC 124947 (Sub-No. 42), filed September 2, 1975. Applicant: MACHINERY TRANSPORTS, INC., Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled articles, weighing 15,000 pounds or more;* and (2) *parts, attachments*, and *accessories*, for commodities named in (1) above, between the plantsite and facilities of FMC Corporation, located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.; Nashville, Tenn.; Chicago, Ill., or Washington, D.C.

No. MC 126276 (Sub-No. 135), filed September 2, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and products* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Louisville, Ky., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 128021 (Sub-No. 20), filed September 8, 1975. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products, emulsified petroleum sizing, gasoline additives*, in containers, and *advertising matter* and *such commodities as are ordinarily used or distributed by wholesale or retail suppliers, marketers or distributors of petroleum products* moving in the same vehicle at the same time with commodities described herein, (A) From Seattle, Wash., to points in Oregon, Idaho, Montana, Wyoming, and California; and (B) From Wilmington, Calif., to points in Arizona, Utah, Colorado, New Mexico, and Nevada; and (2) *Empty petroleum containers*, (A) From points in Oregon, Idaho, Montana, Wyoming, and California, to Seattle, Wash.; and (B) From points in Arizona, Utah, Colorado, New Mexico, and Nevada, to Wilmington, Calif., under a continuing contract or contracts in (1) and (2) above with Texaco, Inc., Houston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 128273 (Sub-No. 198), filed September 2, 1975. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite, vermiculite products and plant media mix* (except commodities in bulk), from Pine Bluff, Ark., and De Kalb, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 128375 (Sub-No. 133) (correction), filed July 17, 1975, published in the FEDERAL REGISTER September 4, 1975, and republished as corrected this issue. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electrical equipment, devices, products, related items, and parts thereof*, and *commodities* used by and dealt in by manufacturers thereof (except in bulk and commodities which because of size or weight require special equipment), (a) between Somersworth, N.H.; Pittsfield, Mass., and Rotterdam, N.Y., on the one hand, and, on the other, points in the United States on and west of the eastern state boundary lines of Wisconsin, Iowa, Missouri, Arkansas, and Louisiana; and (b) between Somersworth, N.H., Pittsfield, Mass., and Rotterdam, N.Y., under a continuing contract or contracts with General Electric Company. The purpose of this republication is to redescribe the territorial scope of the application.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 128592 (Sub-No. 5), filed September 5, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wiring devices and electrical and lighting equipment* (except commodities which by reason of size or weight require the use of special equipment), from Parkersburg, W. Va., to Sparks, Nev., under a continuing contract or contracts with Union Insulating Co., Inc., at Parkersburg, W. Va.

NOTE.—Applicant holds common carrier authority in MC 138308 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 128841 (Sub-No. 10), filed August 29, 1975. Applicant: MUR-GAIL, INC., 301 North Fifth Street, Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Merchandise*, handled by retail hardware stores, in shipper owned or leased equipment (trailers), from Minneapolis, Minn., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming; and (2) *returned shipments*, of the commodities in (1) above, from points in the above named destination States, to Minneapolis, Minn., under contract with Coast to Coast Stores Central Organization, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 129032 (Sub-No. 14), filed September 4, 1975. Applicant: TOM INMAN TRUCKING, INC., 6015 S. 49th West Avenue, Tulsa, Okla. 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, products produced or distributed by manufacturers and converters of paper and paper products, (1) from Little River County, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; and (2) from points in Portage and Wood Counties, Wis., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or New Orleans, La.

No. MC 133095 (Sub-No. 86), filed September 8, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), moving in mechanically refrigerated equipment, from Chicago and Lemont, Ill.; Detroit, Mich., and Lawrenceburg, Ind., to points in Louisiana.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133576 (Sub-No. 5), filed September 5, 1975. Applicant: BUSBOOM TRUCKING, INC., Route 1, Filley, Nebr. 68357. Applicant's representative: Duane L. Stromer, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in containers, from the facilities of Dow Chemical Company, located at or near Ludington and Midland Counties, Mich., to points in Kansas, Colorado, and that portion of Iowa west of U.S. Highway 65, under a continuing contract, or contracts with Oldfater's O.K. Tire Company of Beatrice, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 134400 (Sub-No. 19), filed August 25, 1975. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Avenue, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa

52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and accompanying advertising material*, (a) from Minneapolis-St. Paul, Minn., to East Dubuque, Ill., under contract with the Jansen Beverage Co., at East Dubuque, Ill.; and (b) from Dubuque, Iowa, to points in Illinois and Indiana, located on and north of U.S. Highway 36, under contract with the Pickett Brewing Co., under contract with the Pickett Brewing Company, at Dubuque, Iowa; and (2) *aluminum building products and related accessories*, in shipper-owned trailers, from Dubuque and Osage, Iowa, and Minneapolis, Minn., to points in Adams, Brown, Bureau, Carroll, Fulton, Hancock, Henderson, Henry, Jo Daviess, Knox, LaSalle, Lee, McDonough, Marshall, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Warren, and Whiteside Counties, Ill.; to points in Iowa (except from Dubuque and Osage, Iowa); to points in Adair, Clark, Knox, Lewis, Marion, Schuyler, Scotland, and Shelby Counties, Mo.; and points in Crawford, Grant, Iowa, Lafayette, and Richland Counties, Wis., under contract with the Zephyr Aluminum Products Inc., at Dubuque, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dubuque or Des Moines, Iowa.

No. MC 134730 (Sub-No. 4) (Correction), filed July 28, 1975, and published in the FEDERAL REGISTER issue of August 21, 1975, and republished as corrected this issue. Applicant: METALS TRANSPORT, INC., 2469 North 100th Street, Wauwatosa, Wis. 53226. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molten liquid aluminum, aluminum ingots, slabs, billets, blooms*, and *aluminum scrap*, from Oak Creek, Wis., Benton, Ark., and points in its commercial zone, and Sandusky, Ohio, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Pennsylvania, Kentucky, Tennessee, Mississippi, Florida, Alabama, Louisiana, Oklahoma, Texas, Missouri, Arkansas, North Carolina, South Carolina, Virginia, West Virginia, Wisconsin, New York, New Jersey, Connecticut, Delaware, Maryland, and Rhode Island; (2) *scrap metals, detinned steel, tin*, and *tin chemicals*, from Gary, Ind., Pittsburgh, Pa., and Sparrows Point, Md., to points in the destination states named in (1) above; and (3) *scrap metals*, from the destination states named in (1) and (2) above, to Oak Creek, Wis., Benton, Ark. and points in its commercial zone, Sandusky, Ohio, Gary, Ind., Pittsburgh, Pa., and Sparrows Point, Md., under a continuing contract or contracts with Vulcan Materials Company.

NOTE.—The purpose of this correction is to include New York, New Jersey, Connecticut, Delaware, Maryland, and Rhode Island as destination states in (1) above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 134922 (Sub-No. 150), filed August 28, 1975. Applicant: B. J. MC ADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and stainless steel cookware, materials, supplies, and compounds* (except commodities in bulk and those which because of size or weight require the use of special equipment), from Wooster, Ohio, to points in Arizona, New Mexico, Nevada, Utah, California, Washington, and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio, or Little Rock, Ark.

No. MC 135270 (Sub-No. 2), filed September 11, 1975. Applicant: WALTER LEMMONS, doing business as W. L. LEASING, R.R. 1, Fort Branch, Ind. 47533. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank trucks, from Owensboro and Sebree, Ky., to Evansville, Ind., under contract with Evansville Concrete Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., Louisville, Ky., or Washington, D.C.

No. MC 135861 (Sub-No. 8), filed September 3, 1975. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 28th St. & N. Houston St., Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the *Report in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsites and facilities of MBPLX Corporation, at or near Friona and Plainview, Tex., to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Amarillo, Tex.

No. MC 136211 (Sub-No. 33), filed September 5, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, (1) between the facilities of Alpert's Warehouse Showroom, of Albany, Inc., located at or near Colonie, N.Y., on the one hand, and, on the other, points in Vermont, Massachusetts, and that part of Connecticut on, west, and north of a line beginning at the Massachusetts-Connecticut state line and Interstate Highway 91, thence along Interstate Highway 91 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut-New York state line; and (2) between the facilities of Alpert's of Ohio, Inc., located at or near North Randall, Ohio, on the one hand, and, on the other, points in New York and that part of Pennsylvania on and west of U.S. Highway 15, under a continuing contract, or contracts with Alperts of Ohio, Inc., and Alpert's Warehouse Showroom of Albany, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Providence, R.I., Boston, Mass., or Washington, D.C.

No. MC 136315 (Sub-No. 7), filed Sept. 8, 1975. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber board and composition board*, from the plantsite of Kroehler Manufacturing Company, at or near Meridian, Miss., to points in Arkansas, Alabama, Georgia, Indiana, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 123905 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Jackson or Meridian, Miss.

No. MC 136343 (Sub-No. 52), filed September 11, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Components* for manufactured housing: (1) from the facilities of ADM Industries, Inc. at Elkhart, Ind., to points in Pennsylvania, North Carolina, Georgia, Florida, Alabama, Texas, Kansas, Iowa, and California; and (2) from the facilities of ADM Industries, Inc., and its wholly owned subsidiaries at Taylorsville, Miss., Los Angeles, Calif., and Henderson, Ky., to points in Indiana, Pennsylvania, North Carolina, Georgia, Florida, Alabama, Texas, Kansas, Iowa, and California, restricted to the transportation of shipments originating at the above named origins and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 136786 (Sub-No. 82), filed August 28, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Southwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 3033 Excelsior Boule-

vard, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, drugs, plastic and rubber articles*, from the plantsite and storage facilities of Ross Laboratories, located at or near Sturgis, Mich., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136897 (Sub-No. 13), filed September 5, 1975. Applicant: SWIFT TRANSPORTATION COMANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, accessories and attachments therefor, and items, materials, and supplies* (except in bulk), used in the manufacture and installation thereof, between points in Arizona, California, Utah, Colorado, New Mexico, Texas, Kansas, Missouri, Nevada, and Orville, Wash., under a continuing contract, or contracts with American Fence Co.

NOTE.—Applicant holds common carrier authority in MC 136818 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 138026 (Sub-No. 4), filed September 5, 1975. Applicant: LOGISTICS EXPRESS, INC., doing business as LOGEX, Etiwanda and Slover Avenues, Fontana, Calif. 92335. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen*, in bulk, in shipper furnished trailers, from the plantsite of Air Products and Chemicals, Inc., located in Long Beach, Calif., to the plantsite of Air Products and Chemicals, Inc., located at or near New Orleans, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 138057 (Sub-No. 2), filed September 4, 1975. Applicant: C & F TRANSPORT, INC., 215 North Main Street, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, pallets, skids, lumber and lumber products* (except commodities in bulk), from Shipshewana, Ind., to points in Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 138148 (Sub-No. 6), filed September 5, 1975. Applicant: JOSEPH J. SCHMIDT, 7499 Montevideo Court, Jessup, Md. 20794. Applicant's representative: Clyde E. Herring, Suite 1123, 1329 E. Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and malt beverages*, from Fort Wayne, Ind., to Baltimore, Md., and the District of Columbia; and (2) *Empty beer and malt beverage containers* on return, from Baltimore, Md., and the District of Columbia, to Fort Wayne, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 138274 (Sub-No. 19), filed August 25, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., at Tracy and Stockton, Calif., to points in Idaho, Montana, Wyoming, Utah, and Arizona, restricted to traffic originating at the above-named origins and destined to the above-named destination states.

NOTE.—Applicant holds contract carrier authority in MC 138056 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 138274 (Sub-No. 20), filed August 28, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 1522 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, in vehicles equipped with mechanical refrigeration, from the facilities of Totino's Finer Foods, Inc., located in Minneapolis, Minn., to points in Colorado, Wyoming, Arizona, New Mexico, California, Nevada, Utah, Oregon, Washington, Idaho, and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Salt Lake City, Utah.

No. MC 138482 (Sub-No. 3), filed September 8, 1975. Applicant: SPACEMASTER TRUCKING CORP., Interstate 26 and Montague Overpass, Charleston Heights, S.C. 29405. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Display racks, stands and display racks and stands containing hosiery*, from Wichita, Kans., to points in the United States (except Alaska and Hawaii), under a continuing contract with Kayser-Roth Hosiery Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 138956 (Sub-No. 4), filed September 4, 1975. Applicant: ERGON TRUCKING, INC., 202 East Pearl Street, Jackson, Miss. 39201. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Brewton, Ala., to points in Santa Rosa County, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Jackson, Miss.

No. MC 139195 (Sub-No. 2), filed August 29, 1975. Applicant: CLINCH CO., INC., 4625 Rutledge Pike, Knoxville, Tenn. 37914. Applicant's representative: John P. Mann, 300 Pettigru Street, Greenville, S.C. 29605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc ores and concentrates and limestones*, from points in Jefferson and Knox Counties, Tenn., to Knoxville, Tenn., and its commercial zone, restricted to traffic having a subsequent movement by water.

NOTE.—If a hearing is deemd necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 139261 (Sub-No. 3), filed August 18, 1975. Applicant: BUCKEYE EXPRESS, INC., Willis Day Industrial Park, Perrysburg, Ohio 43551. Applicant's representative: James Robert Evans, 145 West Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses, (1) from points in the United States (except Alaska and Hawaii), to Maumee, Ohio; and (2) from Maumee, Ohio, to points in Indiana, Kentucky, Michigan, and Ohio, under a continuing contract or contracts with Seaway Food Town, Inc., and Affiliates: Balduf Bakeries and Valley Farms Foods, Inc.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Toledo, Ohio.

No. MC 139404 (Sub-No. 4), filed August 28, 1975. Applicant: WILLIAM G. BROWN, 207 North Third Street, Bardstown, Ky. 40004. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden barrels*, set up, from points in Tennessee, to points in Kentucky and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 139495 (Sub-No. 88), filed August 29, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Drugs, medicines, and chemicals,* in vehicles equipped with mechanical refrigeration, from the facilities of Miles Laboratories, Inc., located at or near Elkhart, Ind., to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 89), filed September 4, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Floor coverings,* from the facilities utilized by Kentile Floors, Inc., located at or near Chicago, Ill., to points in Pennsylvania, Ohio, Indiana, Illinois, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Montana.

NOTE.—Applicant holds contract authority in MC 133106 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140312 (Sub-No. 2), filed September 5, 1975. Applicant: SARGENT TRANSPORT, INC., Obi Road, RD #1, Portville, N.Y. 14770. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cheese and commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when transported in the same vehicle and at the same time with cheese, from the plantsite of Cuba Cheese and Trading Co., Inc. located at Cuba, N.Y., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia, under continuing contract or contracts with Cuba Cheese and Trading Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Rochester, N.Y.

No. MC 140500 (Sub-No. 3) filed August 21, 1975. Applicant: EVERETT TRUCKING, INC., P.O. Box 56, Mt. Vernon, Wash. 98274. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Specialty foods, consisting of tortilla and taco shells,* requiring temperature control, from Richmond, Calif., to points in Oregon and Washington, under contract with Toltec Foods, Inc.

NOTE.—Applicant holds common carrier authority in MC 135518 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140708 (Sub-No. 1), filed September 2, 1975. Applicant: E. R. COMBER & SON, INC., Main Street, Jackman, Me. 04945. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Me. 04111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber,* from the plantsite of Beaudry Lumber Co., Inc., at Holeb and Greenville, Maine, to the port of entry on the International Boundary line between the United States and Canada, at or near Jackman, Maine, and to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, under contract with Beaudry Lumber Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 140723 (Sub-No. 1), filed Sept. 2, 1975. Applicant: ARLIN CURTISS, doing business as ARLIN CURTISS FEED, 405 North 12th Street, Montevideo, Minn. 56265. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer* (except liquid fertilizer), from ports of entry on the International Boundary line between the United States and Canada located at or near Raymond, Mont.; Portal, Pembina, and San Haven, N. Dak.; and Noyes, Minn.; to points in Minnesota on and south of U.S. Highway 10, and points in Iowa on and north of U.S. Highway 30.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 140741 (Sub-No. 1), filed August 29, 1975. Applicant: SIMON P. NEWLIN, INC., Siler Route Box 11A, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Gravel and crushed stone,* from points in Carroll County, Md., to points in Virginia, and points in Berkeley, Jefferson, Morgan, and Hampshire Counties, W. Va.; (2) (a) *masonry building blocks;* and (b) *masonry construction material,* in mixed loads with masonry building blocks, from the plantsite of Virginia Supreme Corporation, at Winchester, Va., to points in Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, St. Marys, Talbot, and Washington Counties, Md.; and Baltimore, Md.; points in Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Butler, Cambria, Centre, Chester, Clarion, Clearfield, Clinton, Cumberland, Dauphin, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lancaster, Lebanon, Mifflin, Northumberland, Perry, Schuylkill, Snyder, Somerset, Union, Washington, Westmoreland, and York Counties, Pa.; and points in Barbour, Berkeley, Braxton, Brooke, Doddridge, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Nicholas, Ohio, Pendleton, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, and Wetzel Counties, W. Va.; and the District of Columbia; and (3) *sand,* from points in Fulton County, Pa., to points in Virginia, and points in Berkeley, Jefferson, Morgan, and Hampshire Counties, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Winchester, Va., or Hagerstown, Md.

No. MC 140743 (Sub-No. 5), filed September 5, 1975. Applicant: GORSKI BULK TRANSPORT, INC., 21635 E. Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same adress as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, including alcoholic spirits and wines,* in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located in North Dakota and Minnesota, to points in Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it to be held at either New York, N.Y. or Washington, D.C.

No. MC 140947 (Sub-No. 2), filed September 5, 1975. Applicant: VAN GROLL, INC., Route No. 4, Kaukauna, Wis. 54130. Applicant's representative: James Robert Evans, 145 West Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Blood meal, meat scraps and packinghouse waste products* (except hides, skins and pieces thereof), in bulk or in bags, from Chippewa Falls and Green Bay, Wis., to points in Illinois, Iowa, and Minnesota, under a continuing contract or contracts with Packerland Packing Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 141056 (Sub-No. 2), filed August 28, 1975. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford Street, Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, fasteners, grinding wheels, coated abrasives, tools, belts, belting, belt lacing hose, blocks, pulleys, strapping, wire wheels, brushes, light bulbs, lubricants, casters, and machine tools and equipment,* between East Peoria, Ill., on the one hand, and, on the other, points in Lake, Porter, La Porte, St. Joseph, Newton, Jasper, Starke, Pulaski, Marshall, Fulton, Ben-

ton, White, Cass, Miami, Warren, Tippecanoe, Carroll, Clinton, Howard, Fountain, Montgomery, Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene, and Knox Counties, Ind.; points in Delaware, Dubuque, Linn, Jones, Jackson, Johnson, Cedar, Clinton, Scott, Washington, Muscatine, Louisa, Jefferson, Henry, Des Moines, Van Buren, Lee, Davis, Appanoose, Monroe, Wapello, and Keokuk Counties, Iowa; and points in Scotland, Clark, Knox, Lewis, Shelby, Marion, Monroe, Ralls, Audrain, Pike, Montgomery, Lincoln, Gasconade, Warren, St. Charles, Franklin, St. Louis, Jefferson, St. Francois, St. Genevieve, Perry, Bollinger, Cape Girardeau, Putnam, Schuyler, Adair, Macon, Randolph, Boone, Callaway, Cole, and Osage Counties, Mo., and the city of St. Louis, Mo., for the account of Hagerty Brothers Company, located in East Peoria, Ill., under a continuing contract or contracts with Hagerty Brothers Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, or Chicago, Ill., or St. Louis, Mo.

No. MC 141184 (Sub-No. 2), filed September 10, 1975. Applicant: ERNEST D. GIBSON, doing business as, GIBSON TRUCKING COMPANY, 709 Poplar Avenue, Youngstown, Ohio 44515. Applicant's representative: Ernest D. Gibson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stapling and stitching machines* (except hand machines), and *staples;* and (2) *equipment, materials and supplies* used or useful in the manufacture and distribution of the commodities in (1) above, between points in Mahoning County, Ohio, on the one hand, and, on the other, points in Beaver, Bucks, Butler, and Cambria Counties, Pa. and Baltimore County, Md., under a continuing contract or contracts with International Staple and Machine Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio or Washington, D.C.

No. MC 141251, filed August 18, 1975. Applicant: B & B DRIVE-AWAY SYSTEM, 6030 South Santa Fe Avenue, Huntington Park, Calif. 90255. Applicant's representative: Gene L. Osofsky, 2804 Winchester Drive, Hayward, Calif. 94541. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty shipper or customer owned trucks* as a transportation (drive-away) service, from points in California, to points in Arizona, Colorado, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oregon, Texas, Washington, Wyoming, Utah, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141252, filed August 14, 1975. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas, Las Vegas, Nev. 89102. Applicant's representative: E. Ronald Kropacek, 1500 West Covina Parkway, Suite 208, West Covina, Calif. 91790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and supplies*, used in the installation thereof, from the plantsite of Johns-Manville Products Corporation, at or near Apex, Nev., to points in Arizona, California, Oregon, Utah, Idaho, and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 141267, filed August 27, 1975. Applicant: ARCHIE HOLT, 502 West State, Vandalia, Mo. 63382. Applicant's representative: Thomas P. Rose, Jefferson Bldg., P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plant and storage facilities of the Adolph Coors Company located at or near Golden, Colo., to points in Missouri, under a continuing contract or contracts with Eddie M. Hall.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jefferson City, or St. Louis, Mo.

No. MC 141268 (amendment), filed August 25, 1975, published in the FEDERAL REGISTER issue of September 25, 1975, and republished as amended this issue. Applicant: PARKVIEW TOWING CORP., 173–19 Liberty Avenue, Jamaica, N.Y. 11433. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, including buses and trucks, replacements thereof, and antique automobiles*, by use of wreckers and/or tow equipment, between points in New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, North Carolina, South Carolina, Georgia, Alabama, and Florida.

NOTE.—The purpose of this republication is to indicate the additional commodity of antique automobiles. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141270, filed August 28, 1975. Applicant: PREECEVILLE TRACTOR, LTD., P.O. Box 499, Preeceville, Saskatchewan, Canada. Applicant's representative: James B. Hoyland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Balers and parts, accessories and attachments* for balers, from Pella, Iowa, to the point of entry on the International Boundary line between the United States and Canada at or near Portal, N. Dak., restricted to the transportation of traffic destined in foreign commerce to the province of Saskatchewan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Billings, Mont. or Fargo, N. Dak.

No. MC 141273, filed August 28, 1975. Applicant: CARL NEESAM, Pardeeville, Wis. 53954. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from points in Minnesota, to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison or Milwaukee, Wis., or Twin Cities, Minn.

No. MC 141285, filed September 2, 1975. Applicant: NORFOLK BEVERAGE COMPANY, 1431 South 1st St., Norfolk, Madison County, Nebr. 68701. Applicant's representative: Einar Viren, 904 City Nat'l Bank Bldg., Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surgical needles and syringes, and blood collection tubes*, from Norfolk, Nebr., to St. Louis, Mo., under a continuing contract or contracts with Sherwood Medical Industries, Inc., located at Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or St. Louis, Mo.

No. MC 141299, filed Sept. 3, 1975. Applicant: RALPH H. BURNS & SONS, INC., P.O. Box 38, Hillsboro, W. Va. 24946. Applicant's representative: Theodore Polydoroff, 1250 Conn. Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphaltic concrete, liquid asphalt, and by-products thereof*, in bulk, in tank vehicles, from Roanoke, Va., to points in Fayette, Greenbrier, Mercer, Monroe, Pendleton, Pocahontas, Raleigh, Randolph, and Summers Counties, W. Va., under a continuing contract or contracts with Fuel Oil and Equipment Co., Inc.

NOTE.—Applicant holds common carrier authority in MC 113063, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 141301, filed September 8, 1975. Applicant: HANSON TIRE SERVICE, INC., Highway 56 West, LeRoy, Minn. 55951. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic tires*, from the plant and warehouse facilities of Goodyear Tire & Rubber Co. at or near New Berlin, Wis., to points in Minnesota and Iowa, under a continuing contract or contracts with: (1) Hanson Tire Service of Hampton; (2) Donald A. Hanson, Ronnie M. Eastvold and David Thorson d.b.a. Hanson Tire Service; (3) Donald A. Hanson, Kenneth O. Hanson and Franklin D. Kaestern d.b.a. Hanson Tire Service; and (4) Hanson Tire Service of Blue Earth.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 141304, filed September 8, 1975. Applicant: OTIS BROTHERS, INC., Route No. 5, Box 250, Rolla, Mo. 65401. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled, wrecked*, and *damaged trucks and trailers*, between points in Phelps, Maries, and Texas Counties, Mo., on the one hand, and, on the other, points in Kansas, Oklahoma, Texas, Arkansas, Tennessee, Illinois, Iowa, Nebraska, Louisiana, Georgia, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141313, filed September 8, 1975. Applicant: "PERMISIONARIOS DE EXPRESS Y CARCA, S.A. DE C.V.," Mar Kara 325, Col. Aleman, Tijuana, Baja Calif., Mexico. Applicant's representative: Pedro Moreno Viramontes (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts, rail transportation systems parts, tooling, highway transportation systems parts, machinery, materials, supplies and equipment*, between ports of entry on the International Boundary line between the United States and the Republic of Mexico located at San Ysidro and Calexico, Calif., on the one hand, and, on the other, Chula Vista, Calif., under a continuing contract or contracts with Rohr Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 141315 (Sub-No. 1), filed September 10, 1975. Applicant: LIPMAN BROS., INC., Riverside Drive, Augusta, Maine 04330. Applicant's representative: David M. Lipman, 72 Winthrop Street, Augusta, Maine 04330. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Fish meal, fish solubles*, and *fish oil*, between points in Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, New York, Delaware, New Jersey, Maryland, and Pennsylvania, under a continuing contract or contracts with Lipman Marine Products, Inc. of Cloucester, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 141317, filed September 2, 1975. Applicant: R J L CORPORATION, Shelburn, Ind. 47879. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing*, (a) from Montpelier, Ind., to points in Missouri, Kansas, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Minnesota, Wisconsin, Michigan, Pennsylvania, Illinois, and New York; and (b) from the plantsites of Certain-Teed/Daymond Co. located at points in the destination states named in (1)(a) above to Montpelier, Ind.; (II) *Plastic coupling T's, reducers, and caps, adapters, and elbows used* in the distribution of and installation of corrugated plastic drainage tubing, from points in the states named in (1)(a) above to Montpelier, Ind., under a continuing contract or contracts with Certain-Teed/Daymond Co. of Ann Arbor, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

PASSENGERS APPLICATIONS

No. MC 94742 (Sub-No. 37), filed August 25, 1975. Applicant: MICHAUD BUS LINES, INC., 61–63 Jefferson Avenue, Salem, Mass. 01970. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special sightseeing and pleasure tours, beginning and ending at points in Middlesex, Suffolk, Norfolk, Plymouth, and Bristol Counties, Mass. (excluding Lowell, Boston, New Bedford, Randolph, Fall River, Plymouth, and Kingston, Mass.) and points in Rockingham, Strafford, Merrimack, and Hillsboro Counties, N.H. and York County, Maine, and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 111422 (Sub-No. 8), filed September 5, 1975. Applicant: O. D. ANDERSON, INC., Conneaut Lake Road, Greenville, Pa. 16125. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in charter operations, and *passengers and their baggage* in the same vehicle with passengers in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Armstrong, Beaver, Butler, Clarion, Forest, and Westmoreland Counties, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Erie, Pa.

No. MC 136614 (Sub-No. 2), filed August 14, 1975, published in the FEDERAL REGISTER issue of September 18, 1975, republished as corrected this issue. Applicant: DIVERSIFIED TRANSPORTATION LTD., 2422 9th Avenue, SE., Calgary, Alberta, Canada T 260V7. Applicant's representative: Jacob P. Billig, 1126 16th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, between ports of entry on the International Boundary line between the United States and Canada, located in Washington, Montana, North Dakota, Minnesota, Wisconsin, Michigan, New York, and Maine, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the conduct of charter operations originating and terminating within the Province of Alberta.

NOTE.—The purpose of this republication is to indicate West Virginia as a destination point which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at Great Falls, Mont., or Salt Lake City, Utah.

No. MC 138297 (Sub-No. 4), filed August 20, 1975. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. BOX 3844, Cox Road & State Road 520, Cocoa, Fla. 32922. Applicant's representative: Kenneth R. Davis, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in the United States, including Alaska but excluding Hawaii, restricted to the transportation of passengers having an immediately prior movement in a motor vehicle tendered to carrier for transportation on separate automobile transporters pursuant to the authority set forth in part (2) hereof; (2) *motor vehicles* in secondary movements in truckaway service, between points set forth in (1) above, restricted to the transportation of motor vehicles tendered to carrier by those passengers moving pursuant to the authority set out in part (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138828 (Sub-No. 8), filed March 13, 1975. Applicant: MAPLEWOOD EQUIPMENT COMPANY, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *passengers and their baggage* in the same vehicle with passengers, between Cliffside Park, N.J., and West New York, N.J.: From the junction of Edgewater Road, Gorge Road, and Palisades Avenue over Palisades Avenue to the junction of John F. Kennedy Boulevard East and Woodcliff Avenue and Palisades Avenue, thence over John F. Kennedy Boulevard East to the junction of Hillside Road, and return over the same routes, serving no inter-

mediate points, and serving West New York, N.J. for the purposes of joinder only at the junction of Hillside Road and John F. Kennedy Boulevard East.

NOTE.—Applicant is temporary Lessee of Orange & Black Bus Lines, Inc. and intends to join the requested authority with the existing authority in MC 66582 to provide service between points on its existing and proposed routes in Fairview, N.J. and points north thereof, on the one hand, and, on the other, New York, N.Y. Common control may be involved. Applicant presently holds passenger contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or New York, N.Y.

BROKER APPLICATIONS

No. MC 130338, filed August 15, 1975. Applicant: LAWRENCE WAYNE HOLLINGSWORTH, CHARLES S. FEATHER, JR., doing business as NEW WORLD TRAVEL, Route 1, Elk Mound, Wis. 54739. Applicant's representative: Thomas Kent Guelzow, 513 S. Barstow Street, Eau Claire, Wis. 54701. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Elk Mound and Eau Claire, Wis., to sell or offer to sell the transportation of *Groups of passengers and their baggage*, in special and charter operations, by motor carriers, between points in Douglas, Eau Claire, Dunn, Chippewa, and LaGrosse Counties, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Eau Claire or Madison, Wis., or St. Paul-Minneapolis, Minn.

FREIGHTFORWARDER APPLICATION

No. FF 476, filed August 28, 1975. Applicant: ASTRO AIR EXPRESS, INC., P.O. Box 66290, O'Hare Field, Chicago, Ill. 60666. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Suite 2108, Chicago, Ill. 60602. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by express and motor vehicle, in the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Illinois, Indiana, Michigan, Ohio, Kentucky, and Tennessee, restricted to traffic having an immediately prior or subsequent movement by air or in substituted air service in the air freight forwarding service of Astro Air Express, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

federal register

THURSDAY, OCTOBER 2, 1975



PART II:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Rules, Proposed Rules, and Notices of Systems of Records

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

PART 6a—POLICY AND PROCEDURES

Privacy Act of 1974

On September 2, 1975 the Department of State published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 40456) setting forth proposed regulations to implement the Privacy Act of 1974 (Pub. L. 93-579). Interested persons were given until October 2, 1975 to submit comments regarding the proposed regulations.

No comments were received by close of business September 25. The Privacy Act enters into full effect on September 27. In these circumstances, and in the absence of other regulations to govern access to and protection of personal information, the Department finds that making these regulations effective on the same date as the Act provides a benefit to the public and to this Department which outweighs the possible benefit of waiting until October 2 for public comment. However, any comments received by October 2 will be considered in connection with possible amendments.

Part 6a is hereby adopted by adding additional systems of records under exemption (§ 6a.6) as set forth below.

Effective date. Part 6a shall become effective on September 27, 1975.

For the Secretary of State.

LAWRENCE S. EAGLEBURGER,
Deputy Under Secretary for Management.

Sec.

6a.1 Definitions.
6a.2 Requests for records.
6a.3 Information necessary to locate and identify a record.
6a.4 Access to records.
6a.5 Disclosure of information.
6a.6 Exemptions.
6a.7 Denial of access.
6a.8 Requests for amending records.
6a.9 Appeals.
6a.10 Fees.

AUTHORITY: Sec. 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 22 U.S.C. 2658); Pub. L. 93-579, 88 Stat. 1897); 5 U.S.C. 552a.

§ 6a.1 Definitions.

As used in this Part, the following definitions shall apply:

(a) The term "Department" means the Department of State, its offices, bureaus, divisions, field offices, and its overseas posts.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term "maintain" includes maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Department, including, but not limited to, education, financial transactions, medical history, and criminal or employment history that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

(e) The term "system of records" means a group of any records under the control of the Department from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term "amend" means to make any correction to any portion of the record which the individual believes is not accurate, relevant, timely, or complete.

(i) The term "personnel record" means any personal information maintained in a system of records as defined in paragraph (e) of this section that is needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals. Rules and procedures promulgated by the Civil Service Commission under the Privacy Act for personnel records for which it has responsibility will be followed by the Department with regard to such records.

§ 6a.2 Requests for records.

(a) The Department will consider requests received from individuals for records pertaining to themselves as requests made under the Privacy Act of 1974 (5 U.S.C. 552a), whether or not the individual specifically cites the Privacy Act of 1974 when making the request. However, in requests by mail, a notation on the envelope and in the letter that it is a "Privacy Act request" will aid the Department in processing the requests.

(b) Requests under the Privacy Act should be directed to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, who will coordinate the search of all systems of records specified in the request. In addition, requests may be directed to the Department's overseas posts when the individual believes the post has such a record. Routine, unclassified, administrative records available at the post may be released to the individual if the post determines that such release is authorized by the Privacy Act. Any unfilled request shall be submitted by the post to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520, and the individual so notified. Guidance for requesting records is contained in § 6a.3 and published in the Department's annual public notice appearing in the FEDERAL REGISTER.

(c) In those instances where an individual requests records pertaining to himself or herself as well as records pertaining to another individual, group, or some other category of the Department's records, only that portion of the request which pertains to records concerning the individual requester will be treated as a Privacy Act request. The remaining portions of such requests will be processed through the Department's Freedom of Information or other public access procedures.

(d) The Department will continue to make available information, documents, and forms which have previously been provided to individuals as part of its normal services.

§ 6a.3 Information necessary to locate and identify a record.

All requests for access to a record or records must reasonably describe the system of records and the individual's record within the system in sufficient detail to permit identification of the requested record(s). System names, descriptions, and the identifying information required for each system are published in the Department's annual public notice of systems of records appearing in the FEDERAL REGISTER. As a minimum, requests should include the individual's full name (maiden name, if appropriate), present mailing address (including zip code), and date and place of birth, and other information helpful in identifying the rectimely search of record systems and assist the Department in locating those records which actually pertain to the individual requester. In certain instances, it may be necessary for the Department to request additional information from the requester, either to ensure a full search or to ensure that a record retrieved does in fact pertain to the inord. This information will facilitate the dividual.

§ 6a.4 Access to records.

(a) *Acknowledgement of requests.* All requests from an individual for information on whether or not the Department's system or systems of records contain information about the individual will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays) after actual receipt of the request by the Director, Foreign Affairs Document and Reference Center.

(b) *Time limits.* Whenever possible, the Department will furnish the requested records within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request, except in those instances where it is necessary to:

(1) Search for and collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(2) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

(3) Consult, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Department of State having substantial subject matter interest therein; or

(4) Request additional identifying information as set forth in § 6a.3.

(c) *Verification of personal identity.* The Department will require reasonable identification of individuals to assure that records are disclosed only to the proper person(s).

(1) *Access in person.* When access to a record is granted in person, the Department will require a verification of identity by the individual; employee identification card, driver's license, medicare card, annuitant identification, or passport are examples of acceptable identification.

(2) *Access by mail.* For individuals who seek access by mail the Department will require verification of identity; comparison of signatures of the requester and those in the record, if any, will be used to determine identity.

(3) *Statement verifying identity.* If an individual can provide no suitable documents for identification or a signature is not of record the Department will require a signed statement from the individual asserting his or her identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000.

(d) *Sensitive records.* In certain cases where the Department determines that the requested record is of sufficient sensitivity, it may require the individual to furnish a signed notarized statement verifying the requester's identity. The Department will inform the individual at the time the record is retrieved whether or not such a statement is necessary.

(e) *Accompanying individual.* If, when exercising physical access to a record, the requester is accompanied by any other person, the Department will require the requester to sign a statement authorizing disclosure of the contents of the record in the presence of the accompanying individual.

(f) *Authorized representatives or designees.* When an individual wishes to authorize another person or persons access to his or her records other than as provided in paragraph (e) of this section, the individual shall submit a signed, notarized statement authorizing and consenting to access by a designated person or persons.

(g) *Guardians.* The parent(s) of any minor, or the legal guardian of an individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act for and on behalf of said individual upon presentation of appropriate documentation of such relationship.

(h) *Medical records.* If, in the judgment of the Deputy Assistant Secretary of State for Medical Services or his designee, the release of medical information directly to the requester could have an adverse effect on the requester, the aforementioned officer will attempt to arrange an acceptable alternative in granting access to such record(s). This will normally involve the release of such information to a doctor named by the requester.

(i) *Original records.* Originals, or record copies thereof, will not be released from the custody of the records system manager. Copies will be furnished in accordance with § 6a.10 or Parts 21 and 22 of this chapter.

(j) *Records relating to civil actions or proceedings.* The requirements of this section do not entitle an individual the right of access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 6a.5 Disclosure of information.

(a) The Department will not disclose any information about an individual to any person, or to another agency without a written request by or the prior written consent of the individual about whom the information is maintained. However, as provided in 5 U.S.C. 552a(b), written consent is not required if the disclosure is:

(1) To those officers and employees of the Department who have a need for the information in the official performance of their duties;

(2) Required under the provisions of the Freedom of Information Act;

(3) For a routine use as published in the Department's annual public notice in the FEDERAL REGISTER;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(5) To a recipient who has provided the Department with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 6a.6 Exemptions.

Portions of systems of records maintained by the Department are authorized to be exempted from a limited number of provisions of the Privacy Act. In utilizing these exemptions, however, the Department contemplates exempting only those portions of systems necessary for the proper functioning of the Department and which are consistent with the Privacy Act and these regulations. The following exemptions are authorized under 5 U.S.C. 552a (j) and (k):

(a) Records specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are, in fact, properly classified pursuant to such Executive order;

(b) Investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2): *Provided, however,* That if any individual is denied any right, privilege, or benefit for which he or she would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the regulations, under an implied promise that the identity of the source would be held in confidence;

(c) Records maintained in connection with providing protective services to the President of the United States or other individuals, pursuant to 18 U.S.C. 3056;

(d) Records required by statute to be maintained and used solely as statistical records;

(e) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, nominations or referrals to international organizations, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence;

(f) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service which would compromise the objectivity or fairness of the testing or examination process if disclosed; or

(g) Evaluation material used to determine potential of an individual for pro-

motion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence; or

(h) Records originated by another agency when that agency has determined that the record is exempt under 5 U.S.C. 552a(j). Also, pursuant to Section (j)(2) of the Act, records compiled by the Passport and Visa Fraud Branch of the Office of Security may be exempted from the requirements of any part of the Act except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) to the extent necessary to assure the effective completion of the investigative and judicial processes.

(i) Portions of the following systems of records are exempted under 5 U.S.C. 552a(j) to the extent authorized and determined by the agency originating the records. The names of the systems correspond to those published in the FEDERAL REGISTER on this same date by the Department.

System Name: STATE/DEPT.
Consular Service and Assistance Records. STATE–5.
Coordinator for Combatting Terrorism Records. STATE–6.
Educational and Cultural Exchange Program Records. STATE–8.
External Research Records. STATE–10.
Extradition Records. STATE–11.
Intelligence and Research Records. STATE–15.
International Organizations Records. STATE–17.
Law of the Sea Records. STATE–19.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–36.
Visa Records. STATE–39.
Munitions Control Records. STATE–42.

(j) Portions of the following systems of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). The names of the systems correspond to those published in the FEDERAL REGISTER on this same date by the Department.

(1) Exempt under 5 U.S.C. 552a(k)(1). The reason for invoking the exemption is to protect the material required to be kept secret in the interest of national defense and foreign policy.

Board of Appellate Review Records. STATE–2.
Consular Service and Assistance Records. STATE–5.
Coordinator for Combatting Terrorism Records. STATE–6.
Educational and Cultural Exchange Program Records. STATE–8.
External Research Records. STATE–10.
Extradition Records. STATE–11.
Foreign Assistance Inspection Records. STATE–48.
Intelligence and Research Records. STATE–15.
International Organizations Records. STATE–17.
Law of the Sea Records. STATE–19.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–36.
Visa Records. STATE–39.
Berlin Document Center. STATE–41.
Munitions Control Records. STATE–42.

(2) Exempt under 5 U.S.C. 552a(k)(2). The reasons for invoking the exemption are to prevent individuals the subjects of investigation from frustrating the investigatory process, to insure the integrity of law enforcement activities, to prevent disclosure of investigative techniques; to maintain the confidence of foreign governments in the integrity of the procedures under which privileged or confidential information may be provided; and to protect the confidentiality of sources of information.

Board of Appellate Review Records. STATE–2.
Consular Service and Assistance Records. STATE–5.
Coordinator for Combatting Terrorism Records. STATE–6.
Extradition Records. STATE–11.
Foreign Assistance Inspection Records. STATE–48.
Intelligence and Research Records. STATE–15.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–36.
Visa Records. STATE–39.
Munitions Control Records. STATE–42.

(3) Exempt under 5 U.S.C. 552a(k)(3). The reasons for invoking this exemption are to preclude impairment of the Department's effective performance in carrying out its lawful protective responsibilities under 18 U.S.C. 3056.

Consular Service and Assistance Records. STATE–5.
Extradition Records. STATE–11.
Intelligence and Research Records. STATE–15.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–36.
Visa Records. STATE–39.

(4) Exempt under 5 U.S.C. 552a (k)(4). The reason for invoking this exemption is to avoid needless consideration of records which are used solely for statistical purposes and from which no individual determinations are made.

Foreign Service Institute Records. STATE–14.
Personnel Payroll Records. STATE–30.
Personnel Records. STATE–31.

(5) Exempt under 5 U.S.C. 552a (k)(5). The reasons for invoking this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of suitability, eligibility and qualification for employment and to protect the confidentiality of sources of information.

Board of the Foreign Service Records. STATE–3.
Equal Employment Opportunity Records. STATE–9.
Foreign Assistance Inspection Records. STATE–48.
Foreign Service Grievance Board Records. STATE–13.
Legal Adviser Personnel Records. STATE–20.
Overseas Records. STATE–25.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personnel Records. STATE–31.
Security Records. STATE–36.
Senior Personnel Appointment Records. STATE–47.

(6) Exempt under 5 U.S.C. 552a(k)(6). The reasons for invoking this exemption is to prevent the compromise of testing or evaluation material used solely to determine individual qualification for employment or promotion; and to avoid giving unfair advantage to individuals by virtue of their having access to such material.

Foreign Service Institute Records. STATE–14.
Personnel Records. STATE–31.

(7) Exempt under 5 U.S.C. 552a(k)(7). The reason for invoking this exemption is to prevent access to such material maintained from time to time by the Department in connection with various military personnel exchange programs.

Overseas Records. STATE–25.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Personnel Records. STATE–31.

§ 6a.7 Denial of access.

The decision to deny an individual access to his or her record shall be made by the Department official of a rank not below the Deputy Assistant Secretary or equivalent level who is responsible for the system of records involved. When an authorized official denies access to a record or portion thereof, the official will advise the individual in writing of the denial and the specific reasons therefor. The denial letter will also advise the individual of his right to seek judicial review of the Department's decision.

§ 6a.8 Requests for amending records.

(a) An individual has the right to request that the Department amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely, or complete.

(b) At the time the Department grants access to a record it will also furnish guidelines for requesting amendments to the record. These guidelines will also be available in the public reading room in the Department of State, Washington, D.C. between 10 a.m. and 4 p.m. Monday through Friday, except for legal public holidays, or may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, Washington, D.C. 20520.

(c) Requests for amending records must be in writing and mailed or delivered to the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, Washington, D.C. 20520, who will coordinate the review of the request to amend a record with the appropriate office(s). The Department will require verification of personal identity as provided in § 6a.4(c)(3) of these regulations before it will initiate action to amend a record to ensure that the requester is not deliberately or inadvertently seeking to change records about other persons. Such requests should contain, as a minimum, identifying information needed to locate the record, a brief description of the item or items of information to be amended, and the nature of the requested amendment. The requester should submit as much documentation, arguments or other data as seems warranted to support his request for amendment.

(d) All requests for amendments to records will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays). Whenever possible all requests for amendments to records will be reviewed within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request by the Director, Foreign Affairs Document and Reference Center, and the requester will be advised of the results of the review. In those cases where the review cannot be completed within 10 days, the requester will be so advised and informed when the review will be completed. Except in unusual circumstances, this review will be completed no later than 30 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of the request to amend a record.

(e) In reviewing a record in response to a request to amend, the Department shall determine whether the record is relevant and necessary to accomplish a purpose of the agency and shall incorporate the criteria of accuracy, relevance, timeliness, and completeness of the record in that review.

(f) If the office responsible for the record agrees with an individual's request to amend a record, it shall:

(1) Advise the individual in writing;

(2) Amend the record accordingly; and

(3) If an accounting of disclosure has been made, advise all previous recipients of the record of the amendment and its substance.

(g) If the office responsible for the record, after an initial review of a request to amend a record, disagrees with all or any portion of the requested amendment, an officer at the Deputy Assistant Secretary level or equivalent, shall:

(1) Advise the individual of its refusal and the reasons for it; and

(2) Inform the individual that he or she may request a further review in accordance with § 6a.9.

§ 6a.9 Appeals.

(a) Review of an initial refusal to amend a record under § 6a.8(g) may be requested by the individual who submitted the request. The review (hereinafter referred to as the appeal) must be requested in writing within 60 days of the date the individual is informed of the Department's refusal to amend a record in whole or in part. The appeal must be in writing and should be sent by certified mail to the Chairman, Privacy Policy and Appeals Board, Department of State, Room 1239, 2201 C Street, NW., Washington, D.C. 20520.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Privacy Policy and Appeals Board. The appeal should include any documentation, information or statements advanced for the amendment of the record.

(c) The Chairman of the Privacy Policy and Appeals Board (Assistant Secretary of State for Administration) and two other members of the Board designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Privacy Policy and Appeals Board extends such determination beyond the 30-day period.

(d) When the final determination is that the record should be amended in accordance with the individual's request, the Chairman of the Privacy Policy and Appeals Board shall direct the office responsible for the record to comply. The office responsible for the record shall:

(1) Amend the record as directed;

(2) If an accounting of the disclosure has been made, advise all previous recipients of the record of the amendment and its substance;

(3) So advise the individual in writing.

(e) When the final decision is that the request of the individual to amend the record is refused, the Chairman of the Board shall advise the individual:

(1) Of the refusal and the reasons for it;

(2) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Department;

(3) Of the procedures for filing the statement of disagreement;

(4) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) Of his or her right to seek judicial review of the Department's refusal to amend the record.

(f) When the final determination is to refuse to amend a record and the individual has filed a statement under paragraph (e) of this section, the Department will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have access to, use, or disclose it. When information that is the subject of a statement of dispute filed by an individual is subsequently disclosed, the Department will note that the information is disputed and provide a copy of the individual's statement. The Department may also include a brief summary of the reasons for not making a correction when disclosing disputed information. Such statements will normally be limited to the reasons given to the individual for not amending the record. Copies of the Department's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by the individual under these regulations.

§ 6a.10 Fees.

(a) The Department will charge no fee for the first copy of an individual's personnel record.

(b) The Department will charge a fee of $.10 per page for copies of documents which are identified by an individual and reproduced at the individual's request for retention, except that there will be no charge for requests involving costs of $1.00 or less.

(c) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasurer of the United States and delivered to or mailed to the Director, Foreign Affairs Document and Reference Center, Department of State, Room 1239, 2201 C Street NW., Washington, D.C. 20520. The Department will assume no responsibility for cash sent by mail.

(d) A receipt for fees paid will be given only upon request.

[FR Doc.75-26279 Filed 9-26-75;5:07 pm]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 206—PRIVACY ACT

Implementation of the Privacy Act of 1974; Regulations and Systems of Records

A notice of proposed rulemaking was issued by the Federal Energy Administration ("FEA") on Septmeber 9, 1975 (40 FR 42448, September 12, 1975) that proposed to add a new Part 206 to Chapter II of Title 10 of the Code of Federal Regulations, to implement the Privacy Act (5 U.S.C. 552) ("Act"). In addition, on August 27, 1975, FEA published in the FEDERAL REGISTER (40 FR 39321) a Notice of Systems of Records and Proposed "Routine Uses." The Notice of proposed rulemaking invited written comments from interested persons, to be submitted by September 22, 1975, and none were received. The Notice of the systems of records and their proposed "routine uses" also invited written comments from interested persons, to be submitted by September 22, 1975, and one comment was received.

REGULATIONS

No substantive changes have been made to the regulations as proposed. The changes made are confined to clarifying and technical adjustments. For example, the definitions of the terms "agency," "FEA," "individual," "record" and "system of records" have been slightly modified. There has been a reordering of several sections—§§ 206.7 and 206.8 in the proposed regulations have become §§ 206.10 and 206.11, and §§ 206.9, 206.10 and 206.11 are renumbered accordingly.

The most significant technical changes are to § 206.15—Specific Exemptions. The texts of the substantively similar "Waiver of Exemption" provisions in paragraphs (a) and (c) of that section have been modified to make them parallel. In addition, qualifying language from the Act has been added to paragraph (c)(2), to make it clear that the 5 U.S.C. 552a(k)(5) exemption applies only to materials that contain information that would reveal confidential sources, and the rationale for the claiming of the exemption has been expanded.

Aside from these non-substantive changes, the regulations are adopted as proposed.

SYSTEMS OF RECORDS/"ROUTINE USES"

Because no comments were received on the proposed routine uses for each of FEA's systems of records, such uses are adopted as proposed.

Although not required by the Act, FEA also invited written comments on its systems of records, and one comment was received. That comment suggested that the FEA–22/Freedom of Information Act Requests for Records system of records could be used to intimidate employees making requests under the Freedom of Information Act. The sole use of the system is to enable FEA promptly to reply to requests for the status of FEA's response to a person's request for documents under the Freedom of Information Act, to identify the FEA employee responsible for preparing the response, and to provide data for FEA's annual report regarding its implementation of that Act.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, the "routine uses" of FEA's systems of records are adopted as proposed in the August 27, 1975 FEDERAL REGISTER, and the FEA's systems of records are operative as described in that issue of the FEDERAL REGISTER, and each is effective on September 27, 1975.

Issued in Washington, D.C., September 26, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

Chapter II of 10 Code of Federal Regulations is amended to add Part 206, which reads as follows:

COLLECTION, MAINTENANCE, ACCESS AND DISSEMINATION OF PERSONAL INFORMATION ABOUT INDIVIDUALS IN SYSTEMS OF RECORDS MAINTAINED BY FEA

Sec.

206.1 Purpose and scope.
206.2 Definitions.
206.3 Procedures for requesting information about or for access to an individual's records in a system of records.
206.4 Procedures for identifying the individual making the request.
206.5 Disclosure of requested information to individuals.
206.6 Disclosure to other agencies or persons other than the individual to whom the record pertains.
206.7 Request for correction or amendment of record.
206.8 FEA review of request for correction or amendment of a record.
206.9 Appeals of denial of request for correction or amendment of a record.
206.10 Content of systems of records.
206.11 Collection of information by FEA about an individual for a system of records.
206.12 Public notice of systems of records.
206.13 Criminal penalties.
206.14 General exemptions. [Reserved]
206.15 Specific exemptions.
206.16 Fees.
206.17 Exceptions, exemptions, interpretations, rulings and rulemakings.
206.18 Addresses of FEA Regional Offices.

AUTHORITY: (Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a); Federal Energy Administration Act of 1974 (Pub. L. 93–275); E.O. 11790 (39 FR 23185)).

§ 206.1 Purpose and scope.

(a) This part establishes the methods and procedures by which the Federal Energy Administration is implementing the Privacy Act of 1974 (Pub. L. 93–579, 5 U.S.C. 552a). This part applies to all records maintained by FEA that contain personal information about an individual, identify that individual by name or identifying number, symbol, or other identifying particular and are contained in a system of records from which such information is retrieved by the individual's name or identifying number, symbol or other identifying particular.

(b) Subject to the general and specific exemptions claimed by FEA in §§ 206.14 and 206.15, or any exemptions provided by the Privacy Act of 1974 that are claimed by another agency, or unless otherwise provided by such Act and this part, this part prohibits FEA from disclosing any record that is contained in a system of records by any means of communication to any person or to another agency, except pursuant to a written request by or with the prior written consent of the individual to whom the record pertains.

§ 206.2 Definitions.

"Agency" means "agency" as defined in 5 U.S.C. 551(1) and includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

"Act" means the "Privacy Act of 1974," Pub. L. 93–579, 5 U.S.C. 552a.

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate, and when appropriate, includes persons under contract with FEA for the operation by or on behalf of FEA of a system of records to accomplish an FEA function, and employees of such person.

"Individual" means a living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. For purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"Legal public holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Maintain" includes maintain, collect, use or disseminate.

"Records" means any item, collection, or grouping of information about an individual that is maintained by the FEA in a system of records, or, if appropriate, another agency including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible with the purpose for which it was collected.

"System of records" means a group of any records under the control of the FEA or, if appropriate, another agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13, United States Code.

Throughout this part, the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.

(a) Any individual may request information regarding whether a system

of records maintained by the FEA contains any information pertaining to him, and may request access to his record or to any information pertaining to him that is contained in a system of records, unless such access has been restricted by a general or specific exemption claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency. All such requests shall be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. The consideration by FEA of requests submitted by mail will be facilitated if the envelope in which the request is mailed has the words "PRIVACY ACT REQUEST" in capital letters on the front of it.

(b) (1) A request for information about a record or for access to a record or to information pertaining to him that is contained in a system of records may be made by mail or in person during FEA's regular business hours.

(2) The regular business hours of the FEA National Office are 8 a.m. to 4:30 p.m. Requests made in person should be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(c) (1) The request, whether by mail or in person, shall be in writing and signed by the individual making the request and include (i) the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; (ii) a certified or authenticated copy of documents establishing parentage or legal guardianship, if appropriate, and (iii) if the waiver of an exemption, as provided in § 206.15 (a) and (c), is sought in accordance with the procedures stated in such section, a statement of the grounds on which such waiver is sought.

(2) In addition, the request should (i) specify the title and identifying number of the system of records, which appears in the notice of systems published in the FEDERAL REGISTER by the FEA; (ii) provide such additional identifying information, if any, as may be required by the description of the system contained in the notice or as will assist FEA in responding to the request, e.g., location of the record as stated in the FEDERAL REGISTER; and (iii) describe the information sought or the time, place, or form of access, as appropriate.

(d) Any request not addressed and marked as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(e) When access to a record or information pertaining to the individual that is contained in a system of records is requested, the individual either will be notified in writing where and when he may obtain access to the records requested or, if further arrangements are required, will be given the name, address and telephone number of the person at FEA responsible for such arrangements.

(f) Assistance in preparing a request for information about a record or for access to a record or to information pertaining to the individual that is contained in a system of records may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., 20461.

§ 206.4 Procedures for identifying the individual making the request.

(a) When a request for information about or for access to a record or to information pertaining to an individual that is contained in a system of records has been made pursuant to § 206.3, the FEA shall require reasonable identification of the individual making the request before information will be given or access will be granted, to insure that information is given or records are disclosed only to the proper person.

(b) Subject to paragraphs (c) and (d) of this section, an individual making a request may establish his identity by:

(1) Including with his request if submitted by mail, a photocopy of two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at the FEA National Office or appropriate Regional Office during the regular business hours and presenting either of the following:

(i) One identifying document bearing his photograph and signature, such as a driver's license or passport; or

(ii) Two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the FEA deems satisfactory in the circumstances of a particular request.

(c) If the Privacy Act Officer or other designated FEA official determines that the information in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual whose record is involved, or if the individual making the request is unable to produce satisfactory evidence of identity under paragraph (b) of this section, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under section 552a(i)(3) of the Act for obtaining records under false pretenses. Copies of these statutory provisions and forms of such notarized statements may be obtained upon request from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

(d) *Parents of minors and legal guardians.* (1) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his personal identity in the same manner prescribed in either paragraphs (b) or (c) of this section. (A parent or legal guardian may act only for a living individual, not for a decedent.)

(2) In addition to such identification, such person shall establish his identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the order from a court of competent jurisdiction.

(e) An individual shall not be required to state a reason or otherwise justify his request for information about or for access to a record or to information pertaining to him that is contained in a system of records.

§ 206.5 Disclosure of requested information to individuals.

(a) Each request for information about or for access to a record or to information pertaining to him that is contained in a system of records shall be acted upon promptly. Every effort will be made to respond within ten days (excluding Saturdays, Sundays and legal public holidays) of the date of receipt. If a response cannot be made within ten days due to unusual circumstances, FEA shall send an acknowledgment during that period providing information on the status of the request and asking for such further information as may be necessary to respond to the request. The term "unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request is necessary.

(b) (1) Any individual who has requested access to a record or to information pertaining to him that is contained in a system of records, other than medical records, in the manner prescribed in § 206.3, and has identified himself as prescribed in § 206.4, shall be permitted to review the record or information and have a copy made of all or any portion thereof in a form comprehensible to him upon payment of the fee, if applicable, for

copying services set forth in § 206.17, unless such information or access is denied on the grounds stated in paragraph (e) of this section. Upon the request of an individual, a person of the individual's own choosing may accompany him to review the record at FEA, but the individual shall first furnish to the Privacy Act Officer a written statement authorizing discussion of that individual's record in the accompanying person's presence.

(2) The special procedures pertaining to requests for information about or access to the individual's medical records are stated in paragraph (f) of this section.

(c) Where record of a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed, except to the extent the information is available to any person under the Freedom of Information Act. If the record sought cannot be provided for review and copying in a meaningful form, the FEA shall provide to the individual a report of the information pertaining to the individual that is contained in the record, which report shall be complete and accurate in all material aspects.

(d) *Grant of access*—(1) *Notification.* An individual shall be provided information about or granted access to a record or information pertaining to him that is contained in the system of records, unless the request has been denied in accordance with paragraph (e) of this section. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) Whether there is a record or information pertaining to him that is contained in a system of records;

(ii) The methods of access, as set forth in paragraph (d)(2) of this section;

(iii) The place at which the record or information may be inspected;

(iv) The earliest date on which the record or information may be inspected and the period of time that the record or information will remain available for inspection (In no event shall the "earliest date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(v) The estimated date by which a copy of the record could be mailed and the estimate of fees that would be charged to provide other than the first copy of the record, pursuant to § 206.17 (In no event shall the "estimated date" be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(vi) The fact that the individual, if he wishes, may be accompanied by another person during the in-person review of the record or information, subject to the procedures set forth in paragraph (b) of this section; and,

(vii) Any additional requirements that must be satisfied in order to provide information about or to grant access to the requested record or information.

(2) *Methods of access.* The following methods of access to records or information pertaining to an individual that is contained in a system of records may be available to that individual depending on the circumstances of a particular request:

(i) Inspection in person may be had in the office specified by FEA during the regular business hours;

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if FEA determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records or information to that facility will not unduly interfere with operations of the FEA or involve unreasonable costs, in terms of both money and manpower; and

(iii) The requested number of copies may be mailed *at the request* of the individual, subject to payment of the fees prescribed in § 206.17.

(e) *Initial denial of access.* (This section does not apply to the denial of a request for waiver of an exemption made in accordance with § 206.15(a) and (c).):

(1) *Grounds.* A request by an individual for information about or access to a record or information pertaining to that individual that is contained in a system of records may be denied only upon a determination by the Privacy Act Officer that:

(i) The Record is subject to an exemption under §§ 206.14 or 206.15, or to an exemption claimed by another agency; or

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding; or

(iii) The individual unreasonably has failed to comply with the procedural requirements of this part.

(2) *Notification.* The Privacy Act Officer shall give written notice of the denial of a request for information about or access to records or information pertaining to the individual that is contained in a system of records, which notice shall include the following information:

(i) The Privacy Act Officer's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and this part; and

(iv) The individual's right to judicial review under 5 U.S.C. 552a(g)(1)(B), as limited by § 552a(g)(5).

(f) *Special procedures for medical records*—(1) *Statement of physician or mental health professional.* When an individual requests access to records or information pertaining to him that include medical and/or psychological information, the FEA, if it deems it necessary under the particular circumstances, may require the individual to submit with the request a signed statement by his physician or a mental health professional indicating that, in his view, disclosure of the requested records or information directly to the individual will not have an adverse effect on the individual.

(2) *Designation of physician or mental health professional to receive records.* If the FEA believes, in good faith, that disclosure of medical and/or psychological information directly to an individual could have an adverse effect on that individual, the individual may be asked to designate in writing a physician or mental health professional to whom he would like the records to be disclosed, and disclosure that otherwise would be made to the individual will instead be made to the designated physician or mental health professional.

(g) The FEA shall supply such other information and assistance at the time of an individual's review of his record as is necessary to make the record intelligible to the individual.

(h) The FEA reserves the right to limit access to copies and abstracts of original records instead of the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or disc, when the record contains information on or about individuals, and when deletion of information is permissible under exemptions provided by the Act. In no event shall original records of the FEA be made available to the individual except under the immediate supervision of the Privacy Act Officer or his designee. Title 18, United States Code, section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(i) Nothing in this section shall:

(1) Require the disclosure of records in systems of records subject to an exemption under §§ 206.14 or 206.15 or to an exemption claimed by another agency;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or

(3) Require the furnishing of information or records that cannot be retrieved by the name or by some other identifying number, symbol or identifying particular of the individual making the request.

§ 206.6 Disclosure to other agencies or persons other than the individual to whom the record pertains.

(a) The FEA shall not disclose to any agency or to any person other than the individual who is the subject of the record, by any means of communication, a record pertaining to that individual that is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure or has made a written request for such disclosure;

(2) The disclosure is to officers and employees of the FEA who have a need for the record in the performance of their duties;

(3) The disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) The disclosure is for a routine use as defined in § 206.2 and described in the FEDERAL REGISTER notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey

or related activity pursuant to the provisions of Title 13 of the United States Code;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(8) The disclosure is made to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the FEA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(9) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(10) The disclosure is made to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(12) The disclosure is made pursuant to the order of a court of competent jurisdiction; or

(13) The disclosure is required by the Act and not covered explicitly by 5 U.S.C. 552a(b).

(b) The situations referred to in paragraph (a)(13) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by the FEA in certain circumstances;

(2) Section 5(e)(2) of the Act authorizes release of any records or information by the FEA to the Privacy Protection Study Commission upon request of the Chairman; and

(3) Section 6 of the Act authorizes the Office of Management and Budget to provide the FEA with continuing oversight and assistance in implementation of the Act, which may necessitate the release of records or information to that office.

(c)(1) For each system of records under its control, except disclosures made with the consent of the individual to whom the record pertains, disclosures to authorized officers and employees of FEA and disclosures required by the Freedom of Information Act, FEA shall keep an accurate accounting of:

(i) The date, nature, and purposes of each disclosure of a record made to any person or to another agency; and

(ii) The name and address of the person or agency to which the disclosure was made.

(2) The accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) of this section shall be made available to the individual named in the record upon written request to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, except that the accounting shall not be revealed with respect to disclosures made under paragraph (a)(8) of this section, pertaining to law enforcement activity, and to disclosures involving systems of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the FEA in accordance with §§ 206.8 and 206.9, FEA shall inform any person or other agency to whom the record was previously disclosed if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section, unless the disclosure was made pursuant to paragraph (a)(8) of this section or the disclosure involved a system of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(f) The FEA shall make reasonable efforts to serve notice on an individual when any record containing information about such individual in a FEA system of records is made available to any person under compulsory legal process when such process becomes a matter of public record.

(g) Prior to disclosing any record about an individual to any person other than an agency, unless the disclosure is pursuant to paragraph (a)(3) of this section, FEA shall make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for FEA's purposes.

§ 206.7 Request for correction or amendment of a record.

(a) (1) Any individual may request the correction or amendment of information pertaining to him that is contained in a system of records maintained by the FEA (i) if he believes such information is not relevant or not necessary to accomplish a purpose that FEA is required to accomplish by statute or by executive order of the President, or (ii) if the information is to be used by FEA in making any determination about the individual if he believes such information is not as accurate, relevant, timely or complete as is reasonably necessary to assure fairness in any determination about the individual.

(2) A request for amendment or correction may be made by mail or in person and shall be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. Requests made in person must be submitted during the regular business hours of the FEA National Office or Regional Office, which for the National Office are 8 a.m. to 4:30 p.m. If the request is submitted by mail, the envelope in which the request is mailed should have the words "PRIVACY ACT REQUEST AMENDMENT" in capital letters on the front of it.

(b) (1) A request for correction or amendment shall (i) be in writing and signed by the person making the request; (ii) describe the particular record to be corrected or amended with sufficient specificity to permit the record to be located among those maintained by FEA, including, if possible, the title, identifying number, and location of the system of records, as stated in the Notice of Systems of Records published in the FEDERAL REGISTER; and (iii) specify the nature of the correction or amendment sought, including the specific words to be deleted from the record or added to it, as appropriate, and the justification for the requested change, including all available supporting documents and materials that substantiate the statement. The statement of justification for the change should identify the basis for the request, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

(2) The individual making the request may be required to provide the information specified in § 206.3 and § 206.4 to simplify identification of the record and permit verification of the identity of the person making the request.

(c) (1) Receipt of a request for correction or amendment shall be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays), except that if the individual is given notice within the ten-day period that his request will or will not be complied with, no acknowledgement is required.

(2) The acknowledgement shall contain an estimate of the time within which action will be taken on the request and, if necessary, shall request such additional information as may be necessary to act on the request. The estimate of time may take into account unusual circumstances that will delay the response. "Unusual circumsances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated

or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request are necessary.

(3) Any request not addressed and mailed as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(d) Assistance in preparing a request to correct or amend a record may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

§ 206.8 FEA review of request for correction or amendment of record.

(a) Within 30 days after acknowledging receipt of a request (excluding Saturdays, Sundays and legal public holidays), or after receiving such further information as may have been requested by FEA, or after arriving at a decision within the ten days, the Privacy Act Officer shall either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record, or a statement as to the means whereby the correction or amendment was accomplished in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or,

(2) Inform the individual in writing that his request is denied and provide the following information:

(i) The Privacy Act Officer's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial of a request for correction or amendment as set forth in § 206.9, including the name and address of the FEA Office or official with the responsibility for considering appeals.

(3) If the Privacy Act Officer cannot make the determination within thirty days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Privacy Act Officer shall notify all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Privacy Act Officer in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in relation to the purpose for which it was collected;

(4) If such information is used in making any determination about the individual, whether the information is as accurate relevant, timely, and complete as is reasonably necessary to assure fairness to the individual in such determination;

(5) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(6) The nature of the record sought to be corrected or amended; and,

(7) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) The FEA will not undertake to gather evidence for the individual, but does reserve the right to verify the evidence that the individual submits.

(e) Correction or amendment of a record rquested by an individual shall be denied only upon a determination by the Privacy Act Officer that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in relation to the criteria stated in paragraph (c) of this section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The record sought to be corrected or amended is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant;

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or,

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Act Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 206.9 Appeals of denial of requests for correction or amendment of a record.

(a) (1) Any individual may appeal the denial of a request made by him for correction or amendment of a record issued pursuant to § 206.8.

(2) An appeal shall be filed within 30 days after the service of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. (Service by FEA of the denial of a request may be by personal service or by registered, certified or regular United States Mail. Service upon an individual's duly authorized representative shall constitute service upon the individual.)

(b) (1) The appeal shall be in writing and shall be filed with the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461. The consideration by FEA of appeals submitted by mail will be facilitated if the envelope in which the appeal is mailed has the words "PRIVACY ACT APPEAL" in capital letters on the front of it.

(2) An appeal not addressed and marked as specified in paragraph (b) (1) of this section shall be forwarded immediately to the Office of Exceptions and Appeals. An appeal that is not properly addressed by an individual shall not have been "received" for purposes of measuring the time periods in this section until actual receipt of the appeal by the Office of Exceptions and Appeals. In each instance when an appeal so forwarded is received, the individual filing the appeal shall be notified that the appeal was improperly addressed and the date when the appeal was received by the Office of Exceptions and Appeals.

(c) *Content of appeal.* (1) The appeal shall include the following: (i) A copy of the original request for correction or amendment; (ii) a copy of the initial denial; and (iii) a statement of the reasons why the initial denial is believed to be in error. The appeal shall be in writing and shall be signed by the individual.

(2) The record requested to be corrected or amended will be supplied to the Office of Exceptions and Appeals by the Privacy Act Officer who issued the initial denial. While such record normally will comprise the entire record on appeal, the Office of Exceptions and Appeals may seek such additional information as is necessary to assure that the final determination is fair and equitable and, in those such instances, the additional information will be disclosed to the individual making the appeal and, consistent with the time periods provided in paragraph (e) of this section, an opportunity will be provided for comment thereon.

(d) No personal appearance or hearing on appeal will be allowed.

(e) The Office of Exceptions and Appeals shall act upon the appeal and issue a final determination in writing no later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received; provided that the Director of the Office of Exceptions and Appeals may extend the thirty-day period upon a determination that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension. The notice of extension shall include the estimated date by which a final determination will be issued, which shall not be later than the sixtieth day (excluding

Saturdays, Sundays and legal public holidays) after receipt of the appeal unless unusual circumstances, as defined in § 206.7(c)(2), are present.

(f) If the appeal is granted, that determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the Privacy Act Officer who issued the initial denial. Upon receipt of that determination, the Privacy Act Officer promptly shall take the actions set forth in §§ 206.6(e) and 206.8(b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall state the reasons for the denial. The notice of that determination also shall include the following information:

(1) The right of the individual to file with the Office of Exceptions and Appeals a concise signed statement of reasons for disagreeing with the final determination, receipt of which statement shall be acknowledged by the Office of Exceptions and Appeals;

(2) The fact that any such disagreement statement filed by the individual shall be noted in the disputed record and that a copy of the statement shall be provided by the Privacy Act Officer to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that the FEA shall append to any such disagreement statement filed by the individual a copy of the final determination or summary thereof that also will be provided to persons and agencies to which the disagreement statement is disclosed; and,

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

(h) In deciding the appeal, the Office of Exceptions and Appeals shall determine whether the denial of the request was erroneous in fact or in law.

(i) If an appeal is partially granted and partially denied, the Office of Exceptions and Appeals shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(j) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

§ 206.10 Content of systems of records.

(a) The FEA shall maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose FEA is required to accomplish by statute or by executive order of the President, unless an exemption to this requirement has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency.

(b) The FEA shall maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The FEA shall maintain all records that are used by it in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in such determination.

§ 206.11 Collection of information by FEA about an individual for a system of records.

(a) The FEA shall collect information, to the greatest extent practicable, directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits and privileges under Federal programs, unless an exemption from the Act to this requirement has been claimed by FEA as provided in §§ 206.14 and 206.15, or by another agency.

(b) Unless an exemption from the Act has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency, FEA shall inform each individual whom it asks to supply information by a statement on the form or other means by which it uses to collect the information, or on a separate form that can be retained by the individual, of the following:

(1) The authority (whether granted by statute or by executive order of the President) that authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses that may be made of the information, as published in the FEDERAL REGISTER pursuant to the requirements of the Act; and

(4) The effect on him, if any, of not providing all or any part of the requested information.

§ 206.12 Public notice of systems of records.

(a) (1) The FEA shall publish in the FEDERAL REGISTER at least annually a notice of the existence and character of each of its system of records, which notice shall include:

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of such use, subject to paragraph (c) of this section;

(v) The policies and practices of the FEA regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the FEA official who is responsible for the system of records;

(vii) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(ix) The categories of sources of records in the system.

(2) Notwithstanding the requirements of paragraph (a)(1) of this section, the notice of such systems of records shall not include the information in paragraphs (a)(1)(vii)–(ix) of this section if FEA has claimed a general or specific exemption from the requirements of the Act, as provided in §§ 206.14 and 206.15, or such exemptions have been claimed by another agency.

(b) Copies of the notices as printed in the FEDERAL REGISTER shall be available in the FEA National Office and in each gional Offices are listed in § 206.18. Regional Offices are listed in § 205.18. Requests by mail should be sent to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461. The first copy will be furnished free of charge. A charge reflecting the costs of printing and handling may be made for each additional copy.

(c) At least 30 days (including Saturdays, Sundays, and legal public holidays) prior to the implementation of any new routine use of a record in a system of records, or at least 30 days prior to publication of the annual notice of such routine uses, as provided in paragraph (a)(1) of this section, FEA shall publish in the FEDERAL REGISTER notice of any new routine use or intended routine use of a record in the system of records, and shall provide an opportunity for interested persons to submit written comments consisting of data, views, or arguments regarding such use to FEA.

§ 206.13 Criminal penalties.

(a) The Act provides, in pertinent part, that: Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000. (5 U.S.C. 552a(i)(3))

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495, and 1001.

§ 206.14 General exemptions. [Reserved]

§ 206.15 Specific exemptions.

The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the FEA, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(a) (1) *Exempt under 5 U.S.C. 552a (k)(2).* The system of records exempt and the sections of the Act from which they are exempted are:

(i) FEA–6 Personnel Security Records (only the memoranda identified as OSI form DPA 24);

(ii) FEA–7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

(2) The foregoing are exempted from 5 U.S.C. 552a (c)(3) (accounting of disclosures), (d) (access to records), and (e)(1) (type of information maintained). The reasons for asserting the exemption are to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques and to maintain the ability to obtain necessary information.

(3) (i) Notwithstanding the exemption from the Act's requirement that FEA, upon request, provide an individual information about or access to his record or to any information pertaining to him that is contained in the systems of records identified in paragraphs (a)(1) (i) and (ii) of this section, access to investigatory materials compiled for law enforcement purposes shall be provided to an individual upon his request, made in accordance with § 206.3, if such individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(ii) *Waiver of exemption.* (A) FEA may, upon request filed in accordance with § 206.3, waive the exemption from requirement to grant access with respect to any record in the systems of records identified in paragraphs (a)(1) (i) and (ii) of this section, subject to the limitation as to records that would reveal the identity of certain sources as stated in paragraph (a)(3)(ii)(B) of this section, for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(B) FEA may, upon request made in accordance with § 206.3, waive the exemption from the requirement to grant access with respect to records identified in paragraphs (a)(1) (i) and (ii) of this section containing material or information that would reveal the identity of a source who was given an assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(b) (1) *Exempt under 5 U.S.C. 552a (k)(4).* The system of record exempt is—

FEA–10 Minority Group Data File.

(2) The foregoing is exemption from 5 U.S.C. 552a (c)(3) (accounting of disclosures), (d) (access to record), and (f) (procedures for access). The system of record is used for statistical research or reporting purposes only and is not used in whole or in part in making any determination about the rights, benefits or entitlements identifiable with the individual, except as provided by section 8 of Title 18 of the United States Code.

(c) (1) *Exempt under 5 U.S.C. 552a (k)(5).* The system of records exempt and the sections of the Act from which they are exempted are:

(i) FEA–6 Personnel Security Records (only the memoranda identified as OSI form DPA 24);

(ii) FEA–7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

(2) The foregoing are exempted from 5 U.S.C. 552a (c)(3) (accounting of disclosures), (d) (access to records), and (e)(1) (type of information maintained); but only to the extent that the disclosure of the investigatory materials would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. The reasons for asserting the exemption are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract.

(3) *Waiver of exemption.* FEA, may, upon request made in accordance with § 206.3, waive the exemption from the requirement to grant access to records identified in paragraphs (c)(1)(iii) of this section containing material or information that would reveal the identity of a source who was given an assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

§ 206.16 · Fees.

(a) The only fees to be charged to or collected from an individual under the provisions of this part are for copying records at the request of the individual. The fee charged may not exceed the direct cost of making the copy (i.e. printing, typing, or photocopy and related personnel and equipment costs).

(1) No fees shall be charged or collected for the following: search for and retrieval of the records review of the records, copying by the FEA incident to granting access, copying at the initiative of the FEA without a request from the individual, transportation of records and personnel, and first class postage.

(2) It is the policy of the FEA to provide an individual with one copy of each record corrected or amended pursuant to request without charge.

(3) As required by the United States Civil Service Commission in its published regulations implementing the Act, the FEA will charge no fee for a single copy of a personnel record covered by that Commission's Government-wide published notice of systems of records.

(b) The schedule of fees is as follows:

(1) $0.10 per each copy of each page, when the aggregate of fees for copying is more than $3.00.

(2) For other forms of copying and other forms of materials (e.g., cassettes, computer materials), the direct cost of the materials, personnel, and equipment, shall be charged, but only with prior specific approval of the person making the request.

(c) The FEA may, upon application by an individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

(d) Requests for copies of documents should be addressed to Privacy Act Officer, Federal Energy Administration, Washington, D.C., 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(e) Payment should be made by check or money order payable to the Treasury of the United States.

(f) Advance payment of all or part of the fee may be required at the discretion of the FEA. Unless the individual requesting the copies specifically states that he is willing to pay whatever fees are assessed by FEA for meeting the request or, alternatively, specifies an amount in excess of $25 that he is willing to pay and which in fact covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of $25 shall not be deemed to have been received, for purposes of the time periods specified in §§ 206.5(a), 206.7(c)(1) and 206.9(e), until the individual making the request is advised of the anticipated cost, agrees to bear it, and makes any advance deposit required. Such notification shall be made by the Privacy Act Officer promptly upon receipt of the request.

§ 206.17 Exceptions, exemptions and interpretations, rulings and rulemaking.

(a) Applications for exceptions, exemptions or requests for interpretations relating to this part shall be filed in accordance with the procedures provided in Subparts D, E and F, respectively, of Part 205 of this chapter. Rulings shall be issued in accordance with the procedures of Subpart K of Part 205 of this chapter. Rulemakings shall be undertaken in accordance with the procedures provided in Subpart L of Part 205 of this chapter.

(b) As used in this section, the term—

"Exception" means the waiver or modification of the requirements of a

regulation, ruling or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with an entire part, or subpart thereof, of Part 206 of this chapter.

"Interpretation" means a written statement issued by the FEA General Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the FEA to the particular facts of a prospective or completed act or transaction.

"Ruling" means an official interpretative statement of general applicability issued by the FEA General Counsel and published in the FEDERAL REGISTER that applies the FEA regulations to a specific set of circumstances.

REGION 1

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Regional Office, Federal Energy Administration, 150 Causeway Street, Room 700, Boston, Massachusetts 02114, (617) 223-3701.

REGION 2

New Jersey, New York, Puerto Rico, Virgin Islands; Regional Office, Federal Energy Administration, 26 Federal Plaza, Room 3206, New York, New York 10007, (212) 264-1021.

REGION 3

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia; Regional Office, Federal Energy Administration, Federal Office Building, 1421 Cherry Street, Room 1001, Philadelphia, Pennsylvania 19102, (215) 597-3890.

REGION 4

Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee; Regional Office, Federal Energy Administration, 1655 Peachtree Street, N.E., 8th Floor, Atlanta Georgia 30309, (404) 526-4484.

REGION 5

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; Regional Office, Federal Energy Administration, 175 West Jackson Street, Third Floor, Chicago, Illinois 60604, (312) 353-0540.

REGION 6

Arkansas, Louisiana, New Mexico, Oklahoma, Texas; Regional Office, Federal Energy Administration, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Texas 75235, (214) 749-7345.

REGION 7

Iowa, Kansas, Missouri, Nebraska; Regional Office, Federal Energy Administration, Federal Office Building, P.O. Box 2208, 112 East 12th Street, Kansas City, Missouri 64142, (816) 374-2061.

REGION 8

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Regional Office, Federal Energy Administration, Post Office Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226, (303) 234-2420.

REGION 9

American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands; Regional Office, Federal Energy Administration, 111 Pine Street, Third Floor, San Francisco, California 94111, (415) 556-7216.

REGION 10

Alaska, Idaho, Oregon, Washington; Regional Office, Federal Energy Administration, Federal Office Building, 915 Second Avenue, Room 1992, Seattle, Washington 98174, (206) 442-7280.

[FR Doc.75-26282 Filed 9-26-75;5:27 pm]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 261a—RULES REGARDING ACCESS TO AND REVIEW OF PERSONAL INFORMATION IN SYSTEMS OF RECORDS

Privacy Act of 1974; Implementation

SEPTEMBER 26, 1975.

By notice of proposed rulemaking of August 22, 1975, appearing in the FEDERAL REGISTER (40 FR 39830), the Board of Governors, pursuant to its authority under the Privacy Act of 1974 (the "Act"), 5 U.S.C. 552a, proposed to amend Title 12 of the Code of Federal Regulations by adding new Part 261a, which is intended to implement the requirements of section (f) of the Act.

As a result of the Board's review of the proposed regulation and of comments received thereon, some language and/or procedures have been clarified and the following changes have been made to the proposed rules.

(1) Language has been added to § 261a.3(a) to indicate that a person may request notification only of the existence of personal information in a designated system of records.

(2) Section 261a.3(c) is redesignated § 261.a3(d) and a new § 261a.3(c) is added to permit a person upon request to gain access to the Board's accounting of disclosures made pursuant to the Act.

(3) Section 261a.4 is amended by adding new § 261a.4(c), which makes clear that no notarized statement attesting to the identity of the requestor need be submitted with a request for notification of the existence of records maintained by the Board.

(4) Clarifying language is added to § 261a.5(c) to indicate that the requestor may submit a statement authorizing the presence of another person in the inspection and discussion of personal information pertaining to the requestor.

(5) Section 261a.9(c) is amended by adding language that indicates that a requestor's statement of disagreement with the Board's affirmation of denial to amend or correct a record will be provided to other persons or agencies to whom the disputed record is disclosed.

(6) Section 261a.11 is amended by adding new § 261a.11(b) that provides for the waiver of photocopying fees of less than $2 where copies of records are requested by the person to whom they pertain.

The Board finds that further public participation in this rulemaking process is unnecessary, and therefore the relevant provisions of 5 U.S.C. 553 requiring notice of proposed rulemaking and opportunity for public participation are not applicable. Accordingly, 12 CFR Part 261a is revised and adopted as set forth below.

Effective date. This revised part shall become effective on September 28, 1975.

Board of Governors of the Federal Reserve System, September 26, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

Sec.

261a.1 Purpose and scope.
261a.2 Definitions.
261a.3 Procedures for requests pertaining to individual records in a record system.
261a.4 Requirements for identification of individuals making requests.
261a.5 Disclosure of requested information to individuals.
261a.6 Special procedures—medical records.
261a.7 Request for correction or amendment to record.
261a.8 Agency review of request for amendment of record.
261a.9 Appeal of initial adverse determination on correction or amendment.
261a.10 Disclosure of record to person other than individual to whom it pertains.
261a.11 Fees.
261a.12 Penalties.
261a.13 Exemptions.

AUTHORITY: 5 U.S.C. 552a; 5 U.S.C. 553; 5 U.S.C. 552.

§ 261a.1 Purpose and scope.

The purpose of this part is to establish regulations implementing the provisions of the Privacy Act, 5 U.S.C. 552a, with regard to access to and review of personal information in systems of records maintained by the Board of Governors of the Federal Reserve System ("Board").

§ 261a.2 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) The term "individual" means a natural person who is either a citizen of the United States or an alien lawfully admitted for permanent residence. The term "individual" includes the parent of any minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction.

(b) The term "maintain" also includes maintain, collect, use, disseminate, or control.

(c) The term "record" means any item, collection or grouping of information about an individual maintained by the Board that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual.

(d) The term "system of records" means a group of any records under the control of the Board from which information is retrieved by the name of the individual or some identifying number, symbol or other identifying particular assigned to the individual.

(e) The term "designated system of records" means a system of records that has been listed in the FEDERAL REGISTER

pursuant to the requirements of 5 U.S.C. 552a(e).

(f) The term "routine use" means, with respect to disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(g) The term "business days" means all days except Saturdays, Sundays, and legal public holidays.

§ 261a.3 Procedures for requests pertaining to individual records in a record system.

(a) Requests for notification of the existence of or for access to personal information in a designated system of records may be made by the person to whom such information pertains. Every such request shall be made in writing and shall specify that it is made pursuant to the Privacy Act. Each request should identify the designated system of records in which the requested record is to be found, should reasonably describe the information requested and, except as provided in § 261a.4, should include a notarized statement attesting to the identity of the requestor.

(b) Requests made pursuant to paragraph (a) of this section shall be addressed to the Director of the Division of Personnel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, in the case of records relating to employment with the Board. Requests for other records should be addressed to the Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Requests for information pursuant to paragraph (a) of this section may also be made in person during regular business hours at the offices of the Board of Governors of the Federal Reserve System, Federal Reserve Building, 20th and Constitution Avenue, NW., Washington, D.C. 20551.

(c) An individual making a request pursuant to paragraph (a) of this section may also include in such request a request for the accounting required by section (c) of the Privacy Act, 5 U.S.C. 552a, of previous disclosures of records pertaining to such individual in a designated system of records.

(d) Every request made pursuant to this section will be acknowledged or, where practicable, substantially responded to within 10 business days from receipt.

§ 261a.4 Requirements for identification of individuals making requests.

(a) Each request for information made pursuant to § 261a.3 shall include a notarized statement attesting to the identity of the requestor except in the following instances:

(1) Where the information requested is otherwise publicly available under the Freedom of Information Act, 5 U.S.C. 552, and the Board's Rules Regarding Availability of Information (12 CFR Part 261).

(2) Where the requestor makes written request for information in person and presents a driver's license, birth certificate, employment identification card or other means of identification, sufficient to establish his identity.

(3) Where the request is only for notification of the existence of records in a designated system of records pertaining to the requestor.

§ 261a.5 Disclosure of requested information to individuals.

(a) Information requested pursuant to § 261a.3, except for that compiled in reasonable anticipation of a civil action or proceeding or otherwise exempted from disclosure as provided in § 261a.13, will be made available for inspection and copying during regular business hours at the Board's offices. However, where the requested information can be disclosed only by providing a copy of the record, because such record cannot reasonably be put into a form for individual inspection (e.g., computer tapes), or where the requestor may request that copies of requested information be forwarded, such information will be mailed to the requestor. Access to or copies of requested information will be promptly provided after the acknowledgment as provided in § 261a.3 (c), unless good cause for delay is communicated to the requestor.

(b) Fees for copying such records will be assessed in accordance with § 261a.11.

(c) The requestor of information may be accompanied in the inspection and discussion of that information by a person of the requestor's own choosing upon the submission by the requestor of a written and signed statement authorizing the presence of such person.

§ 261a.6 Special procedures—medical records.

Medical records requested pursuant to § 261a.3 will be disclosed to the requestor unless the disclosure of such records directly to the requestor could, in the judgment of the official deemed responsible for such records, have an adverse effect upon the requestor. In such instance, such information will be transmitted to a licensed physician named by the requestor.

§ 261a.7 Request for correction or amendment to record.

(a) Where an individual believes that any portion of a record in a designated system of records used in making a determination about such individual is not accurate, relevant, timely or complete, that individual may request that such record be amended or corrected. Such request should be submitted in writing to the appropriate officer as designated in § 261a.3. Each request for amendment or correction of a record should identify the system of records containing the record for which amendment or correction is requested, specify the portion of that record requested to be amended or corrected, and describe the nature of and reasons for each requested amendment or correction. Additionally, each request must include a notarized statement attesting to the identity of the requestor except where the request is presented in person and the requestor's identity may thereupon be verified.

(b) Nothing in paragraph (a) of this section shall permit collateral attack upon that which has been decided in a previous judicial, quasi-judicial or other proceeding.

§ 261a.8 Agency review of request for amendment of record.

(a) As appropriate, the Secretary of the Board or the Director of the Division of Personnel shall acknowledge each request made pursuant to § 261a.7 within 10 business days of its receipt. Such acknowledgment may request additional information necessary for a determination of the request for amendment or correction.

(b) As appropriate, the Secretary of the Board or the Director of the Division of Personnel shall promptly review each request made pursuant to § 261a.7 in light of the criteria of accuracy, relevance, timeliness, completeness and necessity set forth in subsections (e)(1) and (e)(5) of the Privacy Act, 5 U.S.C. 552a.

(c) Upon completion of review of each request made pursuant to § 261a.7, the Secretary of the Board or the Director of the Division of Personnel shall immediately inform the requestor of the determination to grant or deny the requested amendment or correction.

(d) Where any request pursuant to § 261a.7 has been denied in whole or part, the requestor shall be advised of the reasons therefor, the procedure for appeal of the determination and the name, title and address of the official to whom such appeal should be directed.

§ 261a.9 Appeal of initial adverse determination on correction or amendment.

(a) A denial of a request made pursuant to § 261a.7 may be appealed to the Board of Governors or any official designated by the Chairman of the Board of Governors within 30 business days of issuance of notification of denial. Every such appeal should be made in writing to the official designated in the letter of initial denial, should specify the previous background of the request and should provide reasons why the initial determination should be reversed.

(b) The Board of Governors or such official designated by the Chairman of the Board shall make a determination with respect to the review of such appeal not later than 30 business days from its receipt, unless the reviewing official extends such period for good cause shown.

(c) If the Board or designated official affirms the initial denial of a request to amend or correct made pursuant to § 261a.7, such determination shall be communicated to the requestor together with a statement of the reasons therefore and the requestor shall be informed of the right of judicial review of the determination. The requestor may then file a concise statement setting forth disagreement with the affirmation of denial within 30 days of notification of such determination and such statement shall be provided to persons or other agencies to whom the disputed record is disclosed.

§ 261a.10 Disclosure of record to person other than individual to whom it pertains.

(a) No record contained in a designated system of records shall be disclosed to any person or agency without the prior written consent of the individual to

whom the record pertains unless the disclosure is authorized by paragraph (b) of this section.

(b) The restrictions on disclosure in paragraph (a) of this section do not apply to any disclosure (1) to those officers and employees of the Board who have a need for the record in the performance of their duties; (2) that is required under the Freedom of Information Act (5 U.S.C. 552); (3) for a routine use listed with respect to a designated system of records; (4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the United States Code; (5) to a recipient who has provided the Board with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable; (6) to the National Archives of the United States as a record that has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value; (7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Board specifying the particular portion desired and the law enforcement activity for which the record is sought; (8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual; (9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee; (10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or (11) pursuant to the order of a court of competent jurisdiction.

§ 261a.11 Fees.

(a) Copies of records requested pursuant to § 261a.3 will be provided at a cost of $.10 per page for photocopying or at a cost not to exceed the direct cost of printing, typing or otherwise preparing such copies.

(b) Documents may be furnished without charge where total charges are less than $2.

§ 261a.12 Penalties.

The Privacy Act, 5 U.S.C. 552a(1)(3), provides:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretense shall be guilty of a misdemeanor and fined not more than $5,000.00.

§ 261a.13 Exemptions.

(a) Pursuant to subsection (k) of the Privacy Act, 5 U.S.C. 552a, the Board may exempt certain portions of records within designated systems of records from the requirements of the Privacy Act, (including access to and review of such records pursuant to this part) if such portions are:

(1) Subject to the provisions of section 552(b)(1) of the Freedom of Information Act 5 U.S.C. 552:

(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act, 5 U.S.C. 552a: *Provided, however,* That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence:

(3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18 of the United States Code;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosures of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Privacy Act, 5 U.S.C. 552a, under an implied promise that the identity of the source would be held in confidence.

(b) Those designated systems of records which are exempt from the requirements of this part or any other requirements of the Privacy Act, 5 U.S.C. 552a, will be indicated in the notice of designated systems of records published by the Board.

(c) Nothing in this part shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

[FR Doc.75-26325 Filed 10-1-75;8:15 am]

Title 15—Department of Commerce

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 4b—PRIVACY ACT

On August 5, 1975, the Department of Commerce issued a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 32960–32969), proposing to add a new Part 4b to implement provisions of the Privacy Act of 1974 (Pub. L. 93–579, 88 Stat. 1896). Interested persons were invited to comment on or before September 1, 1975. One comment was received. The comment submitted was given due consideration; however, no changes have been made on the basis of the comment either because the points offered are more appropriately addressed to the Congress or because the originally proposed regulation is considered to be fully adequate to the situation raised in the comment. The introductory text to the proposed rules remains intact except as changed herein below.

Therefore, after consideration of all relevant materials, including the one comment, the Department hereby adopts the proposed new Part 4b (15 CFR Part 4b) published on August 5, 1975, as a final regulation, subject to the following amendments which are explained to the extent they are not solely typographical, editorial or technical changes:[1]

1. Section 4b.1(a) is amended by adding the following sentence to the end of the section to implement section 552a(n) of the Act: "An individual's name and address will not be sold or rented by the Department unless such action is specifically authorized by law; however, this provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public."

2. Section 4b.1(d)(1) is amended to read: "Requests under the Freedom of Information Act (5 U.S.C. 552) and 15 CFR Part 4;".

3. Section 4b.1(d)(2) is amended by deleting the word "and" at the end of the section.

4. Section 4b.1(d)(3) is revised to read: "Requests to correct a record where a grievance procedure is available to the individual either by regulation or by provision in a collective bargaining agreement with the Department or a unit of the Department, and the individual has initiated, or has expressed in writing the intention of initiating, such grievance procedure. An individual selecting the grievance procedure waives the use of the procedures in this part to correct or amend a record; and,".

[1] Notice is given that additional proposed rulemaking by the Department appears elsewhere in this issue of the FEDERAL REGISTER and contains material relative to the Privacy Act determined to require opportunity for public comment. The text presented below is a unified text; that is, it includes the proposed rules, too, so that the public might review the adopted and proposed rules in context.

5. Section 4b.2(b)(2) is amended to read: "The term 'unit of the Department' and 'unit' means the Office of the Secretary of Commerce and operating units of the Department as defined in Department Organization Order 1–1, 'Mission and Organization of the Department of Commerce' (35 FR 19704, December 27, 1970)" and is redesignated § 4b.2(b)(10).

6. Section 4b.2(b)(3) is redesignated § 4b.2(b)(7).

7. Section 4b.2(b)(4) is deleted.

8. Section 4b.2(b)(5) is redesignated § 4b.2(b)(6).

9. Section 4b.2(b)(6) is redesignated § 4b.2(b)(3).

10. Section 4b.2(b)(7) is redesignated § 4b.2(b)(4).

11. Section 4b.2(b)(10) is redesignated § 4b.2(b)(2).

12. Section 4b.2(b)(11) is redesignated § 4b.2(b)(5), and is amended to read: "The term 'person' means any human being and also shall include, but not be limited to, corporations, associations, partnerships, trustees, receivers, personal representatives, and public or private organizations."

13. Section 4b.3(c) is amended by substituting the words "to this part" for the word "hereto" and revising the fourth sentence to read: "Copies also may be obtained by contacting any facility of the Department which offers direct services to the public." The qualification as to offering direct services to the public appeared in proposed § 4b.4(f)(1)(iii), but was inadvertently omitted from this section. (Also see item 17 below.)

14. Section 4b.3(b) is amended as follows:

(1) To delete "(1)" in the first line;

(2) To delete entirely the text of paragraphs (1)(i) through (ix) and to substitute text which tracks the content of the approved official form appearing as Appendix D hereto. This new text generates numerous references and cross-references in subsequent sections. (See, for example, § 4b.4(f)(2)); and,

(3) To delete entirely, "(2)" and "(3)" which are unnecessary due to the content of the approved official form appearing as Appendix D hereto and the fact the form will not become part of any system of records through a requester's filing of a disagreement statement. (See items 39 and 40 below.)

15. Section 4b.3(e) is amended by substituting the words "actual receipt by" for the words "forwarding of the inquiry" in the second sentence, and by deleting the words "has been effected" in the same sentence.

16. Section 4b.3(f) is amended by adding two new sentences at the end which prescribe assignment and use of a control number for all requests under the Act. Numerous references are added in subsequent sections to accommodate the control number.

17. Section 4b.4(b) is amended by revising the third sentence to read: "Copies also may be obtained by contacting any facility of the Department which offers direct services to the public." (See item 13 above.)

18. Section 4b.4(d) is amended by substituting the words "actual receipt by" for the words "forwarding of the request to" in the second sentence, and by deleting the words "has been effected" in the same sentence.

19. Section 4b.4(f)(1)(ii) is revised to read: "A document, preferably issued for particpiation in a Federally sponsored program, bearing the individual's signature (for example, unemployment insurance book, employer's identification card, national credit card, and professional, craft, or union membership card); and,". Avoidance of social security numbers wherever possible appears prudent in light of section 6 of Pub. L. 93–579.

20. Section 4b.5(a) is corrected by changing the next to last word "as" to "are".

21. Section 4b.5(b) is amended so that the second sentence reads: "The Privacy Officer shall notify the individual of a determination to grant access and provide the following information:".

22. Section 4b.5(g)(1)(i) is amended to read: "The record is exempt under Sections 4b.13 and 4b.14 or exempt by determination of another agency publishing notice of the system of records, as described in §4b.3(h);".

23. Section 4b.5(g)(2)(v) is amended to read: "If stated to be administratively final within the Department, the individual's right to judicial review is provided under 5 U.S.C. 552a(g)(1), as limited by 5 U.S.C. 552a(g)(5)."

24. Section 4b.5(g)(3)(i) is amended by substituting the words "Assistant Secretary for Administration" for the word "Secretary" in the second and fourth sentences, and by revising the first sentence to read: "As to denial under paragraph (g)(1)(i) to this section, two opportunities for further consideration are available in the alternative. (1) If the individual contests the application of the exemption to the records, review procedures in paragraph 4b.5(g)(3)(ii) shall apply. (2) If the individual challenges the exemption itself, the procedure is a petition for the issuance, amendment, or repeal of a rule under 5 U.S.C. 553(e)." This revision expands the options available to a requester.

25. Section 4b.5(g)(3)(ii) is revised by changing the first sentence to read: "As to denial under paragraphs (g)(1)(ii), (g)(1)(iv) or (to the limited extent provided in paragraph (g)(3)(i)(1) of this section) (g)(1)(i), the individual may file for review with the responsible Privacy Appeals Officer identified in Appendix B to this part, as indicated in the Privacy Officer's initial denial notification." This revision takes account of the preceding amendment.

26. Section 4b.6(c)(2) is amended by substituting the words "and/or" for the word "and".

27. Section 4b.6(c)(3) is amended by substituting the words "and/or" for the word "and".

28. Section 4b.6(d) is amended to read: "If an individual refuses in writing to give the names and consents set forth in paragraphs (c)(2) through (4) of this section and the Department has determined that disclosure could have an adverse effect upon the individual, the Department shall give the individual access to said records by means of a copy, provided without cost to the requester, sent registered mail return receipt requested." The remote possibility of its records being able to cause harm, the clear right of an individual to have access to his or her records and the ability to require a written refusal by the individual to identify a physician and/or psychologist, have led the Department to a simplified procedure for disclosure to the individual. The mandatory ten day delay remains intact so registered mail delivery of a copy at no cost to the individual is provided as a service to the individual.

29. Section 4b.6(e) is deleted. (See item 14 above.)

30. Section 4b.7(c) is amended by revising the second sentence to read: "A request which is not properly addressed by the individual will not be deemed to have been 'received' for purposes of measuring time periods for response until actual receipt by the Privacy Officer."

31. Section 4b.7(e)(4) is amended by substituting the word "criterion" for the word "standard" in the second sentence.

32. Section 4b.7(f) is deleted. (See item 14 above.)

33. Section 4b.8(a)(2)(i) is amended by substituting the words "magnetically recorded computer files" for the words "electronic data bank."

34. Section 4b.8(c)(6) is amended by subsituting the word "risk" for the word "possibility".

35. Section 4b.8(e)(2) is amended by substituting the words "is part of the official record" for "was compiled".

36. Section 4b.9(b) is amended by revising the fourth sentence to read: "An appeal which is not properly addressed by the individual will not be deemed to have been 'received' for purposes of measuring the time periods in this section until actual receipt by the Privacy Appeals Officer."

37. Section 4b.9(c) is amended by deleting "a copy of the original request for correction or amendment; a copy of the initial denial;" from the first sentence and by adding "and all correspondence between the Privacy Officer and the requester" after the word "amended" in the third sentence. The reason is to remove from the requester the burden of submitting copies of materials already in the Department's possession.

38. Section 4b.9(e) is amended by starting a new sentence with the words in the parentheses, deleting the parentheses, and substituting the word "The" for the word "which" in this newly formed sentence.

39. Section 4b.9(g) is amended as follows:

(1) Adding "under the Act" after the word "individual" in the first sentence of "(1)";

(2) Deleting "identify" from the fourth sentence of "(2)" and substituting ", that the purposes and uses to which the statement will be put are those applicable to the record in which it is noted, "; and,

(3) Amending "fact" to read "facts" in the first sentence of "(2)".

The reason is to satisfy the notice requirements of 5 U.S.C. 552a(e)(3). (See item 14 above and item 40 below).

40. Section 4b.9(k) is deleted entirely and "The provisions of paragraphs (g)(1) through (3) of this section satisfy

the requirements of 5 U.S.C. 552a(e)(3)." substituted therefor. (See items 14 and 39 above.)

41. Section 4b.10(a) is amended to read: "The Department may disclose a record pertaining to an individual to a person other than the individual to whom it pertains only in the following instances:".

42. Section 4b.14(a) is amended by identifying additional systems of records containing material within the 5 U.S.C. 552(k)(1) national defense and foreign policy exemption. The listing is amended to read: "COMMERCE/DIBA–1, COMMERCE/DIBA–2, COMMERCE/DIBA–3, COMMERCE/NOAA–11, COMMERCE/PAT–TM–4, COMMERCE/PAT–TM–6, COMMERCE/PAT–TM–7, COMMERCE/PAT–TM–8, COMMERCE/PAT–TM–9, COMMERCE/DEPT–12, COMMERCE/DEPT–13, and COMMERCE/DEPT–14."

43. Section 4b.14(b)(1) is amended to read: "The systems of records exempt hereunder appear in paragraph (a) of this section. The claims for exemption of COMMERCE/DEPT–12, COMMERCE/DIBA–1, and COMMERCE/NOAA–11 under this paragraph are subject to the condition that the general exemption claimed in paragraph 4b.13(b)(3) of this part is held to be invalid."

44. Section 4b.14(b)(2)(iv) is deleted. (See final notice of systems of records as published by the Department in the FEDERAL REGISTER.)

45. Section 4b.14(b)(2)(v) is redesignated § 4b.14(b)(2)(iv).

46. Section 4b.14(b)(2)(vi) is redesignated § 4b.14(b)(2)(v) and is amended to read: "Investigative Records-Persons Within The Investigative Jurisdiction of the Department-COMMERCE/DEPT–13;".

47. Section 4b.14(b)(2)(vii) is redesignated § 4b.14(b)(2)(vi).

48. Section 4b.14(b)(3)(i)–(v) are amended by substituting the word "CENSUS" for the word "SESA".

49. Section 4b.14(b)(3)(v) is redesignated § 4b.14(b)(3)(vi), and a new § 4b.14(b)(3)(v) added to read: "Population Census Personal Service Records for 1900 and Subsequent Decennial Censuses – COMMERCE/CENSUS – 6; and,".

50. Section 4b.14(b)(3) is amended by making the last paragraph read: "The foregoing are exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (h), and (I), and (f). The reasons for asserting the exemption are to comply with the prescription of Title 13, United States Code, especially Sections 8 and 9, relating to prohibitions against disclosure, and to avoid needless consideration of those records whose sole statistical use comports fully with a basic purpose of the Act, namely, no adverse determinations may be made from these records as to any identifiable individual."

51. Section 4b.14(b)(4)(vii) is amended to read: "USMMA Ship's Service Employees-COMMERCE/MA–20;".

52. Section 4b.14(b)(4)(xi) is deleted.

53. Section 4b.14(b)(4)(xii) is redesignated § 4b.14(b)(4)(xi).

54. Section 4b.14(b)(4)(xiii) is redesignated § 4b.14(b)(4)(xii), and revised to read: "Investigative Records-Persons Within the Investigative Jurisdiction of the Department-COMMERCE/DEPT–13; and,".

55. Section 4b.14(b)(4)(xiv) is redesignated § 4b.14(b)(4)(xiii).

56. Appendix A is revised, as follows:

(1) Inserting immediately after the listing for the Office of the Secretary the following listings:

Bureau of Economic Analysis.	Special Assistant to the Director, BEA, Tower Building, 1401 K Street NW., Washington, D.C. 20005;
Bureau of the Census.	Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

(2) Revising the NOAA listing for clarity;

(3) Changing NTIS's Privacy Officer and address listing to read: "Assistant Director Administration, Sills Building, NTIS, Springfield, Virginia 22161";

(4) Changing the Office of Telecommunications' Privacy Officer and address listing to read: "Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20005;" and,

(5) Deleting the listing for Social and Economic Statistics Administration.

57. Appendix B is revised by adding listings for the Bureau of Economic Analysis and for the Bureau of the Census, by deleting the listing for Social and Economic Statistics Administration, and by modifying the addresses for NTIS and OTEL.

58. Appendix D, which was "Reserved" in the proposed regulations, has been approved by the Office of Management and Budget and is added.

59. Typographical changes have been effected throughout.

These regulations are effective September 27, 1975. Since the regulations must be in effect on or before such date to insure that procedures are available for individuals seeking access to or correction or amendment of any record in a system of records, this Department finds good cause to waive, to the extent necessary, the requirement of 5 U.S.C. 553(d) that these regulations not become effective until 30 days after their publication.

Dated: September 29, 1975.

ROGERS MORTON,
Secretary of Commerce.

Part 4b is added to read as follows:[2]

Sec.

4b.1 Purpose and scope.
4b.2 Definitions.
4b.3 Procedures for requests pertaining to individual records in a record system.
4b.4 Times, places, and requirements for identification of individuals making requests.
4b.5 Disclosure of requested information to individuals.
4b.6 Special procedures: medical records.
4b.7 Request for correction or amendment of record.
4b.8 Agency review of request for correction or amendment of record.
4b.9 Appeal of initial adverse agency determination on correction or amendment.
4b.10 Disclosure of record to person other than the individual to whom it pertains.
4b.11 Fees.
4b.12 Penalties.
4b.13 General exemptions.
4b.14 Specific exemptions.
Appendix A—Officials to receive inquiries, requests for access and requests for correction or amendment.
Appendix B—Officials to receive appeals from adverse determination on correction or amendment.
Appendix C—Systems of records noticed by other agencies and applicable to records of the Department and applicability of this part thereto.
Appendix D—Facsimile of official form for inquiries and requests.

AUTHORITY: 5 U.S.C. 552a; 5 U.S.C. 553; 5 U.S.C. 552; 5 U.S.C. 301; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950.

§ 4b.1 Purpose and scope.

(a) The purpose of this part is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93–579), particularly 5 U.S.C. 552a as added by the Act. The main objectives are to facilitate full exercise of rights conferred on individuals under the Act and to insure the protection of privacy as to individuals on whom the Department maintains records in systems of records under the Act. The Department accepts the responsibility to act promptly and in accordance with the Act upon receipt of any inquiry, request or appeal from a citizen of the United States or an alien lawfully admitted for permanent residence into the United States, regardless of the age of the individual. Further, the Department accepts the obligations to maintain only such information on individuals as is relevant and necessary to the performance of its lawful functions, to maintain that information with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness in determinations made by the Department about the individual, to obtain information from the individual to the extent practicable, and to take every reasonable step to protect that information from unwarranted disclosure. The Department will maintain no record describing how an individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity. An individual's name and address will not be sold or rented by the Department unless such action is specifically authorized by law; however, this provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

(b) This part applies to all units in the Department in order to assure the maximum amount of uniformity and consistency within the Department in its implementation of the Act. The units of the Department may promulgate supplementary orders and rules not inconsistent with this part.

(c) The Assistant Secretary for Administration is delegated responsibility for maintaining this part, for issuing

[2] See condition at note 1.

such orders and directives internal to the Department as are necessary for full compliance with the Act, and for effecting publication of all required notices concerning systems of records.

(d) Matters outside the scope of this part include the following:

(1) Requests under the Freedom of Information Act (5 U.S.C. 552) and this Part 4;

(2) Requests involving information pertaining to an individual which is in a record or file but not within the scope of a system of records notice published in the FEDERAL REGISTER;

(3) Requests to correct a record where a grievance procedure is available to the individual either by regulation or by provision in a collective bargaining agreement with the Department or a unit of the Department, and the individual has initiated, or has expressed in writing the intention of initiating, such grievance procedure. An individual selecting the grievance procedure waives the use of the procedures in this part to correct or amend a record; and,

(4) Requests for employee-employer services and counseling which were routinely granted prior to enactment of the Act, including, but not limited to, test calculations of retirement benefits, explanations of health and life insurance programs, and explanations of tax withholding options.

(e) The selection of the appropriate method for processing an individual's request for records depends on the status or capacity of the individual, the wording of the request and the character of the records requested. The Department anticipates the following situations and will undertake processing as indicated:

(1) Requester is the individual to whom the record pertains and the requester expressly states only that the request is under the Act—The request will be processed under the Act and this part;

(2) Requester is the individual to whom the record pertains and the requester expressly states only that the request is under the Freedom of Information Act—The request will be processed under the Freedom of Information Act and the Department's implementing regulations (Part 4 of this chapter);

(3) Requester is the individual to whom the record pertains and the requester expressly states that the request is under both the Act and the Freedom of Information Act—The request will be processed concurrently under both statutes and the Department's respective implementing regulations;

(4) Requester is the individual to whom the record pertains and the requester fails to specify whether the request is under the Act or the Freedom of Information Act or both—The Department will respond to the requester and ask for clarification of the requester's intention as to processing. The request will not be deemed to have been "received" for purposes of measuring time periods for response until the clarification actually has been received by the appropriate official of the Department; and,

(5) Requester (i) is not an individual or (ii) is an individual but not the individual to whom the record pertains or one asserting parentage or guardianship as permitted under the Act—The request will be processed under the Freedom of Information Act and the Department's implementing regulations or under other applicable procedures.

§ 4b.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part:

(1) The term "Act" means the "Privacy Act of 1974," Pub. L. 93-579.

(2) The term "appeal" means the request by an individual that an initial denial of a request for correction or amendment by that individual be reviewed and reversed.

(3) The term "Department" means the Department of Commerce.

(4) The term "inquiry" means either a request for general information regarding the Act and this part or a request by an individual (or that individual's parent or guardian) that the Department determine whether it has any record in a system of records which pertains to that individual.

(5) The term "person" means any human being and also shall include but not be limited to, corporations, associations, partnerships, trustees, receivers, personal representatives, and public or private organizations.

(6) The term "Privacy Appeals Officer" means those officials, identified in Appendix B to this part, who are authorized to receive and act upon appeals from an initial denial of a request for correction or amendment.

(7) The term "Privacy Officer" means those officials, identified in Appendix A to this part, who are authorized to receive and act upon inquiries, requests for access, and requests for correction or amendment.

(8) The term "request for access" means a request by an individual to see a record which is in a particular system of records and which pertains to that individual.

(9) The term "request for correction or amendment" means the request by an individual that the Department change (either by correction, amendment, addition or deletion) a particular record in a system of records which pertains to that individual.

(10) The term "unit of the Department" and "unit" means the office of the Secretary of Commerce and operating units of the Department as defined in Department Organization Order 1-1, "Mission and Organization of the Department of Commerce" (35 FR 19704, December 27, 1970).

§ 4b.3 Procedures for inquiries pertaining to individual records in a record system.

(a) Any individual, regardless of age, who is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States may submit an inquiry to the Department. The inquiry should be made either in person or by mail addressed to the appropriate Privacy Officer identified in Appendix A to this part or to the official identified in the notification procedures paragraph of the systems of records notice published in the FEDERAL REGISTER. If an individual believes the Department maintains a record pertaining to that individual but does not know which system of records might contain such a record and/or which unit of the Department maintains the system of records, assistance in person or by mail will be provided at the first address listed in Appendix A to this part. The offices of Privacy Officers are open to the public between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (excepting holidays).

(b) The processing of inquiries submitted by mail will be facilitated if the words "PRIVACY ACT INQUIRY" appear in capital letters on the face of the envelope.

(c) The Department has an official form for making inquiries and requests, a facsimile of which is Appendix D to this part. Its use is urged. Copies may be obtained by contacting any of the officials in Appendix A to this part. Copies also may be obtained by contacting any facility of the Department which offers direct services to the public. Please consult your telephone directory under the listing "United States Government—Commerce Department."

(d) If, for some reason, an individual is unable to use the Department's official form, the letter should bear the words "PRIVACY ACT INQUIRY" in capital letters at the top. If the inquiry is for general information regarding the Act and this part, no particular information is required. If the inquiry is a request that the Department determine whether it has, in a given system of records, a record which pertains to the individual, the following information should be submitted:

(1) Name of individual whose record is sought;

(2) Individual whose record is sought is either a U.S. citizen or an alien lawfully admitted for permanent residence;

(3) Identifying data that will help locate the record (for example, maiden name, occupational license number, period or place of employment, etc.);

(4) Record sought, by description and by record system name, if known;

(5) Action requested (that is, send information on how to exercise rights under the Act; does requested record exist; access to requested record; or copy of requested record);

(6) Copy of court guardianship order or minor's birth certificate, as provided in § 4b.4(f)(3), but only if requester is guardian or parent of individual whose record is sought;

(7) Requester's name (printed), signature, address and telephone number (optional);

(8) Date; and,

(9) Certification of request by notary or other official, but only if (i) request is for notification that requested record exists, for access to requested record or

for copy of requested record; (ii) record is not available to any person under 5 U.S.C. 552; and (iii) requester does not appear before an employee of the Department for verification of identity.

The Department reserves the right to require compliance with the identification procedures appearing at § 4b.4(f) where circumstances warrant.

(e) Any inquiry which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in paragraphs (b) and (d) of this section will be so addressed and marked by Department personnel and forwarded immediately to the responsible Privacy Officer. An inquiry which is not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring time periods for response until actual receipt by the Privacy Officer. In each instance when an inquiry so forwarded is received, the Privacy Officer shall notify the individual that his or her inquiry was improperly addressed and the date when the inquiry was received at the proper address.

(f) (1) Each inquiry received shall be acted upon promptly by the responsible Privacy Officer. Every effort will be made to respond within ten days (excluding Saturdays, Sundays and holidays) of the date of receipt. If a response cannot be made within ten days, the Privacy Officer shall send an acknowledgment during that period providing information on the status of the inquiry and asking for such further information as may be necessary to process the inquiry. The first correspondence sent by the Privacy Officer to the requester shall contain the Department's control number assigned to the request, as well as a note that the requester should use that number in all future contacts in order to facilitate processing. The Department shall use that control number in all subsequent correspondence.

(2) If the Privacy Officer fails to send an acknowledgment within ten days, as provided above, the requester may ask the Privacy Appeals Officer, identified in Appendix B to this part, to take corrective action. No failure of a Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.

(g) An individual shall not be required to state a reason or otherwise justify his or her inquiry.

(h) Special note should be taken of the fact that certain agencies are responsible for publishing notices of systems of records having Government-wide application to other agencies, including the Department. The agencies known to be publishing these general notices and the types of records covered therein appear in Appendix C to this part. These general notices do not identify the Privacy Officers in the Department to whom inquiries should be presented or mailed. The provisions of this section, and particularly paragraph (a) of this section, should be followed in making inquiries with respect to such records. Such records in the Department are subject to the provisions of this part to the extent indicated in Appendix C to this part. The exemptions, if any, determined by the agency publishing a general notice shall be invoked and applied by the Department after consultation, as necessary, with that other agency.

§ 4b.4 Times, places, and requirements for identification of individuals making requests for access.

(a) Any individual, regardless of age, who is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States may submit a request for access to records to the Department. The request should be made either in person or by mail addressed to the responsible Privacy Officer identified in Appendix A to this part. The offices of Privacy Officers are open to the public between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (excluding holidays).

(b) The Department has an official form for making requests, a facsimile of which is Appendix D to this part. Its use is urged. Copies may be obtained by contacting any of the officials listed in Appendix A to this part. Copies also may be obtained by contacting any facility of the Department which offers direct services to the public. Please consult your telephone directory under the listing "United States Government—Commerce Department."

(c) The processing of requests submitted by mail will be facilitated if the words "PRIVACY ACT REQUEST" appear in capital letters on the face of the envelope. If, for some reason, an individual is unable to use the Department's official form the letter should bear the words "PRIVACY ACT REQUEST" in capital letters at the top.

(d) Any request which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in paragraph (c) of this section will be so addressed and marked by Department personnel and forwarded immediately to the responsible Privacy Officer. A request which is not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring time periods for response until actual receipt by the Privacy Officer. In each instance when a request so forwarded is received, the Privacy Officer shall notify the individual that his or her request was improperly addressed and the date when the request was received at the proper address.

(e) If the request follows inquiry under § 4b.3 in connection with which the individual's identity was established by the Department, the individual need only indicate the record to which access is sought, give the Department control number assigned to the request, and sign and date the request. If the request is not preceded by an inquiry under section 4b., the procedures of either § 4b.3(c) or § 4b.3(d) of this part should be followed.

(f) The requirements for identification of individuals seeking access to records are as follows:

(1) *In person.* Each individual making a request in person shall be required to present satisfactory proof of identity. The means of proof, in the order of preference and priority, are:

(i) A document bearing the individual's photograph (for example, driver's license, passport or military or civilian identification card);

(ii) A document, preferably issued for participation in a Federally sponsored program, bearing the individual's signature (for example, unemployment insurance book, employer's identification card, national credit card and professional, craft or union membership card); and,

(iii) A document bearing neither the photograph nor the signature of the individual, preferably issued for participation in a Federally sponsored program (for example, Medicaid card).

In the event the individual can provide no suitable documentation of identity, the Department will require a signed statement asserting the individual's identity and stipulating that the individual understands the penalty provision of 5 U.S.C. 552a(i)(3) recited in § 4b.12(a). For the convenience of the public, and in addition to the Privacy Officers listed in Appendix A to this part, most facilities which are open to the public and operated by the Department outside Metropolitan Washington, D.C. have employees authorized to determine the identity of an individual. However, such employees are not authorized to take any other action with respect to a request except to transmit the request to the responsible Privacy Officer. In order to avoid any unwarranted disclosure of an individual's records, the Department reserves the right to determine the adequacy of proof of identity offered by any individual, particularly when the request involves a sensitive record.

(2) *Not in person.* If the individual making a request does not appear in person before a Privacy Officer or other employee authorized to determine identity, a certificate of a notary public or equivalent officer empowered to administer oaths must accompany the request under the circumstances prescribed in § 4b.3(d)(9). The Department's official form for requests contains a certificate. If, for some reason, the individual is unable to use the official form, the certificate within or attached to the letter must be substantially in accord with the following text:

City of _____

County of _____ :ss

(Name of individual), who affixed (his) (her) signature below in my presence, came before me, a (title), in and for the aforesaid County and State, this _____ day of _____, 19__, and established (his) (her) identity to my satisfaction.

My commission expires _____

_____

(Signature)

(3) *Parents of minors and legal guardians.* An individual acting as the parent of a minor or the legal guardian of the

individual to whom a record pertains shall establish his or her personal identity in the same manner prescribed in either paragraph (f)(1) or paragraph (f)(2) of this section. In addition, such other individual shall establish his or her identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the court's order. For purposes of the Act, a parent or legal guardian may represent only a living individual, not a decedent. A parent or legal guardian may be accompanied during personal access to a record by another individual, provided the provisions of § 4b.5(f) are satisfied.

(g) When the provisions of this part are alleged to have the effect of impeding an individual in exercising his or her right to access, the Department will consider, from an individual making a request, alternative suggestions regarding proof of identity and access to records.

(h) An individual shall not be required to state a reason or otherwise justify his or her request for access to a record.

§ 4b.5 Disclosure of requested information to individuals.

(a) (1) Each request received shall be acted upon promptly by the responsible Privacy Officer. Every effort will be made to respond within ten days (excluding Saturdays, Sundays and holidays) of the date of receipt. If a response cannot be made within ten days due to unusual circumstances, the Privacy Officer shall send an acknowledgment during that period providing information on the status of the request and asking for such further information as may be necessary to process the request. "Unusual circumstances" shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request are necessary.

(2) If the Privacy Officer fails to send an acknowledgment within ten days, as provided above, the requester may ask the responsible Privacy Appeals Officer, identified in Appendix B to this part, to take corrective action. No failure of a Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.

(b) Grant of access. (1) *Notification.* An individual shall be granted access to a record pertaining to him or her, except where the provisions of paragraph (g)(1) of this section apply. The Privacy Officer shall notify the individual of a determination to grant access and provide the following information:

(i) The methods of access, as set forth in paragraph (b)(2) of this section;

(ii) The place at which the record may be inspected;

(iii) The earliest date on which the record may be inspected and the period of time that the records will remain available for inspection. In no event shall the earliest date be later than thirty days from the date of notification;

(iv) The estimated date by which a copy of the record could be mailed and the estimate of fees pursuant to section 4b.11 of this part. In no event shall the estimated date be later than thirty days from the date of notification;

(v) The fact that the individual, if he or she wishes, may be accompanied by another individual during personal access, subject to the procedures set forth in paragraph (f) of this section; and,

(vi) Any additional requirements needed to grant access to a specific record.

(2) *Methods of access.* The following methods of access to records by an individual may be available depending on the circumstances of a given situation:

(i) Inspection in person may be had in the office specified by the Privacy Officer granting access, during the hours indicated in § 4b.4(a);

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if the Privacy Officer determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records to that facility will not unduly interfere with operations of the Department or involve unreasonable costs, in terms of both money and manpower; and,

(iii) Copies may be mailed at the request of the individual, subject to payment of the fees prescribed in § 4b.11. The Department, at its own initiative, may elect to provide a copy by mail, in which case no fee will be charged the individual.

(c) Access to medical records is governed by the provisions of § 4b.6.

(d) The Department shall supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(e) The Department reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or disc, when the record contains information on other individuals, and when deletion of information is permissible under exemptions (for example, 5 U.S.C. 552a(k)(2)). In no event shall original records of the Department be made available to the individual except under the immediate supervision of the Privacy Officer or his designee. Title 18, United States Code, section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attmept to do any of the foregoing.

(f) Any individual who requests access to a record pertaining to that individual may be accompanied by another individual of his or her choice. "Accompanied" includes discussion of the record in the presence of the other individual. The individual to whom the record pertains shall authorize the presence of the other individual in writing and shall include the name of the other individual, a specific description of the record to which access is sought, the Department control number assigned to the request, the date and the signature of the individual to whom the record pertains. The other individual shall sign the authorization in the presence of the Privacy Officer. An individual shall not be required to state a reason or otherwise justify his or her decision to be accompanied by another individual during personal access to a record.

(g) Initial denial of access. (1) *Grounds.* Access by an individual to a record which pertains to that individual will be denied only upon a determination by the Privacy Officer that:

(i) The record is exempt under §§ 4b.13 and 4b.14 or exempt by determination of another agency publishing notice of the system of records, as described in § 4b.3(h);

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(iii) The provisions of section 4b.6 pertaining to medical records temporarily have been invoked; or,

(iv) The individual unreasonably has failed to comply with the procedural requirements of this part.

(2) *Notification.* The Privacy Officer shall give notice of denial of access to records to the individual in writing and shall include the following information:

(i) The Privacy Officer's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and this part;

(iv) The individual's opportunities, if any, for further administrative consideration, including the identity and address of the responsible official. If no further administrative consideration within the Department is available, the notice shall state that the denial is administratively final; and,

(v) If stated to be administratively final within the Department, the individual's right to judicial review provided under 5 U.S.C. 552a(g)(1), as limited by 5 U.S.C. 552a(g)(5).

(3) *Administrative review.* When an initial denial of a request is issued by the Privacy Officer, the individual's opportunities for further consideration shall be as follows:

(i) As to denial under paragraph (g)(1)(i) of this section, two opportunities for further consideration are available in the alternative: (A) If the individual contests the application of the exemption to the records, review procedures in § 4b.5(g)(3)(ii) shall apply; or, (B) If the individual challenges the exemption itself, the procedure is a petition for the issuance, amendment, or repeal of a rule under 5 U.S.C. 553(e). If the exemption was determined by the Department, such

petition shall be filed with the Assistant Secretary for Administration. If the exemption was determined by another agency, referred to in § 4b.3(h), the Department will provide the individual with the name and address of the other agency and any relief sought by the individual shall be that provided by the regulations of the other agency. Within the Department, no such denial is administratively final until such a petition has been filed by the individual and disposed of on the merits by the Assistant Secretary for Administration.

(ii) As to denial under paragraphs (g)(1)(ii), (g)(1)(iv) of this section or (to the limited extent provided in paragraph (g)(3)(i)(A) of this section) paragraph (g)(1)(i), the individual may file for review with the responsible Privacy Appeals Officer identified in Appendix B to this part, as indicated in the Privacy Officer's initial denial notification. The procedures appearing in § 4b.8 shall be followed by both the individual and the Department to the maximum extent practicable.

(iii) As to denial under paragraph (g)(1)(iii) of this section, no further administrative consideration within the Department is available because the denial is not administratively final until expiration of the time period indicated in § 4b.6(a).

(h) If a request is partially granted and partially denied, the Privacy Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 4b.6 Special procedures: Medical records.

(a) No response to any request for access to medical records by an individual will be issued by the Privacy Officer for a period of seven days (excluding Saturdays, Sundays and holidays) from the date of receipt.

(b) The Department has published as a routine use, for all systems of records containing medical records, consultations with an individual's physician or psychologist if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual. The mandatory waiting period set forth in paragraph (a) of this section fill permit exercise of this routine use in appropriate cases. The Department will pay no cost of any such consultation.

(c) In every case of a request by an individual for access to medical records, the Privacy Officer shall:

(1) Inform the individual of the waiting period prescribed in paragraph (a) of this section;

(2) Obtain the name and address of the individual's physician and/or psychologist, if the individual consents to give them;

(3) Obtain specific, written consent for the Department to consult the individual's physician and/or psychologist in the event that the Department believes such consultation is advisable, if the individual consents to give such authorization;

(4) Obtain specific, written consent for the Department to provide the medical records to the individual's physician or psychologist in the event that the Department believes access to the record by the individual is best effected under the guidance of the individual's physician or psychologist, if the individual consents to give such authorization; and,

(5) Forward the individual's medical record to the Department's medical officer for review and a determination on whether consultation with or transmittal of the medical records to the individual's physician or psychologist is warranted. If the consultation with or transmittal of such records to the individual's physician or psychologist is determined to be warranted, the Department's medical officer shall so consult or transmit. Whether or not such a consultation or transmittal occurs, the Department's medical officer shall provide instruction to the Privacy Officer regarding the conditions of access by the individual to his or her medical records.

(d) If an individual refuses in writing to give the names and consents set forth in paragraphs (c)(2) through (4) of this section and the Department has determined that disclosure could have an adverse effect upon the individual, the Department shall give the individual access to said records by means of a copy, provided without cost to the requester, sent registered mail return receipt requested.

§ 4b.7 Request for correction or amendment to record.

(a) Any individual, regardless of age, who is a citizen of the United States or an alien lawfully admitted for permanent residence into the United States may submit a request for correction or amendment to the Department. The request should be made either in person or by mail addressed to the Privacy Officer who processed the individual's request for access to the record, and to whom is delegated authority to make initial determinations on requests for correction or amendment. The offices of Privacy Officers are open to the public between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday (excluding holidays).

(b) The processing of requests submitted by mail will be facilitated if the words "PRIVACY ACT REQUEST" appear in capital letters on the face of the envelope. If, for some reason, the individual is unable to use the Department's official form, the letter should bear the words "PRIVACY ACT REQUEST" in capital letters at the top.

(c) Any request which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in paragraph (b) of this section will be so addressed and marked by Department personnel and forwarded immediately to the responsible Privacy Officer. A request which is not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring time periods for response until actual receipt by the Privacy Officer. In each instance when a request so forwarded is received, the Privacy Officer shall notify the individual that his or her request was improperly addressed and the date when the request was received at the proper address.

(d) Since the request, in all cases, will follow a request for access under § 4b.5, the individual's identity will be established by his or her signature on the request and use of the Department control number assigned to the request.

(e) A request for correction or amendment should include the following:

(1) A specific identification of the record sought to be corrected or amended (for example, description, title, date, paragraph, sentence, line and words);

(2) The specific wording to be deleted, if any;

(3) The specific wording to be inserted or added, if any, and the exact place at which to be inserted or added; and,

(4) A statement of the basis for the requested correction or amendment, with all available supporting documents and materials which substantiate the statement. The statement should identify the criterion of the Act being invoked, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

§ 4b.8 Agency review of request for correction or amendment of record.

(a)(1) (i) Not later than ten days (excluding Saturdays, Sundays and holidays) after receipt of a request to correct or amend a record, the Privacy Officer shall send an acknowledgment providing an estimate of time within which action will be taken on the request and asking for such further information as may be necessary to process the request. The estimate of time may take into account unusual circumstances as described in § 4b.5(a). No acknowledgment will be sent if the request can be reviewed, processed and the individual notified of the results of review (either compliance or denial) within the ten days. Requests filed in person will be acknowledged in writing at the time submitted.

(ii) If the Privacy Officer fails to send the acknowledgment within the ten days, as provided above, the requester may ask the responsible Privacy Appeals Officer, identified in Appendix B to this part, to take corrective action. No failure of a Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.

(2) Promptly after acknowledging receipt of a request, or after receiving such further information as might have been requested, or after arriving at a decision within the ten days, the Privacy Officer shall either:

(i) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an magnetically recorded computer files); or,

(ii) Inform the individual in writing that his or her request is denied and provide the following information:

(A) The Privacy Officer's name and title or position;

(B) The date of the denial;

(C) The reasons for the denial, including citation to the appropriate sections of the Act and this part; and,

(D) The procedures for appeal of the denial as set forth in § 4b.9, including the name and address of the responsible Privacy Appeals Officer from Appendix C to this part.

The term "promptly" in this subsection means within thirty days (excluding Saturdays, Sundays and holidays). If the Privacy Officer cannot make the determination within thirty days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Privacy Officer shall see to the notification of all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Privacy Officer in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in terms of purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected;

(6) The degree of risk that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and,

(8) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) The Department will not undertake to gather evidence for the individual, but does reserve the right to verify the evidence which the individual submits.

(e) Correction or amendment of a record requested by an individual will be denied only upon a determination by the Privacy Officer that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in light of the criteria set forth in paragraph (c) of this section;

(2) The record sought to be corrected or amended is part of the official record in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The information in the record sought to be corrected or amended, or the record sought to be corrected or amended, is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant;

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or,

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 4b.9 Appeal of initial adverse agency determination on correction or amendment.

(a) When a request for correction or amendment has been denied initially under § 4b.8, the individual may submit a written appeal within thirty days after the date of the initial denial. When an appeal is submitted by mail, the postmark is conclusive as to timeliness.

(b) An appeal shall be addressed to the Privacy Appeals Officer identified in the initial denial, which official is authorized to make final determinations. The processing of appeals will be facilitated if the words "PRIVACY APPEAL" appear in capital letters on both the envelope and the top of the appeal papers. An appeal not addressed and marked as provided herein will be so marked by Department personnel when it is so identified, and will be forwarded immediately to the responsible Privacy Appeals Officer. An appeal which is not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring the time periods in this section until actual receipt by the Privacy Appeals Officer. In each instance when an appeal so forwarded is received, the Privacy Appeals Officer shall notify the individual that his or her appeal was improperly addressed and the date when the appeal was received at the proper address.

(c) The individual's appeal papers shall include a statement of the reasons why the initial denial is believed to be in error and the Department's control number assigned to the request. The appeal shall be signed by the individual. The record which the individual requests be corrected or amended and all correspondence between the Privacy Officer and the requester will be supplied by the Privacy Officer who issued the initial denial. While the foregoing normally will comprise the entire record on appeal, the Privacy Appeals Officer may seek additional information necessary to assure that the final determination is fair and equitable and, in such instances, the additional information will be disclosed to the individual to the greatest extent possible and an opportunity provided for comment thereon.

(d) No personal appearance or hearing on appeal will be allowed.

(e) The Privacy Appeals Officer shall act upon the appeal and issue a final determination in writing not later than thirty days (excluding Saturdays, Sundays and holidays) from the date on which the appeal is received; provided, that the Privacy Appeals Officer may extend the thirty days upon deciding that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension and the estimated date by which a final determination will issue. The estimated date should not be later than the sixtieth day (excluding Saturdays, Sundays and holidays) after receipt of the appeal unless unusual circumstances, as described in § 4b.5(a), are met.

(f) If the appeal is determined in favor of the individual, the final determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the Privacy Officer who issued the initial denial. Upon receipt of such final determination, the Privacy Officer promptly shall take the actions set forth in §§ 4b.8(a)(2)(i) and 4b.8(b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and state the reasons for the denial. The notice of final determination also shall inform the individual of the following:

(1) The right of the individual under the Act to file a concise statement of reasons for disagreeing with the final determination. The statement ordinarily should not exceed one page and the Department reserves the right to reject a statement of excessive length. Such a statement shall be filed with the Privacy Appeals Officer. It should provide the Department control number assigned to the request, indicate the date of the final determination and be signed by the individual. The Privacy Appeals Officer shall acknowledge receipt of such statement and inform the individual of the date on which it was received;

(2) The facts that any such disagreement statement filed by the individual will be noted in the disputed record, that the purposes and uses to which the statemen will be put are those applicable to the record in which it is noted, and that a copy of the statement will be provided to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that the Department will append to any such disagreement statement filed by the individual, a copy of the final determination or summary thereof which also will be provided to persons and agencies to which the disagreement statement is disclosed; and,

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

(h) In making the final determination, the Privacy Appeals Officer shall employ the criteria set forth in § 4b.8(c) and shall deny an appeal only on the grounds set forth in § 4b.8(e).

(i) If an appeal is partially granted and partially denied, the Privacy Appeals Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(j) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

(k) The provisions of paragraphs (g)(1) through (3) of this section satisfy the requirements of 5 U.S.C. 552a(e)(3).

§ 4b.10 Disclosure of record to person other than the individual to whom it pertains.

(a) The Department may disclose a record pertaining to an individual to a person other than the individual to whom it pertains only in the following instances:

(1) Upon written request by the individual, including authorization under § 4b.5(f);

(2) With the prior written consent of the individual;

(3) To a parent or legal guardian under 5 U.S.C. 552a(h);

(4) When required by the Act and not covered explicitly by the provisions of 5 U.S.C. 552a(b); and

(5) When permitted under 5 U.S.C. 552a(b)(1) through (11), which read as follows:[1]

(i) To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(ii) Required under section 552 of this title;

(iii) For a routine use as defined in paragraph (a)(7) of this section and described under paragraph (e)(4)(D) of this section;

(iv) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(v) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(viii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(ix) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(x) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(xi) Pursuant to the order of a court of competent jurisdiction.

(b) The situations referred to in paragraph (a)(4) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by the Department in certain circumstances;

(2) 5 U.S.C. 552a(d) requires disclosure of records to the individual to whom they pertain, upon request;

(3) 5 U.S.C. 552a(g) authorizes civil action by an individual and requires disclosure by the Department to the court;

(4) Section 5(e)(2) of the Act authorizes release of any records or information by the Department to the Privacy Protection Study Commission upon request of the Chairman; and,

(5) Section 6 of the Act authorizes the Office of Management and Budget to provide the Department with continuing oversight and assistance in implementation of the Act.

(c) The Privacy Officer shall make an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C. 552a(c)(1) and (2). Except for a disclosure made under 5 U.S.C. 552a(b)(7), the Privacy Officer shall make such accounting available to any individual, insofar as it pertains to that individual, on request submitted in accordance with § 4b.4. The Privacy Officer shall make reasonable efforts to notify any individual when any record in a system of records is disclosed to any person under compulsory legal process, promptly upon being informed that such process has become a matter of public record.

§ 4b.11 Fees.

(a) The only fees to be charged to or collected from an individual under the provisions of this part are for copying records at the request of the individual.

(1) No fees shall be charged or collected for the following: Search for and retrieval of the records; review of the records; copying at the initiative of the Department without a request from the individual; transportation of records and personnel; and first class postage.

(2) It is the policy of the Department to provide an individual with one copy of each record corrected or amended pursuant to his or her request without charge as evidence of the correction or amendment.

(3) As required by the United States Civil Service Commission in its published regulations implementing the Act, the Department will charge no fee for a single copy of a personnel record covered by that Commission's Government-wide published notice of systems of records.

(b) The copying fees prescribed by paragraph (a) of this section are:

$0.07	Each copy of each page, up to 8½" x 14", made by photocopy or similar process.
$0.25	Each copy of each microform frame printed on paper.
$0.25	Each aperture card.
$0.25	Each 105-mm fiche.
$7.00	Each 100' roll of 35-mm microfilm.
$6.00	Each 100' roll of 16-mm microfilm.
$0.20	Each page of computer printout without regard to the number of carbon copies concurrently printed.

Other copying forms (e.g., typing or printing) will be charged at direct cost, including personnel and equipment costs.

(c) All copying fees shall be paid by the individual before the copying will be undertaken. Payments shall be made in cash or, preferably, by check or money order payable to "U.S. Department of Commerce," and they shall be paid or sent to the office stated in the billing notice or, if none, to the Privacy Officer processing the request. Where appropriate, payment may be required in the form of certified check.

(d) A copying fee totaling $1 or less shall be waived, but the copying fees for contemporaneous requests by the same individual shall be aggregated to determine the total fee.

A copying fee shall not be charged or collected, or alternatively, it may be reduced, when it is determined by the Privacy Officer, based on a petition therefor, that the petitioning individual is indigent and that Department resources permit a waiver of all or part of the fee. An individual is deemed to be indigent when without income or resources sufficient to pay the fees.

(e) Special and additional services provided at the request of the individual, such as certification or authentication, postal insurance and special mailing arrangement costs, will be charged to the individual in accordance with other published regulations of the Department pursuant to statute (for example, 31 U.S.C. 483a).

(f) This section applies only to individuals making requests under this part. To the extent an individual makes a request under the Freedom of Information Act, as provided in § 4b.1(e)(2), (3) and (5), the fees Provisions of Part 4 of this Chapter shall apply. All other persons shall remain subject to fees and charges prescribed by other and appropriate authorities.

[1] 5 U.S.C. 552(a)(4) has no application within the Department.

§ 4b.12 Penalties.

(a) The Act provides, in pertinent part:

Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000. (5 U.S.C. 552a(i)(3)).

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495 and 1001.

§ 4b.13 General exemptions.

(a) Individuals may not have access to records maintained by the Department but which were provided by another agency which has determined by regulation that such information is subject to general exemption under 5 U.S.C. 552a (j). If such exempt records are within a request for access, the Department will advise the individual of their existence and of the name and address of the source agency. For any further information concerning the record and the exemption, the individual must contact that source agency.

(b) The general exemptions determined to be necessary and proper with respect to systems of records maintained by the Department, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(1) *Individuals Identified in Export Administration Compliance Proceedings or Investigations—COMMERCE/DIBA–1.* Pursuant to 5 U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a(b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i). These exemptions are necessary to insure the proper functioning of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to maintain the integrity of the law enforcement process, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, to prevent interference with law enforcement proceedings, to avoid the disclosure of investigative techniques, and to avoid the endangering of law enforcement personnel. Section 7(c) of the Export Administration Act of 1969, as amended, also protects this information from disclosure.

(2) *Fisheries Law Enforcement Case File—COMMERCE/NOAA–11.* Pursuant to 5 U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). These exemptions are necessary to insure the proper functioning of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to prevent interference with law enforcement proceedings, to avoid the disclosure of investigative techniques, to avoid the endangering of law enforcement personnel, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, and to maintain the integrity of the law enforcement process.

(3) *Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT.–12.* Pursuant to 5 U.S.C. 552a(j)(2), these records are hereby determined to be exempt from all provisions of the Act, except 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). These exemptions are necessary to insure the proper functions of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to prevent interference with law enforcement proceedings, to avoid the disclosure of investigative techniques, to avoid the endangering of law enforcement personnel, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, and to maintain the integrity of the law enforcement process.

§ 4b.14 Specific exemptions.

(a) Some systems of records under the Act which are maintained by the Department contain, from time-to-time, material subject to the exemption appearing at 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the FEDERAL REGISTER by the Department which are within this exemption are:

COMMERCE/DIBA–1, COMMERCE/DIBA–2, COMMERCE/DIBA–3, COMMERCE/NOAA–11, COMMERCE/PAT–TM–4, COMMERCE/PAT–TM–6, COMMERCE/PAT–TM–7, COMMERCE/PAT–TM–8, COMMERCE/PAT–TM–9, COMMERCE/DEPT–12, COMMERCE/DEPT–13, and COMMERCE/DEPT–14.

The Department hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The reason therefor is to protect the materials required by Executive Order to be kept secret in the interest of the national defense and foreign policy.

(b) The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the Department, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(1) *Exempt under 5 U.S.C. 552a(k)(1).* The systems of records exempt hereunder appear in paragraph (a) of this section. The claims for exemption of COMMERCE/DEPT–12, COMMERCE/DIBA–1, and COMMERCE/NOAA–11 under this paragraph are subject to the condition that the general exemption claimed in § 4b.13(b)(3) is held to be invalid.

(2) *Exempt under 5 U.S.C. 552a(k)(2).* The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

(i) Individuals Identified in Export Administration Compliance Proceedings of Investigations—COMMERCE/DIBA–1, but only on condition that the general exemption claimed in § 4b.13(b)(1) is held to be invalid;

(ii) Individuals Involved in Export Transactions—COMMERCE/DIBA–2;

(iii) Fisheries Law Enforcement Case File—COMMERCE/NOAA–11, but only on condition that the general exemption claimed in § 4b.13(b)(2) is held to be invalid;

(iv) Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT–12, but only on condition that the general exemption claimed in § 4b.13(b)(3) is held to be invalid;

(v) Investigative Records—Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT–13;

(vi) Litigation, Claims and Administrative Proceeding Records—COMMERCE/DEPT–14; and,

(vii) Non-registered Persons Rendering Assistance to Patent Applicants—COMMERCE/PAT–TM–5.

The foregoing are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The reasons for asserting the exemption are to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel. Special note is taken of the fact that the proviso clause in this exemption imports due process and procedural protections for the individual. The existence and general character of the information exempted will be made known to the individual to whom it pertains.

(3) *Exempt under 5 U.S.C. 552a(k)(4).* The systems of records exempt, the sections of the Act from which exempted, and the reasons therefor are as follows:

(i) Agricultural Census Records for 1964 (Partial), 1969, and 1974—COMMERCE/CENSUS–1;

(ii) Individual and Household Statistical Surveys and Special Census Studies Records—COMMERCE/CENSUS–3;

(iii) Minority-Owned Business Enterprises Survey Records—COMMERCE/CENSUS–4;

(iv) Population and Housing Census Records for 1960 and 1970—COMMERCE/CENSUS–5;

(v) Population Census Personal Service Records for 1900 and Subsequent Decennial Censuses—COMMERCE/CENSUS–6; and,

(vi) Special Censuses of Population Conducted for State and Local Governments—COMMERCE/CENSUS–7.

The foregoing are exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H),

and (I), and (f). The reasons for asserting the exemption are to comply with the prescription of Title 13, United States Code, especially sections 8 and 9 relating to prohibitions against disclosure, and to avoid needless consideration of these records whose sole statistical use comports fully with a basic purpose of the Act, namely, no adverse determinations may be made from these records as to any identifiable individual.

(4) *Exempt under 5 U.S.C. 552a(k)(5).* The systems of records exempt (some only conditionally), the sections of the Act from which exempted, and the reasons therefor are as follows:

(i) Indian Reservation Economic Development Planners and Applicants Records—COMMERCE/EDA-3;

(ii) Applications to U.S. Merchant Marine Academy (USMMA)—COMMERCE/MA-1;

(iii) Trustees for Ship Sales—COMMERCE/MA-13;

(iv) USMMA Midshipman Medical Files—COMMERCE/MA-17;

(v) USMMA Midshipman Personnel Files—COMMERCE/MA-18;

(vi) USMMA Non-Appropriated Fund Activity Employees—COMMERCE/MA-19;

(vii) USMMA Ship's Service Employees—COMMERCE/MA-20;

(viii) Applicants for the NOAA Corps—COMMERCE/NOAA-4;

(ix) Commissioned Officer Official Personnel Folders—COMMERCE/NOAA-7;

(x) Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3;

(xi) Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT-12, but only on condition that the general exemption claimed in §4b.13(b)(3) is held to be invalid;

(xii) Investigative Records—Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT-13; and,

(xiii) Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14.

The foregoing are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). The reasons for asserting the exemption are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract. Special note is made of the limitation on the extent to which this exemption may be asserted. The existence and general character of the information exempted will be made known to the individual to whom it pertains.

(c) At the present time, the Department claims no exemption under 5 U.S.C. 552a(k) (3), (6) and (7).

APPENDIX A

OFFICIALS TO RECEIVE INQUIRIES, REQUESTS FOR ACCESS AND REQUESTS FOR CORRECTION OR AMENDMENT [1]

For records in systems of records located in—[2]	*Privacy officer*
The Office of the Secretary and all Departmental staff offices.	Director, Office of Organization and Management Systems, Main Commerce Bldg., Washington, D.C. 20230.
Bureau of Economic Analysis	Special Assistant to the Director, BEA, Tower Bldg., 1401 K St. NW., Washington, D.C. 20005.
Bureau of the Census	Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.
Domestic and International Business Administration.	Director, Office of Management and Systems, DIBA, Main Commerce Bldg., Washington, D.C. 20230.
Economic Development Administration	Director, Office of Public Affairs, EDA, Main Commerce Bldg., Washington, D.C. 20230.
Maritime Administration	Secretary of the Maritime Administration, Main Commerce Bldg., Washington, D.C. 20230.
National Bureau of Standards	Associate Director for Administration, NBS, Administration Bldg., Washington, D.C. 20234.
National Fire Prevention and Control Administration.	Administrative Officer, NFPCA, Washington, D.C. 20230.
National Oceanic and Atmospheric Administration:	
Inquiries Only:	
All NOAA except NOAA Corps	Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.
NOAA Corps	Director, NOAA Corps, 6010 Executive Blvd., Rockville, Md. 20852.
Requests:	
All NOAA including NOAA Corps	Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.

[1] National Oceanic and Atmospheric Administration subject to division of responsibilities noted below.

[2] If the location of the records within the Department is unknown, address the inquiry to the Privacy Officer for the Office of the Secretary and all Departmental staff offices.

National Technical Information Service	Assistant Director Administration, Sills Bldg., Springfield, Va. 22161.
Office of Minority Business Enterprise	Assistant Director, Field Operations and Administration, OMBE, Main Commerce Bldg., Washington, D.C. 20230.
Office of Telecommunications	Administrative Officer, OTEL, 1325 G St. NW., Washington, D.C. 20005.
Patent and Trademark Office	Assistant Commissioner for Administration, Patent and Trademark Office, Washington, D.C. 20231.
United States Travel Service	Executive Director, USTS, Main Commerce Bldg., Washington, D.C. 20230.

APPENDIX B

OFFICIALS TO RECEIVE APPEALS FROM ADVERSE DETERMINATION ON CORRECTION OR AMENDMENT

For records in systems of records located in—	*Privacy appeals officer*
The Office of the Secretary and all Departmental staff offices.	Assistant Secretary for Administration, Main Commerce Bldg., Washington, D.C. 20230.
Bureau of Economic Analysis	Director, Bureau of Economic Analysis, Tower Bldg., 1401 K St. NW., Washington, D.C. 20005.
Bureau of the Census	Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.
Domestic and International Business Administration.	Assistant Secretary for Domestic and International Business, Main Commerce Bldg., Washington, D.C. 20230.
Economic Development Administration	Assistant Secretary for Economic Development, Main Commerce Bldg., Washington, D.C. 20230.
Maritime Administration	Assistant Secretary for Maritime Affairs, Main Commerce Bldg., Washington, D.C. 20230.
National Bureau of Standards	Director, National Bureau of Standards, Administration Bldg., Washington, D.C. 20234.
National Fire Prevention and Control Administration.	Administrator, National Fire Prevention and Control Administration, Washington, D.C. 20230.
National Oceanic and Atmospheric Administration.	Administrator, National Oceanic and Atmospheric Administration, Main Commerce Bldg., Washington, D.C. 20230.
National Technical Information Service	Director, National Technical Information Service, Room 620, Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004.
Office of Minority Business Enterprise	Director, Office of Minority Business Enterprise, Main Commerce Bldg., Washington, D.C. 20230.
Office of Telecommunications	Director, Office of Telecommunications, 1325 G St. NW., Washington, D.C. 20005.
Patent and Trademark Office	Commissioner, Patent and Trademark Office, Washington, D.C. 20231.
United States Travel Service	Assistant Secretary for Tourism, Main Commerce Bldg., Washington, D.C. 20230.

APPENDIX C

SYSTEMS OF RECORDS NOTICED BY OTHER AGENCIES AND APPLICABLE TO RECORDS OF THE DEPARTMENT AND APPLICABILITY OF THIS PART THERETO

Category of records	*Other federal agency*
Federal personnel records	Civil Service Commission.[1]
Federal Employee Compensation Act Program.	Department of Labor.[2]
Federal motor vehicle accidents	General Services Administration.[3]
Equal Employment Opportunity under E.O. 11246, as amended.	Department of Labor.[2]
Foreign service officer appraisals	Department of State.[4]
Payroll and travel records of department employees at diplomatic posts overseas.	Department of State.[4]

[1] The provisions of this part do not apply to these records covered by notices of systems of records published by the U.S. Civil Service Commission for all agencies. The regulations of that Commission alone apply.

[2] The provisions of this part apply only initially to these records covered by notices of systems of records published by the U.S. Department of Labor for all agencies. The regulations of that Department attach at the point of any denial for access or for correction or amendment.

[3] The provisions of this part apply only initially to these records covered by notices of systems of records published by the General Services Administration for all agencies. The regulations of that Administration attach at the point of any denial for access or for correction or amendment.

[4] The provisions of this part do not apply to these records covered by notices of systems of records published by the U.S. Department of State for all agencies. The regulations of that Department attach at the point of any denial for access or for correction or amendment.

APPENDIX D

FACSIMILE OF OFFICIAL FORM FOR INQUIRIES AND REQUESTS

Form Approved: OMB No. 41-R2558

Form CD-316 (8-75) PRESCRIBED BY DEPT. PART 40 (DAO 205-76)

U.S. DEPARTMENT OF COMMERCE

PRIVACY ACT INFORMATION REQUEST

(NOTE: Use of this form is recommended, but is not mandatory)

DEPT. FACILITY

CONTROL NO.

INSTRUCTIONS: To Request Information or Action Under the Act, Complete appropriate Items in Part I. Retain Canary Copy; Submit Others to Department of Commerce. Part II is For Agency Use Only.

SPECIAL NOTICE: FALSE STATEMENTS SUBJECT TO CRIMINAL PENALTIES. SEE REVERSE SIDE.

PART I - REQUESTER

1. Name of individual whose record(s) is sought (Please print):

2. Individual whose record(s) is sought is:
- ☐ U.S. citizen
- ☐ Alien lawfully admitted for permanent residence

3. Give any identifying data that would help locate the record (e.g., maiden name, occupational license number, period or place of employment, etc.):

4. Record requested (Please describe. Also give record system name and number, if known):

5. Action requested:
- a. ☐ Tell me how to exercise my rights under the Privacy Act.
- *b. ☐ Tell me if you have the requested record(s).
- *c. ☐ Tell me when and where I may have access to the requested record(s).
- *d. ☐ Please send a copy of the requested record(s).

*(If the request concerns records of another individual who is a ward or minor, and the requester is the ward's guardian or minor's parent, the requestor must check Item 6, and must attach a copy of court guardianship order or minor's birth certificate)

6. Requester is:
- ☐ Guardian of individual / OR / ☐ Parent of minor individual } whose record(s) is sought

7. Requester's:
Name (Please print) _____ Address _____
Signature _____
Telephone number (Optional) _____

8. Date

NOTE: Item 9 should be completed ONLY IF requester—
—Requests action under Item 5b, c, or d, AND
—Seeks a record NOT disclosible to any person under the Freedom of Information Act (5 U.S.C. 552), AND
—Does NOT appear in person before an authorized employee of the Department to have his/her identity verified.

9. Certificate of Notary Public, or other officer
State of _____, county of _____, ss
_____, the subscribing requester, came before me a _____, in and for the aforesaid county and state, this _____ day of _____, 19____, and established (his) (her) identity to my satisfaction. My commission expires _____. Signature _____

PART II - FOR AGENCY USE ONLY

Proof of identity established in person before (Name, title, location):

Received by

Date request received

Action assigned to | Date

Due date of response to Requestor

Fee data:
Amount due $ _____
Date received _____

Non-collectable costs:

Copy Distribution: Requester keeps Canary; sends others to Department. (Privacy Officers keeps Pink; sends others to Action Office, which retains Goldenrod and returns White to Privacy Officer for signature.)

SPECIAL NOTICE

FALSE STATEMENTS SUBJECT TO CRIMINAL PENALTIES

The Privacy Act of 1974 (Public Law 93-579), 5 U.S.C. 552a(1)(3), states:

"Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretences shall be guilty of a misdemeanor and fined not more than $5,000."

[FR Doc.75-26425 Filed 9-30-75;9:37 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 4b]

PRIVACY ACT OF 1974

Supplemental Proposed Implementation

Notice is hereby given that the Department of Commerce proposes to amend Part 4b of Title 15, Code of Federal Regulations, which appears as a final regulation elsewhere in this issue of the FEDERAL REGISTER and which implements the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896) ("Act"). The proposed rulemaking presented here reflects the Department's determination that the changes proposed should be presented for public comment, and is based upon all relevant material available to the Department, including OMB Guidelines.

Written comments, views, or objections may be made with respect to these proposed regulations to the Privacy Act Task Force (STOP 206), Room 5892, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230, on or before October 3, 1975. All written comments received from the public through that date will be considered by the Department. The comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays), as received and until 4 p.m., October 3, 1975.

Notice is given that it is proposed to make these regulations effective September 27, 1975, the effective date of section 3, Pub. L. 93-579.

The following remarks should assist in understanding the proposed regulations. The introductory reference corresponds to the particular paragraph in the proposed regulations.

Section 4b.1(d)(4). In order to continue the existing employer/employee services which the Department provides to its employees without imposing time-consuming burdens and other inconveniences on employees, the Department is proposing to clearly place such services outside the scope of the Act. These services, provided at the request of the employee, do not involve disclosure to the employee of information which is not already being given to him or her or which the Act would deny to the employee.

Section 4b.1(e). This provision is proposed partially on the basis of the following:

(1) A letter from the Office of the Legal Counsel in the Department of Justice to the Chief Counsel of the Internal Revenue Service, dated July 30, 1975; and,

(2) Dissemination, on August 8, 1975, of that letter to the Department and other executive agencies by the Office of Management and Budget, which is the office charged by the Act with developing guidelines and regulations and providing continuing assistance to and oversight of the implementation of the Act by agencies.

The other basis is the Department's belief that reconciliation of the Act and the Freedom of Information Act is necessary for informed judgments by members of the public especially in light of the differing treatment of fees and of the scope of record search involved under those statutes. A complementary clarification appears in § 4b.11(f) as a new second sentence.

Sections 4b.3(f)(2), 4b.5(a)(2) and 4b.8(a)(1)(ii). These new provisions allow a requester to press a Privacy Officer's superior for action if the Privacy Officer fails to issue a timely acknowledgment, but require retention of the request in administrative channels.

Section 4b.14(b)(2)(vii). The system of records referred to is "Litigation, Claims, and Administrative Proceedings Records-COMMERCE/DEPT-14". Additional information provided in the exemption portion of this system of records is the basis for this proposed rulemaking. In short, classified information is added to the notice text.

Appendix C. Latest information from other Federal agencies on the matter of Government-wide notices of systems of records required amendments concerning whose regulations apply to requests.

Part 4b, Title 15, Code of Federal Regulations is proposed to be amended as follows:

Paragraphs (d)(4) and (e) of § 4b.1 are amended as follows:

§ 4b.1 Purpose and scope.

* * * * *

(d) * * *

(4) Requests for employee-employer services and counseling which were routinely granted prior to enactment of the Act, including, but not limited to, test calculations of retirement benefits, explanations of health and life insurance programs, and explanations of tax withholding options.

(e) The selection of the appropriate method for processing an individual's request for records depends on the status or capacity of the individual, the wording of the request and the character of the records requested. The Department anticipates the following situations and will undertake processing as indicated:

(1) Requester is the individual to whom the record pertains and the requester expressly states only that the request is under the Act—The request will be processed under the Act and this part;

(2) Requester is the individual to whom the record pertains and the requester expressly states only that the request is under the Freedom of Information Act—The request will be processed under the Freedom of Information Act and the Department's implementing regulations (Part 4 of this chapter);

(3) Requester is the individual to whom the record pertains and the requester expressly states that the request is under both the Act and the Freedom of Information Act—The request will be processed concurrently under both statutes and the Department's respective implementing regulations;

(4) Requester is the individual to whom the record pertains and the requester fails to specify whether the request is under the Act or the Freedom of Information Act or both—The Department will respond to the requester and ask for clarification of the requester's intention as to processing. The request will not be deemed to have been "received" for purposes of measuring time periods for response until the clarification actually has been received by the appropriate official of the Department; and,

(5) Requester (i) is not an individual or (ii) is an individual but not the individual to whom the record pertains or one asserting parentage or guardianship as permitted under the Act—The request will be processed under the Freedom of Information Act and the Department's implementing regulations or under other applicable procedures.

§§ 4b.3, 4b.5, and 4b.8 [Amended]

Sections 4b.3(f)(2), 4b.5(a)(2) and 4b.8(a)(1)(ii) are added, each to read:

"If the Privacy Officer fails to send the acknowledgment within the ten days, as provided above, the requester may ask the responsible Privacy Appeals Officer, identified in Appendix B to this part, to take corrective action. No failure of a Privacy Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.";

§ 4b.11 [Amended]

Section 4b.11(f) is amended by adding a new second sentence to read: "To the extent an individual makes a request under the Freedom of Information Act, as provided in §§ 4b.1(e)(2), (3) and (5), the fees provisions of Part 4 of this chapter shall apply.";

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[1] The provisions of this part do not apply to these records covered by notices of systems of records published by the U.S. Civil Service Commission for all agencies. The regulations of that Commission alone apply.

[2] The provisions of this part apply only initially to these records covered by notices of systems of records published by the U.S. Department of Labor for all agencies. The regulations of that Department attach at the point of any denial for access or for correction or amendment.

[3] The provisions of this part apply only initially to these records covered by notices of systems of records published by the General Services Administration for all agencies. The regulations of that Administration attach at the point of any denial for access or for correction or amendment.

[4] The provisions of this part do not apply to these records covered by notices of systems of records published by the U.S. Department of State for all agencies. The regulations of that Department alone apply.". A complementary amendment adds the words "to the extent indicated in Appendix C to this part" to the end of the fifth sentence of § 4b.3(h).

§ 4b.14 [Amended]

Paragraph 4b.14(b)(2)(vii) is added and reads: "Non-Registered Persons Rendering Assistance To Patent Applicants—COMMERCE/PAT-TM-5; and,"; and,

Appendix C [Amended]

Appendix C is amended to add the words "and applicability of this part thereto" at the end of the title, to add the words

Payroll and Travel Records of Department Employees at Diplomatic Posts Overseas, Department of State.

and to add these footnotes appropriately keyed to the other Federal agencies:

Effective date. These regulations will be effective September 27, 1975.

Dated: September 29, 1975.

ROGERS MORTON,
Secretary of Commerce.

[FR Doc.75-26424 Filed 9-30-75;9:37 am]

DEPARTMENT OF COMMERCE

PRIVACY ACT

Notice of Systems of Records

In accordance with 5 U.S.C. 552a(e)(4) and (11), Section 3 of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896) ("Act"), notice is hereby given that the Department of Commerce:

First, has adopted a modified form of certain systems of records heretofore noticed in the FEDERAL REGISTER; and,

Second, proposes to adopt both a new notice of systems of records and expanded routine uses of systems of records earlier noticed in the FEDERAL REGISTER and adopted in modified form in this notice.

A unified text containing both the adopted systems of records and the new proposals appears elsewhere in this issue of the FEDERAL REGISTER. The discussion which follows will address each category separately.

Adoption of Systems of Records

On August 5, 1975, the Department gave notice (40 FR 32970-33006) that it proposed to adopt the systems of records as set forth therein 1/. Interested persons were invited to submit written data, views, or arguments on or before September 1, 1975. Comments were solicited on all parts of the notice of the systems of records although the Act only requires publication for comment of that portion of a notice which describes the "routine uses" of the particular system of records.

1/ The introductory statement to the original notice deserves clarification in two respects. First, while the name of a system of records might be broad enough to encompass records on other than individuals, only an individual has rights under the Act with respect to his or her records in that system. Second, some systems of records presently contain records only on persons not individuals, but the potential for an individual being included in that system has led to the precautionary adoption of a notice pursuant to the Act.

No comments were received in response to that notice.

However, the Department continued work on the notice as published and has made changes thereto. These changes appear in the "routine uses" paragraphs of some systems of records for which opportunity for public comment was required by the Act, as well as the other paragraphs of some systems of records for which opportunity for public comment was not required. The changes will now be discussed briefly.

Certain systems of records originally noticed have been deleted.They are: COMMERCE/DEPT-6; COMMERCE/DEPT-11; COMMERCE/PAT-TM-3; COMMERCE/PAT-TM-15; COMMERCE/PAT-TM-16; and COMMERCE/USTS-1. The reason is that whatever information on individuals appeared therein is not retrieved by personal identifier according to individual.

The deletion of some systems of records required renumbering and rearranging in the order of the remaining systems.

An index of systems of records has been added.

Typographical errors have been corrected throughout.

Editorial changes and corrections have been effected in those paragraphs other than "routine uses" paragraphs, such as: titles of officials; addresses; Bureau of the Census substituted for Social and Economic Statistics Administration throughout and relocation of those systems of records within the notice; other units of the Department identified and appropriate abbreviations indicated; and citations of authority corrected and supplemented.

Regarding the "routine uses" paragraphs as originally noticed, they have been adopted with few changes. Typographical and editorial changes were noted above. Other changes include deletion of redundant language where the general "routine uses" were adequate (see COMMERCE/NOAA-11) and deletion of intra-Department uses covered by subsection (b)(1) of the Act (see COMMERCE/PAT-TM-11). Additional changes are of a constrictive character, that is, they reduced and limited the "routine uses" from the scope of use originally noticed and as to which no public comment was made. Any new "routine uses" not published in the original notice are subject to publication for public comment and each is identified in the next part of this notice.

New Proposals

Notice is hereby given that the Department of Commerce, in accordance with 5 U.S.C. 552a(e)(4) and (11), Section 3 of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896) ("Act"), proposes to adopt a new, additional notice of systems of records and to adopt expanded "routine uses" of systems previously noticed and adopted. Any interested person may submit written data, views or arguments to the Privacy Act Task Force (Stop 206), Room 5892, U.S. Department of Commerce, 14th and E Streets, N.W., Washington, D.C. 20230 on or before October 27, 1975. Due to the effective date of the Act and because the Act requires the opportunity for public comment only as to "routine uses," the Department solicits comments only regarding the "routine uses" portion of the new notice and the "routine uses" of previously noticed and adopted systems which have been expanded.

The non-"routine uses" paragraphs of the new system of records will be effective on the same date as the Act, September 27, 1975. The new and expanded "routine uses" paragraphs cannot become effective in final form until expiration of the full 30-day period for public comment required by the Act. However, as a tentative or interim measure, the "routine uses" paragraphs identified below will be considered temporarily in force on the date the Act goes into effect. The Department has determined that this measure will best serve the purposes and policy of the Act. If public comments on proposed "routine uses" in this notice are received by the Department through October 27, 1975, they will be considered and any further notices required will be published in the FEDERAL REGISTER. If no public comments are received the proposed "routine uses" in this notice will be final and effective as of September 27, 1975.

The new system of records which the Department proposes to adopt is: Employee Personnel Files Not Covered by U.S. Civil Service Commission—COMMERCE/DEPT-18.

The Department proposes to expand the general "routine uses" which were noticed on August 5, 1975, as follows:

The general routine use 1. specifically will permit a referral by the Department to enforce or to protect a contractual or other right or interest of the Department;

The general routine use 3. will permit additional disclosure to a state, local, or international agency and also include an assignment of an employee;

A new general routine use 7. will permit disclosure to the Smithsonian Science Information Exchange, Inc.;

A new general routine use 8. will permit disclosure to the Office of Management and Budget in connection with the review of private relief legislation;

A new general routine use 9. will permit disclosure to the Department of Justice in connection with requests for disclosure under the Freedom of Information Act (5 U.S.C. 552);

A new general routine use 10. will allow disclosure to a contractor of the Department having need for the information in the performance of the contract 2/; and,

2/ A contractor which operates a system of records within the meaning of subsection (m) of the Act is within subsection (b)(1) of the Act.

A new general routine use 11. will permit disclosure of information contained in records when the information is subject to exemption under the Freedom of Information Act (5 U.S.C. 552) but the Department, in its discretion, determines not to assert the exemption.

The Department proposes to expand the "routine uses" of particular systems of records which have been adopted, as follows:

COMMERCE/DEPT-1: Adding reference to the general "routine uses" paragraphs, adding unemployment compensation and low-cost housing authorities as recipients of records and adding the U.S. Civil Service Commission as a recipient of NOAA Corps data for statistical purposes only;

COMMERCE/DEPT-2: Including the liquidation of debts from retirement and other benefits as a purpose of reporting to the U.S. Civil Service Commission;

COMMERCE/DEPT-4: Adding reference to the general "routine uses", inadvertently omitted in the original notice;

COMMERCE/DEPT-10: Describing in more detail the referral to the Department of State and adding other Federal agencies as recipients to reflect the coordinated approach actually used;

COMMERCE/DIBA-6 and COMMERCE/MA-7: Adding the Federal Preparedness Agency to recipients, at its request;

COMMERCE/MA-14: Adding as users the Congress and alumni organizations, explaining that the uses include mailings to alumni and taking account of a contractor which maintains the records;

COMMERCE/NOAA-1, -2, -3, and -5: Explaining that information from applications is published in the FEDERAL REGISTER and is made available to interested parties;

COMMERCE/NOAA-6: Explaining the purposes of the "routine uses";

COMMERCE/NOAA-7: Adding unemployment compensation authorities as recipients and explaining the uses to which put;

COMMERCE/PAT-TM-1: Adding dissemination of information by the Committee on Enrollment to certain judicial and other authorities and persons;

COMMERCE/PAT-TM-2: Adding dissemination of information by the Solicitor's staff to certain judicial and other authorities and persons;

COMMERCE/PAT-TM-4: Adding dissemination of information to other Federal agencies on questions of patent rights involving Federal employees; and,

COMMERCE/PAT-TM-9: Clarifying and detailing disclosures according to the classified, or not classified, character of the particular part of the record.

The listing of systems of records for which exemption is claimed under 5 U.S.C. 552a(k)(1) is amended to add "COMMERCE/DIBA-1."

Effective dates. As discussed above, the unified notice of systems of records appearing elsewhere in this issue of the FEDERAL REGISTER will be effective as follows:

The portion adopted—September 27, 1975;

The new notice proposed, except for the "routine uses" paragraphs—September 27, 1975; and,

The proposed new "routine uses" paragraphs in either the new system of records or adopted systems of records—September 27, 1975, but subject to public comment received.

Dated: September 26, 1975.

Rogers Morton,
Secretary of Commerce.

DEPARTMENT OF COMMERCE

PRIVACY ACT

Notice of Systems of Records */

*/ The identification of the operating unit or units within the Department to which the particular system of records pertains appears as "COMMERCE/" followed by a designating abbreviation. The abbreviations and their meanings are as follows:

CENSUS—Bureau of the Census
DEPT—Overall Department of Commerce (or at least multiple operating units presently, and a potential for more)
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
IATC—Interagency Auditor Training Center
MA—Maritime Administration
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NTIS—National Technical Information Service
PAT-TM—Patent and Trademark Office

Other abbreviations appearing in the notices are as follows:

ARC—The Appalachian Regional Commission
BEA—Bureau of Economic Analysis
Office of Federal Cochairmen—Office(s) of Federal Cochairmen of the Regional Action Planning Commissions and The Appalachian Regional Commission.
NFPCA—National Fire Prevention and Control Administration
OMBE—Office of Minority Business Enterprise
OTEL—Office of Telecommunications
RAPCS—Regional Action Planning Commissions
USTS—United States Travel Service

Prefatory Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether feder al, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal, state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

7. A record in this system of records may be disclosed, as a routine use, to the Smithsonian Science Information Exchange, Inc.

8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

10. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

11. A record in this system of records may be disclosed, as a routine use, when the information is subject to exemption under the Freedom of Information Act (5 U.S.C. 552) but the Department, in its discretion, determines not to assert the exemption.

National Defense and Foreign Policy Exemption

Some systems of records under the Act which are maintaianed by the Department contain, from time-to-time, material subject to the specific exemption authorized by 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records noticed below, and also listed in 15 CFR 4b.14(a) of the regulations published in the FEDERAL REGISTER, which are subject to this determination of specific exemption under 5 U.S.C. 552a(k)(1) are: COMMERCE/DIBA-1, COMMERCE/DIBA-2, COMMERCE/DIBA-3, COMMERCE/NOAA-11, COMMERCE/PAT-TM-4, COMMERCE/PAT-TM-6, COMMERCE/PAT-TM-7, COMMERCE/PAT-TM-8, COMMERCE/PAT-TM-9, COMMERCE/DEPT-12, COMMERCE/DEPT-13 and COMMERCE/DEPT-14. The Department hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The reason therefor is to protect the material required by Executive Order to be kept secret in the interest of the national defense and forign policy.

INDEX OF DEPARTMENT OF COMMERCE

SYSTEMS OF RECORDS UNDER THE PRIVACY ACT OF 1974

DEPT—1 Attendance, Leave, and Payroll Records of Employees and Certain Other Persons
DEPT—2 Accounts Receivable
DEPT—3 Conflict of Interest Records, Appointed Officials
DEPT—4 Congressional Files

DEPT—5 Donors of Gifts and Bequests
DEPT—6 Visitor Logs and Permits for Facilities Under Department Control
DEPT—7 Employee Accident Reports
DEPT—8 Employee Applications for Motor Vehicle Operator's Card
DEPT—9 Travel Records (Domestic and Foreign) of Employees and Certain Other Persons
DEPT—10 Foreign Residence Requirement Waiver Applicants
DEPT—11 Unfair Labor Practice Charges/Complaints
DEPT—12 Investigative Records—Contract and Grant Frauds and Employee Criminal Misconduct
DEPT—13 Investigative Records—Persons Within the Investigative Jurisdiction of the Department
DEPT—14 Litigation, Claims, and Administrative Proceeding Records
DEPT—15 Private Legislation Claimants—Control Legislative Files
DEPT—16 Property Accountability Files
DEPT—17 Records of Cash Receipts
DEPT—18 Employee Personnel Files Not Covered By U.S. Civil Service Commission
CENSUS—1 Agriculture Census Records for 1964 (partial), 1969, and 1974
CENSUS—2 Employee Productivity Measurement Records
CENSUS—3 Individual and Household Statistical Surveys and Special Studies Records
CENSUS—4 Minority-Owned Business Enterprises Survey Records
CENSUS—5 Population and Housing Census Records for 1960 and 1970
CENSUS—6 Population Census Personal Service Records for 1900 and All Subsequent Decennial Censuses
CENSUS—7 Special Censuses of Population Conducted for State and Local Government
DIBA—1 Indivduals Identified in Export Administration Compliance Proceedings or Investigations
DIBA—2 Individuals Involved in Export Transactions
DIBA—3 Individuals Involved in International Business Trade Complaints
DIBA—4 Members of U.S. Trade Missions
DIBA—5 Membership Information: District and Regional Export Councils
DIBA—6 National Defense Executive Reserve Personnel Folders
DIBA—7 Overseas Assignments for DIBA's Office of Field Operations
EPA—1 Applicant Resumes For EDA-Funded Planning Grantee Positions
EDA—2 Indian Industrial Development Intern Records
EDA—3 Indian Reservation Economic Development Planners and Applicants Records
IATC—1 Auditor Trainee Registrants
MA—1 Applications to U.S. Merchant Marine Academy (USMMA)
MA—2 Cadet Files, State Merchant Marine Academies
MA—3 Citizenship Statements and Affidavits
MA—4 General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA
MA—5 Marine Training School Registrants
MA—6 Medical Records of Seamen Treated in Overseas Military Hospitals
MA—7 National Defense Executive Reserve
MA—8 Non-Attorney Practitioner Applications and "Section 807 Reports"
MA—9 Seaman Awards and Nominations, for Service, Valor, Etc.
MA—10 Seamen's Employment Analysis Records
MA—11 Seamen's Unclaimed Wages (Vietnam Conflict)
MA—12 Shipyard Labor Supply and Demand Programs
MA—13 Trustees for Ship Sales
MA—14 USMMA Graduates
MA—15 USMMA Midshipmen Account Records
MA—16 USMMA Midshipman Grade Transcripts
MA—17 USMMA Midshipman Medical Files
MA—18 USMMA Midshipman Personnel Records
MA—19 USMMA Non-Appropriated Fund Employees
MA—20 USMMA Ship's Service Employees
MA—21 Waivers of Liability to Board Reserve Fleet Vessels
NBS—1 NBS Guest Workers
NBS—2 Inventors of Energy-Related Processes and Devices
NBS—3 Research Associates
NBS—4 Participants in Clinical Dental Projects
NBS—5 Participants in Human Factors Studies
NBS—6 Participants in Psychoacoustic Experiments
NBS—7 Employees External Radiation Exposure Records
NOAA—1 Applicants for Federal Permits to Take, Buy, or Transport Endangered Species for Specific Purposes
NOAA—2 Applicants for Hardship Exemptions under Marine Mammal Protection Act of 1972
NOAA—3 Applicants for Marine Mammal Scientific Research and Display Permits
NOAA—4 Applicants For The NOAA Corps
NOAA—5 Applicants for Threatened Species Permits
NOAA—6 Commissioned Officers Official Travel Orders Folders
NOAA—7 Commissioned Officer Official Personnel Folders
NOAA—8 Commissioned Officers Retired Payroll
NOAA—9 Commissioners of International Fishery Commissions
NOAA—10 Employee Production Records
NOAA—11 Fisheries Law Enforcement Files
NOAA—12 Marine Recreational Fishermen's Catch Statistics
NOAA—13 Guest Workers at National Geophysical and Solar-Terrestrial Data Center
NOAA—14 Individual Engaged in Weather Modification Activities
NOAA—15 Sales Agents Authorized to Retail NOAA Aeronautical and Nautical Charts
NOAA—16 Scientist-Researchers in GATE (Global Atmospheric Research Program Atlantic Tropical Equipment)
NTIS—1 Customer Account Records
NTIS—2 Individuals Interested in NTIS Publications, Shipped Other Addresses, and Subscribers Files
PAT/TM—1 Attorneys and Agents Registered to Practice Before the Office
PAT/TM—2 Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents
PAT/TM—3 Employee Production Records
PAT/TM—4 Government Employee Invention Rights
PAT/TM—5 Non-Registered Persons Rendering Assistance To Patent Applicants
PAT/TM—6 Parties Involved In Patent Interference Proceedings
PAT/TM—7 Patent Application Files
PAT/TM—8 Patent Application Secrecy Order Files
PAT/TM—9 Patent Assignment Records
PAT/TM—10 Patent Deposit Accounts System
PAT/TM—11 Patent Examiner Testimony Files
PAT/TM—12 Patent Subscription Service System
PAT/TM—13 Petitioners for License to File for Foreign Patents

COMMERCE/DEPT-1.

System name: Attendance, Leave, and Payroll Records of Employees and Certain Other Persons-COMMERCE/DEPT-1.

System location: a. For employees of Departmental Offices, BEA, DIBA, EDA, NFPCA, OMBE, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Management Services, OS, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, and Office of Organization and Management Systems (ADP Operations Division), use above address.

b. For employees of MARAD: (manual) Division of Accounts, (machine readable) Division of Data Operations, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For employees of NBS and OTEL: National Bureau of Standards, Accounting Division (Payroll Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For employees of NOAA: National Oceanic and Atmospheric Admin- istration, Personal Services Accounting Branch, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of Finance (Employee Accounts Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, N.E., At-

lanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: All Commerce Department employees and certain other persons as categorized by organizational component in a. through f. above.

Categories of records in the system: Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and 'Notification of Personnel Action'. The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a) and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies and to housing authorities for low cost housing applications; and NOAA Corps data to U.S. Civil Service Commission for preparation of statistical materials. Also, see routine use paragraphs of Prefatory Statement.

(When P.L. 93-647 becomes effective, it is anticipated that appropriate statements will be issued to employees, spouse-recipients, and the courts involved).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and machine-readable.

Retrievability: By name and/or employee or social security number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: For records at location a.: Director, Departmental Office of Financial Management Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230;

For records at location c.: Chief Accountant, Accounting Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234)

For records at location d.: Chief, Personal Services Accounting Branch, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231; and,

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K. Street, N.W., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL, 1325 G. Street, N.W., Washington, D.C. 20231;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individuals, those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and IRS.

COMMERCE/DEPT-2.

System name: Accounts Receivable-COMMERCE/DEPT-2.

System location: a. For Departmental offices, DIBA, EDA, NFPCA, USTS, OMBE, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Management Services, OS, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For MARAD: (manual) Division of Accounts, (machine readable) Division of Data Operations, Maritime Administration, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For NBS and OTEL: National Bureau of Standards, Accounting Division, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For NOAA: National Oceanic and Atmospheric Administration, Finance Division, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Debtors owing money to organizational components identified in a. through f., including employees, former employees, business firms, general public, and institutions.

Categories of records in the system: Name and address; amount owed, and service, overpayment or other accounting therefor; invoice number, if any.

Authority for maintenance of the system: 5 U.S.C. 5701-09; FPMR 101-7; Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Billing debtors, reporting to Civil Service Commission for liquidating debts from retirement and other benefits, and routine uses per Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By name, and invoice number as appropriate.

Safeguards: Physical security, handling by authorized personnel only.

Retention and disposal: Retained until payment is received and account is audited, then disposed of in accordance with Records Control Schedule.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Services, OS, U.S. Dept. of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Chief, Accounting Division, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location d.: Chief, Finance Division, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Adminsitration, Washington, D.C. 20230;

For NBS records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL, 1325 G. Street, N.W., Washington, D.C. 20231;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name and address, and invoice number as appropriate, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, contracting officer as appropriate, accounting records.

COMMERCE/DEPT-3.

System name: Conflict of Interest Records, Appointed Officials-COMMERCE/DEPT-3.

System location: Office of General Counsel, Room 5876, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals, past and present, appointed by the President to Commerce Department offices and other senior level officers of the Department.

Categories of records in the system: Statements of personal and family shareholdings and other interests in business enterprises; copies of blind trust and other agreements pertaining to such interests; correspondence as to insulation of control of such interests; opinions of counsel; and confirmation materials.

Authority for maintenance of the system: 5 U.S.C. 301, 18 U.S.C. 306, 28 U.S.C. 533-535, 44 U.S.C. 3101, E.O. 10450, and E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of 2 years after separation of employee.

System manager(s) and address: Deputy General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject individual, financial institutions involved, counsel, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k) (5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/DEPT-4.

System name: Congressional Files-COMMERCE/DEPT-4.

System location: Office of the Assistant to the Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: Biographical information from sources such as the Congressional Quarterly, Congressional Directory, biographies provided by Members' Offices, extracts from the Congressional Record, and correspondence between the Members and the Department.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form only.

Retrievability: Indexed by name of Member or State or Congressional District.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained in accordance with the Office's Record Control Schedule.

System manager(s) and address: Assistant to the Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Departmental Office of Organization and Management Systems, OS, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Requester should provide name of Member pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Published Congressional reference materials and the Member, himself or herself.

COMMERCE/DEPT-5.

System name: Donors of Gifts and Bequests-COMMERCE/DEPT-5.

System location: a. For records of Departmental offices, DIBA, EDA, OMBE, and USTS: Office of Financial Management Services, OS, U.S. Department of Commerce, Washington, D.C. 20230.

b. For records of MA: Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Division of Accounts, Maritime Administration, Washington, D.C. 20230 (for cash donations only).

c. For records of DIBA: Office of Budget, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

d. For records of NBS and OTEL: Accounting Division, NBS, Administration Building, Gaithersburg, Maryland (mailing address: Washington, D.C. 20234).

e. For records of NOAA: Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

f. For records of PAT-TM: Office of Finance, U.S. Patent and Trademark Office,2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For records of CENSUS: Finance Divison, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Any donor of gifts or bequests of funds, property, or services to Departmental offices or agencies.

Categories of records in the system: Name and address of donor; dollar amount of donations; value and description of non-cash donations; name and title of employee whose expenses are encompassed by the gift; and purposes for which gift or bequest was made.

Authority for maintenance of the system: 5 U.S.C. 608a-608c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both paper records in file folders.

Retrievability: Filed chronologically by date of transaction or serial number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Assistant Superintendent for Administration, Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Director, Office of Budget, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. For records at location d.: Chief, Accounting Division, NBS, Administration Building, Gaithersburg, Maryland. (Mailing address: Washington, D.C. 20234).

For records at location e.: Chief, Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location f.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20236.

For records at location c., information may be obtained from: Director, Office of Management and Systems, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS records at location d., information may be obtained from: Associate Director for Administration, Room A1101, Administration Building, NBS, Gaithersburg, Md. (Mailing address: Washington, D.C. 20234);

For OTEL records at location d., information may be obtained from: Administrative Officer, OTEL, 1325 G. Street, N.W., Washington, D.C. 20231;

For records at location e., information may be obtained from: Associate Administrator for Administration, Room 908, Washington Science Center, NOAA, Rockville, Maryland 20852; and

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

For records at location g., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name and date of transaction, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Donors and subject employees and those authorized by the foregoing to furnish information.

COMMERCE/DEPT-6.

System name: Visitor Logs and Permits for Facilities Under Department Control-COMMERCE/DEPT-6.

System location: a. Maritime Administration: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; Reserve Fleet Division Office, New York City, New York;Suisan Bay Reserve Fleet, Benicia, California; and U.S. Merchant Marine Academy, Kings Point, New York.

b. National Bureau of Standards: Security Office, Administration Building, Rockville, Maryland 20234; and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

Categories of individuals covered by the system: Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

Categories of records in the system: Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name, or date and time.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Security Officer, respective Reserve Fleet address; Reserve Fleet Division Reception Office Chief, Reserve Fleet Division, New York City, New York; and Special Assistant to Superintendent, U.S. Merchant Marine Academy, Commandant's Department, Kings Point, New York.

For records at location b.: Security Officer, Chief, Administrative Services Division, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: For records at location a., information may be obtained from: Secretary, Maritime Administration, Main Commerce Building, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

Requesters should provide name and address, date of visit or type of permit, as appropriate, in accordance with the inquiry provisions of the Department's rules which appear in 15CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and employers.

COMMERCE/DEPT-7.

System name: Employee Accident Reports-COMMERCE/DEPT-7.

System location: a. For employees of Departmental Offices, NFPCA, and USTS: Office of Administrative Services and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of DIBA: Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Services Division,Economic Development Administration, Washington,D.C. 20230.

d. For employees of MARAD: Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

e. For employees of OMBE: Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

f. For employees of NBS; Safety and Fire Protection Section Administration Building, NBS, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

g. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Md. 20852.

h. For employees of NTIS; Property Management Branch, Administrative Services Division, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

i. For employees of PAT-TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

j. For employees of CENSUS and BEA; Administrative Services Division, Bureau of the Census, Building 3, Washington, D.C. 20233.

k. For employees of OTEL; Administrative Services Office, Office of Telecommunications, 1325 G. St., N.W., Washington, D.C. 20005.

Categories of individuals covered by the system: All Department employees as categorized by organization component in a. through k., above, who have sustained occupational injury/ illness or who have been involved in a motor vehicle accident while on official Government business,

Categories of records in the system: Name; address; home telephone number; date and place of birth; sex; social security number; occupation; grade; location and description of accident or injury; driving permit or license data; physical condition at time of incident; insurance information; vehicle ownership and licensing data.

Authority for maintenance of the system: 29 U.S.C. 651-78, 28 U.S.C. 2671-2680, Executive Orders 11612 and 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, accident reports involving government vehicles are disclosed to the General Services Administration, the custodian of Government vehicles; accident information may also be disclosed to insurance carriers during resolution of claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed after 5 years.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Services Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Safety Officer, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Safety Officer, Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

For records at location f.: Chief, Safety and Fire Protection Section, Administration Building, NBS, Gaithersburg, Md. P.O. Washington, D.C. 20234).

For records at location g.: Safety Engineer, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location h.: Chief, Property Management Branch, Administrative Services Division, Sills Building, National Technical Information Service, Springfield, Va. 22161.

For records at location i.: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location j.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location k.: Safety Officer, Administrative Services Office, Office of Telecommunications, 1325 G St., N.W., Washington, D.C. 20233.

Notification procedure: For Departmental office records at location a., information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, United States Travel Service, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Assistant Director, Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230;

For records at location f., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington, D.C. 20234);

For records at location g., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Md. 20852;

For records at location h., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Springfield, Va. 22161;

For records at location i., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For Census records at location j., information may be obtained from: AssociateDirector for Administration, Bureau of the Census Federal Building 3, Washington, D.C. 20233;

For BEA records at location j., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K. Street, N.W., Washington, D.C. 20005;

For records at location k., information may be obtained from: Administrative Office, Office of Telecommunications, 1325 G.St., N.W., Washington, D.C. 20005; and

Requester should provide name and approximate date of accident pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual, those authorized by the individual to furnish information; others involved in accident; witnesses; employee's supervisor; and, the safety officer.

COMMERCE/DEPT-8.

System name: Employee Applications for Motor Vehicle Operator's Card-COMMERCE/DEPT-8.

System location: a. For employees of Departmental offices, NFPCA, OMBE, OTEL, Offices of Federal Cochairmen, and USTS: Office of Administrative Services and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of DIBA: Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Services Division, Economic Development Administration, Washington, D.C. 20230.

d. For employees of MARAD: Office of Administrative Services, Maritime Administration, Washington, D.C. 20230; the following MARAD regional offices: 26 Federal Plaza, New York, N.Y. 10007; 701 Loyola Ave., New Orleans, La. 70150; 450 Golden Gate Ave., San Francisco, Calif. 94102; and the U.S. Merchant Marine Academy, Department of Public Works, Kings Point, L.I., N.Y. 11024.

e. For employees of NBS and NTIS: Safety and Fire Protection Section, Administration Building, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

f. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

g. For employees of PAT-TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

h. For employees of CENSUS and BEA: Administrative Services Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233; and the following Census Regional Offices: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: All Department employees as categorized by organizational components in a. through h. above, who are seeking or holding a Federal vehicle operator permit.

Categories of records in the system: Name; position title; date and place of birth; physical characteristics; social security number, summary of driving record, including all arrests, traffic citations and accidents for the past five years; hearing and visual acuity examination report; road test results; and medical history.

Authority for maintenance of the system: 40 U.S.C. 471; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, information is transmitted to the Department of Transportation with request for suitability check.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed of when re-issued at the end of three years or upon employee's terminiation of employment.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Services and Procurement, U.S. Department of Commerce Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Services Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Director, Office of Administrative Services, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Chief, Safety and Fire Protection Section, Administration Building, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

For records at location f.: Motor Fleet Manager, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location g.: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL 1325 G. Street, N.W., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230.

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For BEA records at location h., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K. Street, N.W., Washington, D.C. 20005;

Requester should provide name, organizational unit, and approximate date of employement pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, motor vehicle departments in individual's state, and National Driver Register of the Department of Transportation.

COMMERCE/DEPT-9.

System name: Travel Records (Domestic and Foreign) of Employees and Certain Other Persons-COMMERCE/DEPT-9.

System location: a. For employees of Departmental Offices, BEA, DIBA, EDA, NFPCA, OMBE, USTS, Offices of Federal Cochairmen, and RAPCs; members of DOC Advisory Committees; employees and certain other persons associated with ARC; and private citizens invited to visit the Department:

Paper records in office of Financial Management Services, OS, and machine readable records in ADP Operations Division, OOMS, both in Main Commerce Building, Washington, D.C. 20230.

b. For employees of MARAD in Washington, D.C.: (machine readable) Division of Data Operations, (manual) Division of Accounts, Maritime Administration, Main Commerce Building, Washington, D.C. 20230. Regional employees: U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Services Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Services Office, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Region Office Services, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Administration, Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

c. For employees of NBS and OTEL: Accounting Division (Domestic) or Supply Division (Foreign), National Bureau of Standards, Administration Building, Washington, D.C. 20234.

d. For employees of NOAA: Travel and Transportation Branch, NOAA Finance Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 and the following Field Finance Offices: Research Building 3, 3100 Marine Street, Boulder, Colo. 80302; Room 1760, 601 E. 12th Street, Kansas City, Mo. 64106; 75 Virginia Beach Drive, Building 2, Miami, Fla. 33149; and, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of General Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the following Regional Offices for intermittent CENSUS employees: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207). Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Street, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and, 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: Employees, Advisory Committee Members, State Representatives of ARC, and official guests of the Department.

Categories of records in the system: Name, address, social security number; destination, intinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

Authority for maintenance of the system: Budget & Accounting Act of 1921; Accounting & Auditing Act of 1950; and Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to U.S. Treasury for payment, to State Department for passports, and see routine use portion of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Filed by name, social security number, or travel order number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule.

System manager(s) and address: For records at location a., Director, Office of Financial Management Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230; U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Services Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Services Officer, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Regional Office Services Officer, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Regional Director, Maritime Administration, Great Lakes Regional Office, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location c., Chief, Accounting Division (Domestic Travel) and Chief, Supply Division (Foreign Travel), National Bureau of Standards, Administration Building, Gaithersburg, Maryland 20234.

For records at location d., Chief, Travel and Transportation, Finance Division, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852 and the Chief of the particular Field Finance Office listed above.

For records at location e., Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the Director of the particular Regional Office listed above.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K. Street, N.W., Washington, D.C. 20005:

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information can be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For NBS records at location c., information can be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL 1325 G. Street, N.W., Washington, D.C. 20231;

For records at location d., information can be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information can be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., information can be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, travel order number, if known, and date of travel, in accordance with the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be address to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual,those authorized by the individual to furnish information, supervisors, and finance (or accounting) office standard references.

COMMERCE/DEPT-10.

System name: Foreign Residence Requirement Waiver Applicants-COMMERCE/DEPT-10.

System location: Office of Personnel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Applicant aliens seeking Departmental support for requests for waivers of the foreign residence requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

Categories of records in the system: Name, alien registration number, country of current nationality, date and place of birth, education, dates and places of entry and type of visa for each entry into the U.S., location and dates of foreign residence between entries, date of acquisition of exchange-visitor status, dates and places of residence in the United States and in the country of the exchange-visitor's nationality, place of intended residence in the U.S., current residence and telephone number, prospective U.S. employer, report of sponsors of the exchange visit on the request for waiver, and reasons for request of waiver.

Authority for maintenance of the system: 8 U.S.C. 1182(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Requests and supporting documentation with recommendation for waiver are submitted to the State Department. Per State Department regulations, names of applicants are required to be transmitted to the applicants' Exchange Visitor Program Sponsors and the governments of their countries and nationality. Disclosed to other Federal Agencies upon their request in order to coordinate effective implementation of the waiver request program. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed alphabetically by name and calendar year of receipt of application.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for nine years and then destroyed.

System manager(s) and address: Director, Office of Personnel, Room 5119, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Departmental Office of Organization and Management Systems, OS, Main Commerce Building, Washington, D.C. 20230. Requester should provide name, date of application, and alien registration number, in accordance with inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Applicant, those authorized by the applicant to furnish information, U.S. employer, Exchange Visitor Program sponsor, and embassy of country of nationality.

COMMERCE/DEPT-11.

System name: Unfair Labor Practice Charges/Complaints-COMMERCE/DEPT-11.

System location: a. For employees of Departmental Offices, BEA, EDA, NFPCA, OMBE, and Office of Federal Cochairmen: Office of Personnel, OS, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Washington, D.C. 20230.

b. For Employees of DIBA: Domestic and International Business Administration, Office of Personnel, (Employee Relations Division), 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For employees of MARAD: Maritime Administration, Office of Personnel, 14th and Constitution Ave., N.W., Washington, D.C. 20230.

d. For employees of NBS: National Bureau of Standards, Personnel Division (Employee Relations and Development Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

e. For employees of NOAA: National Oceanic and Atmospheric Administration, Personnel Division, (Labor Management Relation Section), 6010 Executive Boulevard, Rockville, Maryland 20852.

f. For employees of PAT-TM: Office of Personnel (Employee Relations Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For employees of Census: Personnel Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Commerce employees filing unfair labor practice charges/complaints.

Categories of records in the system: Formal charge and complaint; name, address, and other personal information about complainant, transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

Authority for maintenance of the system: Executive Order 11491, as amended; Rules and Regulations of the Assistant Secretary of Labor for Labor Management Relations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information is also transmitted to investigative officials of the Department of Labor as well as to the Federal Labor Relations Council for settlement of the complaint or appeal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Name and Docket or Case number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: For records at location a.: Labor Relations Officer, Office of Personnel, U.S. Department of Commerce, Washington, D.C0 20230;

For records at location b.: Chief, Employee Relations Division, Office of Personnel, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c.: Director, Office of Personnel, Maritime Administration, Washington, D.C. 20230.

For records at location d.: Chief, Employee Relations and Develop- ment Section, Personnel Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location e.: Chief, Labor Management Relations Section, Personnel Division, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Maryland, Maryland 20852;

For records at location f.: Employee Relations Officer, Office of Personnel, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K. Street, N.W., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street N.W., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location e., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C0 20231.;

For records at location g., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, date of complaint, and organizational unit in which employed at the time of the complaint, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject complainant, those authorized by the complainant to furnish information, colleagues and supervisors of complainant and management officials.

COMMERCE/DEPT-12.

System name: Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct-COMMERCE/DEPT-12.

System location: a. For records of EDA: Investigation and Inspection Staff, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For all other records: Departmental Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Categories of individuals covered by the system: When under or having been under investigation for suspected violation of criminal laws-past and present employees; employees and principal officers of contractors used by the Department; and principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system: Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee's relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability for employment.

Authority for maintenance of the system: Executive Order 10450 and 11652; Title 18 U.S.C., including sections 201, 209, 287, 508, 602, 641, 643, 653, 654, 1001, 1719, 1913, 2071, and 2073; 5 U.S.C. 301; 28 U.S.C. 533-535; and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indices are alphabetical, record folders are filed by number.

Safeguards: Locked cabinets in secured rooms or in guarded building, and used only by authorized screened personnel.

Retention and disposal: When cases are closed records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address: For records at location a., Director, Investigation and Inspection Staff, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Director, Office of Investigatives and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a (j)(2) are exempted from the notice, access, and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e) (4)(A) through (F), (e)(6), (7),(9), (10), and (11), and (i) and pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), on condition that the 5 U.S.C. 552a (j)(2) exemption is held to be invalid, all information and material in the record which meets the criteria of these three subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations.

The exemption of this information and material is necessary in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-13.

System name: Investigative Records-Persons Within the Investigative Jurisdiction of the Department-COMMERCE/DEPT-13.

System location: Departmental Office of Investigations and Security, OS, Main Commerce Bldg., Washington, D.C. 20230.

Categories of individuals covered by the system: Nominees, members, and former members of public advisory committees, trade missions, and export councils; employees, former employees, and prospective employees; research associates; and guest workers. Employees of contractors used, or which may be used, by the Department on national security classified projects. Principal officers of some contractors used, or which may be used by the Department. Principal officers and some employees of organizations, firms, or institutions which are recipients or beneficiaries, or

prospective recipients or beneficiaries, of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system: Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability materials.

Authority for maintenance of the system: Executive Orders 10450, 11478, 11652; 5 U.S.C. 301 and 7531-32; 28 U.S.C. 533-535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Locked cabinets in secure rooms in guarded building, and used only by authorized screened personnel.

Retention and disposal: When cases are closed, records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office of Investigatives and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k) (1), (k) (2) and (k) (5), all information and material in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfull commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-14.

System name: Litigation, Claims, and Administrative Proceeding Records- COMMERCE/DEPT-14.

System location: a. For matters involving EDA: Office of Chief Counsel, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

b. For matters involving MARAD: Maritime Administration, Office of General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

c. For matters involving NBS: National Bureau of Standards, Office of Legal Adviser, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For matters involving NOAA: National Oceanic and Atmospheric Administration, Office of General Counsel, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For matters involving PAT-TM: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For matters involving CENSUS: Office of the Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

g. For all other matters: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals making claims or bringing actions against the Department and individuals the subject of the Department's claims and actions, including tort and property claims and civil contract issues (but excluding Federal Employee Compensation Act claimants). Individuals suspected of violations of criminal and civil statutes in connection with Departmental programs and activities. Individuals the subject of administrative proceedings where the Department is involved. Individuals cited for violation of traffic and grounds regulations.

Categories of records in the system: Names, addresses, statements of claims and analyses thereof, investigatory reports, opinions of law, and pleadings, motions, depositions, rulings, opinions, citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.), and other litigation documentation.

Authority for maintenance of the system: 5 U.S.C 301; 44 U.S.C Section 3101; 42 U.S.C 3211; 31 U.S.C. 240; 28 U.S.C 533-535 and 1346(b); 15 U.S.C. 277 and 278e(b); E.O. 10450; and all other authorities of the Department.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of according to unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Chief Counsel, Economic Development Administration, Department of Commerce, Washington, D.C. 20230.

For records at location b.: General Counsel, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Legal Adviser, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location d.: General Counsel, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e.: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g.: General Counsel, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: For records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For Census records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For BEA records at location f., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street N.W., Washington, D.C. 20005; and

For records at location g., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, social security number, case number; date of claim, organization unit in which employed, as appropriate, pursuant to the inquiry provisions which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject claimant or plaintiff; those authorized by the foregoing to furnish information; and, whatever sources pertinent to the nature of the case.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all investigatory material and material subject to the provisions of 5 U.S.C. 552(b)(1) in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy and in order for the Department's legal staff to properly perform its functions.

COMMERCE/DEPT-15.

System name: Private Legislation Claimants-Central Legislative Files-COMMERCE/DEPT-15.

System location: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.20230.

Categories of individuals covered by the system: Individual claimants against the government seeking remedy through private relief bills in patent, contract, employee compensation, and other similar areas which involve the Department.

Categories of records in the system: Draft and formal relief bills, statements, and information as to the basis and validity of the claim, and correspondence with the claimant and the sponsor of the legislation.

Authority for maintenance of the system: 5 U.S.C. 301, Act of February 4, 1903, 32 Stat. 825.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: iled alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained according to the Office's Records Control Schedule.

System manager(s) and address: Assistant General Counsel, Legislation, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, date of claim, and name of bill, if any, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject claimant and those authorized by the claimant to furnish information; records of units of the Department primarily involved in the transaction; service or application on which the claim is founded; and the sponsoring Member of Congress.

COMMERCE/DEPT-16.

System name: Property Accountability Files-COMMERCE/DEPT-16.

System location: a. For MARAD: Supply Management Division, Maritime Administration, Washington, D.C. 20230; Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Services Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Services Office, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Region Office Services, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Adminstration, Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

b. For all libraries of the Department. For listing, see Directory of Libraries in the United States Department of Commerce, 1972, Department of Commerce, Washington, D.C.; or American Library Directory, biennial, R.R. Bowker Company, New York City.

c. For employees of CENSUS: Administrative Services Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207). Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

d. For employees of NBS: Administrative Services Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

e. For employees of PAT-TM: Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Categories of individuals covered by the system: Employees, general public, institutions, and anyone who charges out or signs for books or other materials.

Categories of records in the system: Name; telephone number; title of book; identification of property or equipment; home and business address; employee I.D. number; position; job title; grade; organization; explanations for items not accounted for, correspondence; clearances; and, key number.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 40 U.S.C. 481-92; 15 U.S.C. 1518.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal files cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained until property is accounted for, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Chief, Supply Management Division, Maritime Administration, Washington, D.C. 20230; Administrative Services Officer, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Services Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y., 10007; Administrative Services Officer, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Property Accountability Officer, Region Office Services, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Regional Dirctor, Great Lakes Regional Office, Maritime Administration, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location b.: the head of the respective library.

For records at location c.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

For records at location d.: Chief, Administrative Services Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e.: Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: For records at location a.: Director, Departmental Office of Organization and Management Systems, OS, Main Commerce Building, Washington, D.C. 20230.

For records at location b.: Address communication to the library's parent organization (e.g., National Bureau of Standards) Attention: Privacy Officer, or use the Privacy Officer's Official position title and address as listed in Appendix B to the Department's rules which appear in 15 CFR Part 4b.

For records at location c., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location d., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231;

Requester should provide name and address pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, book cards, and supply person providing the equipment.

COMMERCE/DEPT-17.

System name: Records of Cash Receipts-COMMERCE/DEPT-17.

System location: a. For Departmental offices, BEA, DIBA, NFPCA, OMBE, USTS, EDA, Offices of Federal Chairman, RAPCs, and ARC: Office of Financial Management Services (Receipts and Distribution Section), OS, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington, D.C. 20230 and Office of Organization and Management Systems (ADP Operations Division), use same address.

b. For MARAD: Division of Accounts, Maritime Administration, 14th and Constitution Ave., N.W., U.S. Department of Commerce, Washington, D.C. 20230.

c. For NOAA: National Oceanic and Atmospheric Administration, Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

d. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For Census: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

Categories of records in the system: Individual's name, the goods or service purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

Authority for maintenance of the system: 31 U.S.C. 66(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine-readable.

Retrievability: Name and/or account or case number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Permanently maintained.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Services, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washinton, D.C. 20230.

For records at location c.: Assistant Administrator for Administration, National Oceanic and Atmospherice Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location d.: Director, office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Wasihington, D.C. 20233.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K. Street, N.W., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Assisrant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e., information may be obtained from: Assistant Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, address, date of receipt, and check number or case number pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DEPT-18.

Employees PerCommission-COMMERCE/DEPT-18.

System location: a. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPCs, ARC, NFPCA, BEA, EDA, OMBE, USTS, O/TEL, and NTIS: Processing and Servicing Branch, Departmental Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

b. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

c. For employees of DIBA: Office of Personnel, Domestic and International Business Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

d. For employees of MARAD: Division of Career Management, MARAD Office of Personnel, Room 1099-C, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760;

f. For employees of NOAA: Personnel Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852; and

g. For employees of PAT-TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Categories of individuals covered by the system: Current and former employees.

Categories of records in the system: All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by the U.S. Civil Service Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; International Women's Year; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignment, and Relations; Minority Group Statistics; Personnel Uniform ADP System; Experts and Consultants Quarterly Review; Re-Employment Priority; Repromotion Priority; Merit Promotion Programs; Within-Grade Denials (Reconsideration File); and, Employee Information System.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; and Federal Personnel Manual and related directives of the U.S. Civil Service Commission.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine uses paragraphs in the Prefatory Statement and routine uses paragraphs of U.S. Civil Service Commission notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Filed by name and/or social security number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to Unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Chief, Processing and Servicing Branch, Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

For records at location c.: Director of Personnel, Domestic and International Business Administration, U.S. Department of Commerce, Room 3512, Washington, D.C. 20230;

For records at location d.: Chief, Division of Career Management, Office of MARAD Personnel, Room 1099-C, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location e.: Chief of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760;

For records at location f.: Chief, Personn e.l Division, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852; and

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K. Street, N.W., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, N.W0 Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL, 1325 G. Street, N.W., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For NTIS records at location a., information may be obtained from: Deputy Director, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location c., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852; and

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information. individual, physician, employee's supervisor; and, sources in the U.S. Civil Service Commission notices.

COMMERCE/CENSUS-1.

System name: Agriculture Census Records for 1964 (partial), 1969 and 1974-COMMERCE/CENSUS-1.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: Farm operators and family members.

Categories of records in the system: Age, race, residence, ethnic groups, off-farm employment, income.

Authority for maintenance of the system: 13 U.S.C. 142.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes and are confidential under 13 U.S.C. 8 and 9. Publications of the Bureau do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microform, punch card, paper hard copy.

Retrievability: Retrieved by unique serial identification numbers internal to the Bureau.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, governing the confidentiality of the data.

Retention and disposal: Retention and disposal practices are in accordance with approved General Services Administration schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552 a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G),(H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in 15 CFR Part 4b.

COMMERCE/CENSUS-2.

System name: Employee Productivity Measurement Records-COMMERCE/CENSUS-2.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and Bureau of the Census,

Personal Census Service Branch, Pittsburg, Kansas 66762. Also at the following Census Regional Offices: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 S. Tryon Street, Charlotte, North Carolina 28202; 536 S. Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 W. 6th. Avenue, P.O. Box 25207, Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11000 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; 1700 Westlake Avenue, Seattle, Washington, 98109.

Categories of individuals covered by the system: Census employees.

Categories of records in the system: Name, employee number, rate of pay, supervisor, organization unit, location, type of work performed, time work accomplished, work units processed, productionstandard and percent performance, number and types of errors and error rates, work units accepted and rejected, and similar information on employee and work group productivity.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraph in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper copy, microform.

Retrievability: Retrieved by name or employee number and/or program or interviewer code.

Safeguards: Tape under ADP security, sensitive material is held in locked file cabinets.

Retention and disposal: Records retained for 5 years.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: Information may be obtained from: same address as stated in the system manager section above. Requester should provide name, employee number and/or program or interviewer code, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, timekeepers, supervisors, managers, and those authorized by the individuals to furnish information.

COMMERCE/CENSUS-3.

System name: Individual and Household Statistical Surveys and Special Studies Records-COMMERCE/CENSUS-3.

Security classification: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and National Archives and Records Services, Washington National Records Center, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals in families and households designated for statistical sample surveys and special studies.

Categories of records in the system: Age, sex, race, education, marital status, residence, family income, birth expectations, employment, ethnic origin, relationship to head of household, mobility status, and similar social, economic, and demographic characteristics of individuals.

Authority for maintenance of the system: 12 U.S.C. 17012-1, 2(f) and 2(g); 13 U.S.C. 6, 8, 9, 41, 89, 101, 141, 181, 195, and 301; 15 U.S.C. 772; 16 U.S.C. 742d(4) and (5); 23 U.S.C. 134, 307, and 307a; 29 U.S.C. 1 and 9; 31 U.S.C. 686; 42 U.S.C. 242c, 242k, 282(5), 902, 1395 11(a), 1862, 2825, and 3771;and 49 U.S.C. 1605.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy, punch card, magnetic tape, and microform.

Retrievability: Unique serial identification numbers internal to the Bureau of the Census.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Retention and disposal practices are in accordance with approved GSA schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

System manager(s) and address: Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a (k) (4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G),(H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-4.

System name: Minority-Owned Business Enterprises Survey Records-COMMERCE/CENSUS-4.

System location: National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409 and General Services Administration, Federal Records Center, Suitland, Maryland 20233 and Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Female and minority persons who are sole proprietors, partners, or shareholders of small business corporations.

Categories of records in the system: Name, social security number, sex, race, whether Spanish surname, receipts of business, geographic area, legal form of business. Name and social security number are deleted from partners and stockholders once other data are coded. Data include number, geographic dispersion, and economic characteristics of minority business enterprises.

Authority for maintenance of the system: 13 U.S.C. 131 and 132.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and magnetic tape.

Retrievability: Filed by Name and social security number.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k) (4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G),(H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is make in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-5.

System name: Population and Housing Census Records for 1960 and 1970-COMMERCE/CENSUS-5.

System location: Bureau of the Census, Federal Building 3, Washington, D.C.00 20233 and Bureau of the Census 1201 East 10th street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: All persons counted during the Censuses of Population and Housing taken in 1960 and 1970.

Categories of records in the system: Records contain population information on age; sex; race or color; marital status and family relationships; citizenship and ethnic origin; education and veteran status, income, occupation and employment; and housing information on occupancy, vacancy, utilization, plumbing, structural and financial characteristics and equipment, fuels and appliances, and similar social, economic, and demographic characteristics.

Authority for maintenance of the system: 13 U.S.C. 141.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used solely for statistical purposes and are confidential under 13 U.S.C 8 and 9. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microform, paper copy, magnetic tape, punch cards.

Retrievability: Information is retrieved by the use of unique serial identification numbers internal to the Bureau of the Census.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Records are retained in accordance with the unit's Records Control Schedule.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G),(H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-6.

System name: Population Census Personal Service Records for 1900 and All Subsequent Decennial Censuses-COMMERCE/CENSUS-6.

System location: Bureau of the Census, Personal Census Services Branch, Pittsburg, Kansas 66762.

Categories of individuals covered by the system: All persons ever counted during decennial censuses of population (1900-1970).

Categories of records in the system: Name, address, relationship to head of household, date of birth, marital status, occupation and education data, race of household members, and other similar characteristics as reported in each census.

Authority for maintenance of the system: 13 U.S.C. 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be considered as statistical records pursuant to 5 U.S.C. 552(a), as they were originally collected for statistical purposes, and are now maintained to perform searches at the request of subject individual under procedures published in the 15 CFR Part 60 and in accordance with 13 U.S.C. 8 to provide proof of age, citizenship, proof of relationship, and limited use for genealogical purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microform.

Retrievability: Indexed by numerical coding of surname on SOUNDEX system and by township, county, and state.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(4) this record is exempt from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). This exemption is applicable as data are maintained by the Bureau of the Census as statistical records as required by Title 13, U.S. Code and are not used by the Bureau in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR Part 4b.

COMMERCE/CENSUS-7.

System name: Special Censuses of Population Conducted for State and Local Government-COMMERCE/CENSUS-7.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: Residents counted in the area requesting a census.

Categories of records in the system: Address, name, age, race, sex, relatinship to head of household, and occasionally other related social, economic, and demographic characteristics.

Authority for maintenance of the system: 13 U.S.C. 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper copy.

Retrievability: Records are retrieved by name and address.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Tapes retained for 90 days after processing, then erased, paper copy is retained for 2 years, then destroyed.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a (k) (4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G),(H) and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/DIBA-1.

System name: Individuals Identified in Export Administration Compliance Proceedings or Investigations-COMMERCE/DIBA-1.

System location: Office of Export Administration, DIBA, 14th Street & Constitution Ave. N.W., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals identified in an export administration compliance proceeding or investigation. Individuals alleged to have violated the Export Administration regulations; established violators of the regulations; certain other individuals identified by the FBI or other investigating agency or individual in the investigative process such as those involved in organized crime; and individuals who have received warning letters.

Categories of records in the system: Reports from F.B.I., other law enforcement or investigative agencies, investigators, or informants; investigative and intelligence data; documented violations; warning letters. Includes any information on alleged or proven violators of the Export Administration Act.

Authority for maintenance of the system: Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended. 5 U.S.C. 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form.

Retrievability: Information filed by case or subject file. All names are cross-referenced by name card file.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for a reasonable period of time. Disposition is recorded.

System manager(s) and address: Director, Compliance Division, Office of Export Administration, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, address, and case or subject, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be address to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual exporters, those authorized by the individual to furnish information, trade sources, investigative agencies, intelligence or investigative personnel of the Office of Export Administration, and informants.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a (j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b),(c)(1) and (2), (e) (4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a (k)(1) and (k)(2) on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investi- gatory material in the record which meets the criteria stated in 5 U.S.C. 552a (k)(1) and (k)(2) are exempted from the notice, access, and contest requirements(under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Section 7(c) of ths Export Administration Act of 1969, as amended, also protects this information and material from disclosure.

COMMERCE/DIBA-2.

System name: Individuals Involved in Export Transactions-COMMERCE/DIBA-2.

System location: Office of Export Development, DIBA, U.S. Department of Commerce, 14th St. and Constitution Ave., N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals involved in export transactions. Information primarily is maintained on foreign companies and business officials, but includes U.S. citizens involved with or working for firms abroad.

Categories of records in the system: World Trade Directory Reports, reports and cables from U.S. foreign service posts, reports from investigative agencies.

Authority for maintenance of the system: 50 U.S.C. App. 2401 et seq. (Export Administration Act of 1969 as amended). 5 U.S.C 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Barlocked metal cabinets with combination. Some material is maintained in safes.

Retention and disposal: Disposed of after 5 years.

System manager(s) and address: Director, Export Information Division, Office of Export Development DIBA, U.S. Departof Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of involvement in export transactions pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: World Trade Directory Reports, U.S. Foreign Service Posts, CIA, Compliance Division, OEA, Post Office Fraud Section, FBI, and Defense Intelligence Agency.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (2), law enforcement investigatory material is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e) (4) (G), (H) and (I), and (f), to the extent the disclosure of such material would reveal the identity of a confidential source of information, in order to maintain the ability to obtain necessary information and to fulfill commitments made to sources that their identities would be kept confident.

Pursuant to 5 U.S.C. 552a(k) (1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e) (4) (G), (H), and (I), and (f) to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/DIBA-3.

System name: Individuals Involved in International Business Trade Complaints- COMMERCE/DIBA-3.

System location: Office of Export Development, DIBA, U.S. Department of Commerce, 14th St. and Constitution Ave., N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals filing trade complaints (business disputes) against foreign firms, or against whom foreign firms file complaints through U.S. Embassies.

Categories of records in the system: Complaint and supporting documentation, record of the handling and disposition of the complaint, and third party information (bank references, information obtained from other parties to the transaction, and commercial contacts of the individual).

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Also foreign governments obtain information on the disputants in order to check reliability of the firms involved, and Foreign firms involved in the dispute obtain information. This information is supplied to the foreign governments and foreign firms through the Department of State. The Department of State also uses information to check the credibility of the foreign firms involved in a dispute. Information is released to other executive branch agencies, e.g., SBA, USDA, when a party to the dispute falls within their area of jurisdiction in an attempt to solve the dispute.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Name of American party to the dispute.

Safeguards: Metal cabinets with bar and combination lock.

Retention and disposal: Permanent.

System manager(s) and address: Director, Office of Export Development, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and name of American party to the dispute pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, the complainant, banks, commercial contracts, and other parties to the transaction.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e) (4) (G), (H), and (I), and (f), to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/DIBA-4.

System name: Members of U.S. Trade Missions-COMMERCE/DIBA-4.

System location: Office of International Marketing, DIBA, 14th St. and Constitution Ave. N.W., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals who are members of United States Trade Missions sponsored by the Department.

Categories of records in the system: Home address, date and place of birth, photographs, brief career history, social security number, citizenship, names of close relatives, and previous residences.

Authority for maintenance of the system: Delegation of Authority, dated June 25, 1962 from United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By promotion theme of trade mission, location of trade mission and individual's name.

Safeguards: Records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: File is retained for three years and then destroyed.

System manager(s) and address: Director, Special Activities Division, Office of International Marketing, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and location of trade mission and individual's name pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, and individual's company, and those authorized by the individual to furnish information.

COMMERCE/DIBA-5.

System name: Membership Information: District and Regional Export Councils- COMMERCE/DIBA-5.

System location: Office of Export Development, President's Export Council Staff, 14th St. and Constitution Ave. N.W., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Present, former and potential members of the District Export Councils and Regional Export Councils.

Categories of records in the system: Address, date and place of birth, brief career history, education, special qualifications for appointment, and record of appointment. Miscellaneous material such as photographs, press releases and resumes are maintained on some members.

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by name of committee or may be filed by name of individual.

Safeguards: Records are located in lockable metal file cabinets or in metal cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained for active councils. Retired when councils terminate.

System manager(s) and address: Director, Office of Export Development, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U. S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and council pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, individual's company, and those authorized by the individual to furnish information.

COMMERCE/DIBA-6.

System name: National Defense Executive Reserve Personnel Folders-COMMERCE/DIBA-6.

System location: Office of Industrial Mobilization, Bureau of Domestic Commerce, DIBA, 14th St. and Constitution Ave. N.W., U.S. Department of Commerce, Washington, DC. 20230 and Office of Export Administration, Bureau of East-West Trade, 14th St. and Constitution Ave. N.W., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals from the business community selected to assume responsibility for industrial production, construction, and distribution in the event of national emergencies.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous government experience; previous residences; current and recent past employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth; military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153 and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and index cards.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained until two years after individual's resignation or death and then discarded.

System manager(s) and address: Director, Office of Industrial Mobilization, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Emergency Planning Officer, Bureau of East-West Trade, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DIBA-7.

System name: Overseas Assignments for DIBA's Office of Field Operations- COMMERCE/DIBA-7.

System location: Office of Field Operations, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Trade Specialists employed by DIBA's Office of Field Operations (OFO) (District Offices) who have applied for overseas assignment and OFO trade specialists on overseas assignment.

Categories of records in the system: Form DIB-716 'Overseas Assignments Data (OFO Personnel Only)'. This form contains information on date of birth, U.S. Passport Type and No., position title, grade, private business experience, previous U.S. Government overseas assignments, foreign language proficiency, etc.

Authority for maintenance of the system: The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.); The foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper record in file folders.

Retrievability: Filed by name or geographic district or region.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Field Operations, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and assignment location pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/EDA-1.

System name: Applicants Resumes For EDA-Funded Planning Grantee Positions- COMMERCE/EDA-1.

System location: Office of Development Organizations, EDA, U.S. Department of Comemrce, 14th St. & Constitution Ave., N.W., Washington, D.C. 20230 and the following Regional Offices: Atlantic-600 Arch Street, Room 10424, Philadelphia, Pa. 19106; Midwestern-32 West Randolph Street, Room 1025, Chicago, Illinois 60601; Rocky Mountain-Suite 505, Title Building, 909 17th Street, Denver, Colorado 80202; Southeastern-Suite 700, 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; Southwestern-American Bank Tower, Suite 600, 221 West 6th Street, Austin, Texas 78701; and Western-Lake Union Building, Suite 500, 1700 West Lake Avenue North, Seattle, Washington 98109.

Categories of individuals covered by the system: Applicants for planning grantee positions funded by EDA.

Categories of records in the system: Contains name; address; telephone number; education; work experience; references.

Authority for maintenance of the system: 42 U.S.C. 3151, 3152, 3211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Maintained in metal file cabinets in a secure office or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of at systems manager's request.

System manager(s) and address: Director, Office of Development Organizations, EDA, U.S. Department of Commerce, 14th St. & Constitution Ave., N.W., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Room 7019, 14th St. and Constitution Ave., N.W., Washington, D.C. 20230. Requester should provide: name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/EDA-2.

System name: Indian Industrial Development Intern Records-COMMERCE/EDA-2.

System location: Special Assistant for Indian Affairs, EDA, U.S. Department of Commerce, 14th St. & Constitution Ave., N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Indians who participated in Industrial Development Intern Program.

Categories of records in the system: School transcripts; previous employment records; training records; performance evaluations by participating industrialists; employment records since completion of program.

Authority for maintenance of the system: 42 U.S.C. 3211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed chronologically by years and alphabetically by individual names and states.

Safeguards: Maintained in metal file cabinets in a secure office or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of when 5 years old.

System manager(s) and address: Special Assistant for Indian Affairs, EDA, U.S. Department of Commerce, 14th St. & Constitution Ave., N.W., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Public Affairs, EDA U.S. Department of Commerce, 14th St. and Constitution Ave., N.W., Room 7019, Washington, D.C. 20230. Requester should provide: name; year(s) participated in the program; and state, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Par 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; sponsoring agencies; participating employers; and, those authorized by the individual to furnish information.

COMMERCE/EDA-3.

System name: Indian Reservation Economic Development Planners and Applicants Records-COMMERCE/EDA-3.

System location: Special Assistant for Indian Affairs, EDA, U.S. Department of Commerce 14th St. & Constitution Ave., N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Applicants for and those hired as Indian reservation economic development planners.

Categories of records in the system: Date and place of birth; marital status; previous employment; training information; schooling; arrest record; performance evaluations of planners on the job.

Authority for maintenance of the system: 42 U.S.C. 3211, 5 U.S.C. 301, 28 U.S.C 533-535, 44 U.S.C. 3103, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by region, reservation, state, and planner's name.

Safeguards: Maintained in metal file cabinets in a secure office or in secured premises with acces limited to those whose official duties require access.

Retention and disposal: Disposed of after one year.

System manager(s) and address: Special Assistant for Indian Affairs, EDA, Department of Commerce, 14th St. & Constitution Ave., N.W., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, reservation and state, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, grantee staff, EDA's inspection and investigation staff, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (5), the interview notes, correspondence, and other investigatory material in this records system which would reveal the identity of a confidential source are exempted from the access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)). Sources of information in the system have been explicitly promised that their identity will be kept confidential. These information sources are necessary in order to select the best qualified applicants for positions. This exemption is made in accordance with agency rules published in the rules section of this Federal Register.

COMMERCE/IATC-1.

System name: Auditor Trainee Registrants-COMMERCE/IATC-1.

System location: Interagency Auditor Training Center, Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland 20014.

Categories of individuals covered by the system: Individuals, past and present, who have registered as an enrollee at the Training Center.

Categories of records in the system: Name; date of birth; social security number; phone; address; occupation; position; grade level; and education.

Authority for maintenance of the system: Government Employees Training Act of 1958; Executive Order 11348, April 20, 1976; and Intergovernmental Cooperation Act of 1968 (P.L. 90-557).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name and year of attendance.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, IATC, Woodmont Building, Room 607, 8120 Woodmont Avenue, Bethesda, Maryland 20014.

Notification procedure: Information may be obtained from: address same as above. Requester should provide name and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: Director, Office of Organization and Management Systems, OS, Department of Commerce, Washington, D.C. 20230.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual for furnish information.

COMMERCE/MA-1.

System name: Applications to U.S. Merchant Marine Academy (USMMA)-COMMERCE/MA-1.

System location: Office of Admissions, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11204.

Categories of individuals covered by the system: Applicants for admission to the Academy.

Categories of records in the system: Contains name; address; name of nominating Congressman and his congressional district; social security number; citizenship; color of hair and eyes; sex; marital status; scholastic background; names of relatives who attended the Academy; high school record; personality record (compiled by high school authorities); seaman's experience; military service data; and biographical sketch. (Form: KP 2-65).

Authority for maintenance of the system: Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b)(1); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: If admitted, the application becomes part of the Midshipman's Personnel Record for permanent retention. The file is transferred to the Federal Records Center after 5 years. If not admitted, it is retained for one year and destroyed.

System manager(s) and address: Director, Office of Admissions, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U. S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of appli-

cant pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's high school officials, references, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations in order to fulfillcommitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for civilan employment and military service.

COMMERCE/MA-2.

System name: Cadet Files, State Merchant Marine Academies-COMMERCE/MA-2.

System location: Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and former cadets enrolled in the State Maritime Academies.

Categories of records in the system: Name; date of birth; marital status; number of dependents; military service; number of arrests and convictions; date of change in pay; reenrollment or reinstatement; disenrollment; non-subversive activities; no-strike statement; and date of graduation. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: 46 U.S.C 1383,1387.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

System manager(s) and address: Director, Office of Maritime Manpower, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C., 20230. Requester should provide Cadet's name and State School attended, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject student, State Merchant Marine Academies, and those authorized by the student to furnish information.

COMMERCE/MA-3.

System name: Citizenship Statements and Affidavits-COMMERCE/MA-3.

System location: Division of Reserve Fleet, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230, for bidders on surplus vessels; and Citizenship Officer, Office of the General Counsel, MA, Room 4898, U.S. Department of Commerce, Washington, D.C. 20230, for all other programs.

Categories of individuals covered by the system: Officers and shareholders of non-personal applicants and individual applicants.

Categories of records in the system: Name; date and place of birth; nationality; and nationalization data.

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 11,802, 803, 1114.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by applicants name; name of individual or vessel name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after 5 years where they are retained indefinitely.

System manager(s) and address: Chief, Divison of Reserve Fleet and Citizenship Office, Office of the General Counsel, addresses are same as above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant, or name of individual, or name of vessel, the program under which filed and the date, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicant and individual and those authorized by the foregoing to furnish information.

COMMERCE/MA-4.

System name: General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA-COMMERCE/MA-4.

System location: Office of Marine Insurance, Room 3618, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals (e.g., seamen, passengers, stevedores) filing claims against general agents for death, disability, loss of personal effects, detention and repatriation and property damage.

Categories of records in the system: Claimant's name; address; mariner's document number; sea service record; disciplinary records; selective service classification; names of parents; marriage and divorce data; social security number; alien registration and citizenship data; medical information; next-of-kin; wages per month; birth date; witness statements; investigator's report; names of counsel; and executors and administrators of estates. (Forms: MA-574, MA-570, MA-269, MA-26 and 27).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 C.F.R. 320; 5 U.S.C. 301, 302; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To evaluate and award money for filed claims, negotiate settlements, to contest or to initiate lawsuits. Users are the Office of Marine Insurance; adjustors and attorneys acting for the government; Office of Federal Employees Compensation in the Department of Labor; and the Marine Index Bureau, 17 Battery Place, N.Y., N.Y. (a contract service centralizing data on seamen claims). Also see the routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by Seaman's name and vessel's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after one year where they are retained indefinitely.

System manager(s) and address: Director, Office of Marine Insurance, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide Seaman's name, vessel name, and date of incident, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual; the individual's attorney; adjustors, investigators; attorneys; Office of Marine Insurance; witness; the Marine Index Bureau; and, those authorized by the individual to furnish information.

COMMERCE/MA-5.

System name: Marine Training School Registrants-COMMERCE/MA-5.

System location: MA regional offices: Eastern-26 Federal Plaza, New York, N.Y. 10007; Central-701 Loyola Ave., New Orleans, La. 70150; Western-450 Golden Gate Ave., San Francisco, California 94102; and, Great Lakes-Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

Categories of individuals covered by the system: Each seafarer enrolling in an agency training course.

Categories of records in the system: Name; address; position title; owner's document number; social security number; certificate number; sponsoring organization; course completed; date of course completion; course grade; date of birth; and telephone number. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 1126(b)(5)(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used by the U.S. Coast Guard for verification of attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by student's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one year after Graduation or termination and disposed of 60 years after date of enrollment.

System manager(s) and address: Training Facility Registrar where the training was taken, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, date and facility attended, course description, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The student, the training instructors, and those authorized by the individual to furnish information.

COMMERCE/MA-6.

System name: Medical Records of Seamen Treated in Overseas Military Hospitals- COMMERCE/MA-6.

System location: Office of Maritime Manpower, Room 4099, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: All seamen who were treated in Military hospitals overseas during the Vietnam conflict.

Categories of records in the system: Name; social security number; name of vessel; medical history; treatment provided; and diagnosis.

Authority for maintenance of the system: 5 U.S.C. 301, 302; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use in paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name of patient.

Safeguards: Records are located in lockable file cabinets or in metal file cabinets in secured or secured premises with access limited to those whose whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one month after receipt from the military where they are retained indefinitely.

System manager(s) and address: Director, Office of Maritime Manpower, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of seaman and approximate dates of treatment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The seaman, the medical staff of the treating facility, and those authorized by the seaman to furnish information.

COMMERCE/MA-7.

System name: National Defense Executive Reserve-COMMERCE/MA-7.

System location: Division of Emergency Plans, Room 3716, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Nominees and members of the National Defense Executive Reserve.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous Government experience; previous residences; current and recent employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth, military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153; and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.0

Retention and disposal: Retained until two years after individual's resignation or until death and then discarded.

System manager(s) and address: Chief, Division of Emergency Plans, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The individual, those authorized by the individual to furnish information, the investigator performing personal and security investigation and sources contacted by the investigator.

COMMERCE/MA-8.

System name: Non-Attorney Practitioner Applications and 'Section 807 Reports'- Commerce/MA-8.

System location: Office of the Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Those representing others in agency proceedings.

Categories of records in the system: Name; address; compensation paid; expenses incurred; exact nature of the representation; education; experience; employment history for last five years; date and place of birth; citizenship; past Federal service; involvement in litigation alleging fraud; and Communist, Fascist, etc. affiliations. (Form: MA-327).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C 807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of practitioner and by name of principal.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Secretary, Maritime Administration, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, see above address. Requester should provide name of practitioner, pursuant to the inquiry provision of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's principal, and those authorized by the individual to furnish information.

COMMERCE/MA-9.

System name: Seaman Awards and Nominations, for Service, Valor, etc.-COMMERCE/MA-9.

System location: Office of Maritime Manpower, Room 3069A, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Seamen nominated for and given awards for service, valor, etc.

Categories of records in the system: Name; address; date of birth; mariner's document number; social security number; names of ships and dates of service; and possibly: medical information; and personal recommendations.

Authority for maintenance of the system: Merchant Marine Medals Act; 46 U.S.C. 249.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of seaman or vessel.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are transferred to the Federal Records Center after one year, where they are retained for 75 years with the individual's medical records.

System manager(s) and address: Director, Office of Maritime Manpower, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U. S. Department of Commerce, Washington, D.C. 20230. Requester should provide seaman's name and name of vessel, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's coworkers, witnesses to incidents, and those authorized by the individual to furnish information.

COMMERCE/MA-10.

System name: Seamen's Employment Analysis Records-COMMERCE/MA-10.

System location: Division of Data Operations, Room SB-087, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and recent merchant seamen.

Categories of records in the system: Social security number; date of birth; records of U.S. Coast Guard issued documents; voyage employment information (e.g., port and date signed on); and maritime schools attended.

Authority for maintenance of the system: 46 U.S.C. 1122(a) and 1126.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Filed by social security number.

Safeguards: In addition to technical securities, the records are located in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Basic biographical data are retained indefinitely; discharge records are destroyed two years from date of discharge.

System manager(s) and address: Director, Office of Maritime Manpower, Room 4099, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and social security number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Magnetic tape is produced from information received from the U.S. Coast Guard.

COMMERCE/MA-11.

System name: Seamen's Unclaimed Wages (Vietnam Conflict)-COMMERCE/MA-11.

System location: (Manual) Division of Accounts, (machine readable) Division of Data Operations, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Seamen owed wages for service aboard Government vessels operated by general agents.

Categories of records in the system: Name; social security number; employing general agent; and wages due and owing.

Authority for maintenance of the system: 31 U.S.C. 65-67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to routine uses specified in the Prefatory Statement, these records are disclosured to the U.S. Treasury for the purpose of reporting wages owed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and on magnetic tape.

Retrievability: Paper records are filed alphabetically by name and by social security number. Magnetic tape is indexed by social security number.

Safeguards: Paper records are secured in lockable metal file cabinets. Magnetic tapes are subject to technical securities. Both forms of records are located in secured areas with access limited to those whose official duties require access.

Retention and disposal: Both forms of records are retained until such time the claim is resolved or the wages are disbursed.

System manager(s) and address: Chief, Division of Accounts, see above addresses.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and social security number, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The general agents.

COMMERCE/MA-12.

System name: Shipyard Labor Supply and Demand Programs-COMMERCE/MA-12.

System location: Division of Data Operations, Maritime Administration, Room SB-087, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Production workers in selected shipyards.

Categories of records in the system: Name; social security number; skill level; seniority; general employment data; age; and shipyards worked.

Authority for maintenance of the system: 46 U.S.C. 1121(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Filed by social security number.

Safeguards: In addition to maintenance of technical securities, the tapes are located in secured areas with access limited to those whose official duties require access.

Retention and disposal: Records are retained for one year and destroyed.

System manager(s) and address: Director, Office of Maritime Manpower, Room 3069A, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, badge number and shipyard location, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Employing shipyard.

COMMERCE/MA-13.

System name: Trustees for Ship Sales-COMMERCE/MA-13.

System location: Division of Ship Management, Room 6086, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individual trustees and executives of non-personal entity trustees.

Categories of records in the system: Name, address; vessel name; settlor of the trust; detailed financial information on individual trustees; and personal information on executives of corporate, etc. trustees. (Forms: MA-579, MA-580).

Authority for maintenance of the system: Shipping Act of 1916; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 802, 808 and 835; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of trustee.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are renewed annually and are retained permanently.

System manager(s) and address: Chief, Division of Ship Management, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of trustee pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject trustee and those authorized by the trustee to furnish information.

Systems exempted from certain provisions of the act: All investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to make determinations or the award of Federal contracts.

COMMERCE/MA-14.

System name: USMMA Graduates-COMMERCE/MA-14.

System location: Office of External Affairs, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: All graduates of USMMA, since 1942, and some parents of graduates.

Categories of records in the system: Name; address (home and business); vocation; class year; social security number; employer's name and address; years of maritime service, at sea and ashore; military service; marine licenses; post-graduate education; honors and awards; and union affiliation. Graduate registration for job-placement also contains graduate's preferred salary and job location.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make employment referrals, to compile statistical reports for Congress and its Members on the professional progress of the graduates, and to mail alumni publications, notices and announcements. The users are the Director, Office of External Affairs and his immediate administrative staff, prospective employers, Congress and its Members, the United States Merchant Marine Academy Alumni Association, Inc., the Kings Point Fund, Inc., and the commercial contractor provid-

ing automated services. Also see the routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and basic information is on magnetic tape.

Retrievability: Filed alphabetically by name, and by social security number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Records on tape also are subject to physical securities.

Retention and disposal: The records are kept indefinitely.

System manager(s) and address: Director, Office of External Affairs, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: A questionnaire voluntarily returned by graduates every few years; graduates asking to be registered for job-placement; families of graduates; public and private employees of graduates; persons nominating graduates for Alumni awards; United States Merchant Marine Academy Alumni Association, Inc.; and published articles naming graduates.

COMMERCE/MA-15.

System name: USMMA Midshipmen Account Records-COMMERCE/MA-15.

System location: Budget and Accounts Officer, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All current midshipmen.

Categories of records in the system: Name, social security number, mailbox number, and all of the debts and credits of the midshipmen to the Academy.

Authority for maintenance of the system: The Merchant Marine Act of 1936, 46 U.S.C. 216(b)(4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer card.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for one year after graduation or separation, and then destroyed.

System manager(s) and address: Budget and Accounts Officer, see above address.

Notification procedure: Information may be obtained from Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, the suppliers of midshipman equipment, and the Budget and Accounts Office personnel.

COMMERCE/MA-16.

System name: USMMA Midshipman Grade Transcripts-COMMERCE/MA-16.

System location: U.S. Merchant Marine Academy, Kings Point, N. Y. 11024.

Categories of individuals covered by the system: All present and past midshipmen.

Categories of records in the system: Name; social security number, courses taken, grades received, and cumulative average.

Authority for maintenance of the system: The Merchant Marine Act of 1936; and 46 U.S.C. 216(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sent to other schools or employers when requested by the midshipman. Users are the midshipman, the Academy registrar, other schools and employers. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by Midshipman's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Registrar, U.S. Merchant Marine Academy, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, his instructors, and the Registrar's Staff.

COMMERCE/MA-17.

System name: USMMA Midshipman Medical Files-COMMERCE/MA-17.

System location: Medical Department, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All Midshipmen.

Categories of records in the system: Complete medical history prior to and during enrollment at the Academy.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: If appointed, record is retained for sixty years; and if not appointed, the record is retained for one year and destroyed.

System manager(s) and address: Medical Officer, U.S. Merchant Marine Academy. See above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant or midshipman and date of application or appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicant or midshipman, those authorized by the foregoing to furnish information, individual's physician, and Academy Medical Officers.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k) (5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for civilian employment and military service.

COMMERCE/MA-18.

System name: USMMA Midshipman Personnel Records- COMMERCE/MA-18.

System location: Office of the Commandant of Midshipman, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All current and former midshipmen since inception of the Academy in 1942.

Categories of records in the system: Nomination to U.S. Merchant Marine Academy; College Board Scores; high school transcript; name; address; social security number; parent's names and address and occupation; relatives who attended USMMA; number of brothers and sisters; medical report; height; weight; color of hair; color of eyes; complexion; commendations; record of disciplinary cases; resignation notice; graduation certification; and report of deficiencies.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: Commandant of Midshipmen, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and period of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject midshipman, faculty administrators and midshipman corps officers who provide copies to the midshipman; former employers, teachers and school authorities and references; Government or private physicians; U.S. Navy Security Officers; and, those authorized by the midshipman to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k) (5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitablilty for civilian employment and military service.

COMMERCE/MA-19.

System name: USMMA Non-Appropriated Fund Employees-COMMERCE/MA-19.

System location: Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: All current and former employees of non-appropriated fund activities since 1970.

Categories of records in the system: Name; telephone number; social security number; address; date of birth; height; weight; birthplace; employment history; special qualifications; education summary; references; personnel actions showing positions held and salary paid; insurance coverage; and letters of commendation or reprimand.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by Midshipman's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Head, Department of Administrative Services, see above address.

Notification procedure: Infromation may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of employee and date of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject employee and those authorized by the employee to furnish information; past employers and references; and the employee's supervisor.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/MA-20.

System name: USMMA Ship's Service Employees-COMMERCE/MA-20.

System location: Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: Officers and employees of firms, or individuals, holding service contracts.

Categories of records in the system: Name; address; education; experience; professional background; and business references.

Authority for maintenance of the system: 5U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by contractor name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained for one year.

System manager(s) and address: Administrative Services Officer and Contracting Officer, Administrative Services Office, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requestor should provide name of employee and date(s) of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject contractor/employee, those authorized by the foregoing to furnish information and business references.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine whether to award federal contracts for maintenance and other services. 0

Commerce/MA-21.

System name: Waivers of Liability to Board Reserve Fleet Vessels-Commerce/MA-21.

System location: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; and Suisun Bay Reserve Fleet, Benicia, California.

Categories of individuals covered by the system: All individuals boarding Reserve Fleet Vessels.

Categories of records in the system: Name, affiliation, date, and signature. (Form: MA-118).

Authority for maintenance of the system: 50 U.S.C. 1744-45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or metal file cabinets in secured rooms or in secured premise with access limited to those whose official duties require access.

Retention and disposal: Records are maintained for three years and then destroyed.

System manager(s) and address: The chief of the particular Regional Office: Eastern-26 Federal Plaza, New York, New York 10007; Central-701 Loyola Avenue, New Orleans, Louisiana 70150; Western-450 Golden Gate Avenue, San Francisco, California 94102; and U.S. Merchant Marine Academy-Kings Point, Long Island, New York 11024.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide the name of the visitor, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-1.

System name: NBS Guest Workers-COMMERCE/NBS-1.

System location: Personnel Division, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Guest workers pursuing individual scientific or technical projects.

Categories of records in the system: Agreement between NBS and guest worker; name; citizenship; social security number; supervisor; arrival and departure dates; date of securtiy assurance; conditions; and facilities to be made available.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: The records are disposed 5 years after guest worker terminates.

System manager(s) and address: Personnel Officer, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and operating officials making the facilities available.

COMMERCE/NBS-2.

System name: Inventors of Energy-Related Processes and Devices-COMMERCE/NBS-2.

System location: Office of Energy-Related Inventions, Institute for Applied Technology, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Inventors submitting ideas for evaluation by NBS; NBS employees signing Statements of Nondisclosure.

Categories of records in the system: Name, address, and telephone number of the persons submitting ideas or inventions for evaluation; name and title of NBS employees signing Statements of Nondisclosure.

Authority for maintenance of the system: 88 Stat. 1894.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used in correspondence with the inventor, requesting the evaluation of interested third parties, evaluation of technical and commercial feasibility, reports to the Energy Research and Development Administration, and statistical and analytical data not including restricted information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets; access to all files is restricted to those persons requiring access for evaluation or administrative purposes and who have either signed a Statementof Nondisclosure, have permission pursuant to a written contract or agreement with NBS, or have written authorization of the legal advisor; an exception to this would be a valid request made under the Freedom of Information Act for information that is not 1) a trade secret or 2) commercial or financial information that is privileged or confidential and therefore falling within the exemption set out in the Act, 5 USC 552 (b)(4).

Retention and disposal: Currently all records are retained indefinitely.

System manager(s) and address: Chief, Office of Energy-Related Inventions, Institute for Applied Technology, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-3.

System name: Research Associates-COMMERCE/NBS-3.

System location: Office of Programs, Administration Building, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Research Associates.

Categories of records in the system: Personal history statement, conflict of interest statement, titles of publications authored or coauthored by Research Associates.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Records are transferred from an active to terminated section of the files at conclusion of individual's service as a Research Associate and are retained in accordance with the unit's Records Control Schedule.

System manager(s) and address: Industrial Liaison Officer, Office of Programs, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National BUreau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-4.

System name: Participants in Clinical Dental Project-COMMERCE/NBS-4.

System location: Dental and Medical Materials Section, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: NBS employees and spouses who have volunteered to participate in program.

Categories of records in the system: Name; date and place of birth; business address and phone number; drug sensitivity data; dental work limitations; home address and phone number; age; sex; and race.

Authority for maintenance of the system: 31 Stat. 1449 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name and project.

Safeguards: Records are located in steel file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Currently records are retained indefinitely.

System manager(s) and address: Chief, Dental and Medical Materials Sections, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide--name and the title of the project, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, clinical examiner, and those authorized by the individual to furnish information.

COMMERCE/NBS-5.

System name: Participants in Human Factors Studies-COMMERCE/NBS-5.

System location: Human Factors Laboratory, Bowman House, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals who have served as subjects in Human Factors Laboratory experiments and studies.

Categories of records in the system: Name of the participant; name and description of the study; and signature of the participant, parent, or guardian certifying voluntary participation; and acceptance of the terms of the research participant's agreement.

Authority for maintenance of the system: 31 Stat. 1449 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Maintained in a steel filing cabinet in a secured building with access limited to Human Factors Laboratory Staff.

Retention and disposal: Records maintained during course of study and destroyed three years after completion of the study.

System manager(s) and address: Chief, Human Factors Section, Center for Consumer Product Technology, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and the title of experiment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-6.

System name: Participants in Psychoacoustic Experiments-COMMERCE/NBS-6.

System location: Psychoacoustics Laboratory, Sound Building, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Applicants and participants in psychoacoustic experiments.

Categories of records in the system: Name, age, and sex; hearing history; strip chart recording of hearing sensitivity both before and after participation in the experiment; responses to questions and test related to material learned during the experiment.

Authority for maintenance of the system: 84 Stat. 1590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper questionaires and strip chart recordings in file folders.

Retrievability: Indexed by experiment, date, and then by participant's name.

Safeguards: Maintained in locked metal cabinet, in locked room, accessible only to authorized personnel.

Retention and disposal: Disposed after ten years.

System manager(s) and address: Chief, Sound Section, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of experiment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-7.

System name: Employees External Radiation Exposure Records-COMMERCE/NBS-7.

System location: Health Physicics Section, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals working with radioactive materials and machines who may be exposed to ionizing radiation.

Categories of records in the system: Name, social security number,date of birth, organizational unit, and amount of radiation received.

Authority for maintenance of the system: 42 U.S.C. 2201 and 68 Stat. 950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, film from badges is sent monthly to the U.S. Army for determination of amount of radiation exposure.

Information involving exposure levels, incidents, and amounts of overexposure is required to be submitted to the Nuclear Regulatory Commission. In the event of serious overexposure, information would be disclosed to the Bethesda (Maryland) Naval Medical Center, employee's family physician, and other appropriate medical authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and film.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Currently, records are retained indefinitely.

System manager(s) and address: Chief, Health Physics Section, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, social security number, and date of employment, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and U.S. Army.

COMMERCE/NOAA-1.

System name: Applicants for Federal Permits to Take, Buy, or Transport Endangered Species for Specific Purposes-COMMERCE/NOAA-1.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235.

Duplicate portions of the system may be located in the Regional Offices of the National Marine Fisheries Services at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to take, import, export, or transport or sell in interstate or foreign commerce endangered species either for scientific purposes, enhancement of propagation or enhancement of survival, or to minimize undue economic hardship.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; other qualifications, and the activities conducted by the individual(s) authorized by permit.

Authority for maintenance of the system: Endangered Species Act of 1973; 16 U.S.C. 1531-1543 10(a), 10(b), and 11 (f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Information from the applications is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews by NMFS offices, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-2.

System name: Applicants for Hardship Exemptions under Marine Mammal Protection Act of 1972-COMMERCE/NOAA-2.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system are located in Regional Offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetss 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731;Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaksa 99801.

Categories of individuals covered by the system: Applicants for exemptions from the provisions of the Marine Mammal Protection Act of 1972, on the basis of undue economic hardship.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; other qualifications of the individual; and the activities conducted by an individual as authorized by exemption, economic, and financial information indicating the degree of anticipated economic hardship.

Authority for maintenance of the system: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and regulations (50 CFR 216.31) promulgated under Section 112 of the Act, and in accordance with Section 101(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the application is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews of an application by National Marine Fisheries Service Offices, reports from Federal agents and observers on activities conducted under exemption authority and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-3.

System name: Applicants for Marine Mammal Scientific Research and Display Permits-COMMERCE/NOAA-3.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system are located in Regional Offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to take or import marine mammals for the purposes of scientific research and public display.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; and the activities conducted by an individual as authorized by permit.

Authority for maintenance of the system: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and is specifically solicited in accordance with regulations (50 C.F.R. 216.31) promulgated as authorized by Section 112 of the Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the applications is published in the Federal Register and available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce;, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews by NMFS Offices and the U.S. Marine Mammal Commission, reports from Federal agents and observers on activities conducted under permit authority and those authorized by the individual applicant to furnish informa;tion.

COMMERCE/NOAA-4.

System name: Applicants For the NOAA Corps-COMMERCE/NOAA-4.

System location: Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Applicants for appointment in the NOAA Corps.

Categories of records in the system: Name, social security number, letters of reference, physical examiniations, college transcripts, statements of prior military sevice, recruiting officer's appraisal, personal resumes, and similar data necessary to be considered for a commission in the NOAA Corps.

Authority for maintenance of the system: 33 U.S.C. 853t and 854, 33 U.S.C. 853i; 853j; 853j-l; 853t; 854; 854a-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also to respond to the applicant, Members of Congress, or others with a valid interest who may inquire as to the status of the application or who may request reconsideration of a rejected application.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in secured room. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Destroyed after approximately six months if rejected, unless applicant indicates a desire for reconsideration.

System manager(s) and address: Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 10852. Requester should provide name, address, social security number, and date of birth, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, personal references, the NOAA Corps officer who recruited the individual, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k) (5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f))of the agency regulations in order to fulfill commitments made to protect the confiden- tiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-5.

System name: Applicants for Threatened Species Permits-COMMERCE/NOAA-5 (Note: A system now being established to be in operation by late September 1975).

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system may be located in the Regional Offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to engage in activities involving threatened species which are otherwise prohibited by protective regulations. Protective regulations for threatened species may allow exceptions by permit to prohibited acts.

Categories of records in the system: Name and address; profession or business affiliation; educational and professional background; other qualifications; and the activities conducted by the individual(s) as authorized by permit.

Authority for maintenance of the system: The Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the application is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C . 20235.

Notification procedure: Imformation may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews of an application by National Marine Fisheries Service Offices, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-6.

System name: Commissioned Officers Official Travel Orders Folders- COMMERCE/NOAA-6.

System location: Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Commissioned officers of the NOAA Corps (active, retired, and deceased) and former officers separated within previous six months.

Categories of records in the system: Name, grade, social security number, estimated travel cost, dates of transfer, assignment locations, and type of duty.

Authority for maintenance of the system: 37 U.S.C.; 33 U.S.C. 857-5, 857a, 855.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Also the record is sent to the organization to which officer is assigned such as branches of the U.S. Military Service, branches of foreign Military Services, World Weather Organization, etc., to authorize travel and travel allowances and to effect assignments and assignment changes for commissioned officers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in a locked space. Access only on the authority of the Director, NOAA Corps, or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Retained as separate file on all active duty offices. Incorporated into the Official Personnel File of retired and deceased officers and retained. Incorporated into the Official Personnel File of separated officers and after six months transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

System manager(s) and address: Director, NOAA corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, social security number, date of birth, and dates of service, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual's Official Personnel Record and from the approved recommendations of the Officer Assignment Board.

COMMERCE/NOAA-7.

System name: Commissioned Officer Official Personnel Folders-COMMERCE/NOAA-7.

System location: Office of the Director, NOAA Corps (NC), National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Commissioned Officers of the NOAA Corps (active, retired, and deceased) and former commissioned officers separated within previous six months.

Categories of records in the system: Name, social security number; selective service number; promotion history; history of assignments; performance evaluations; date of birth; education; prior employment history; prior uniformed service; pay and allowance data; relatives; references; commenda- tions; discipline; insurance; medical evaluations; and similar personal information.

Authority for maintenance of the system: 33 U.S.C. 853a-t, 854a-a-2, 855, 856, 857, 857-1-5, 857a, 858, 864, 865, 872, 873, 874, 875, 876; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Users are Selective Service System, Veterans Administration, Federal Housing Administration, Social Security Administration, Public Health Service, Department of Defense elements, Taxing authorities (Federal, State and local), unemployment compensation authorities, and the organization to which officer is assigned such as branches of U.S. Military Service, branches of foreign military services, World Weather Organizations, etc. Selected information is disseminated to determine eligibility for retention, promotion, retirement, separation, and other personnel actions; physical fitness; entitlement to pay and various allowances; report taxes withheld; entitlement to social security benefits, veterans benefits, unemployment compensation, waivers for repayment of student loans, death benefits, survivor benefits, and FHA in-service loans; assignments; and selective service status.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in secured area. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Records retained indefinitely on active, retired, and deceased officers; discharged officer's records are retained for approximately 6 months, then transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social security number, and date of birth pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, official correspondence and forms generated by routine personnel actions, previous employers, prior military service, Selective Service System, Federal Housing Administration, Social Security Administration, and similar sources.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k) (5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f))of the agency regulations in order to fulfill commitments made to protect the confiden- tiality of sources, and to maintain access to sources of information which are necessary to determine employee's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-8.

System name: Commissioned Officers Retired Payroll-COMMERCE/NOAA-8.

System location: Office of the Director, NOAA Corps, NOAA, Rockville, Md. 20852.

Categories of individuals covered by the system: Commissioned officers of the NOAA Corps who are entitled to retired pay, and the survivors of deceased active duty and retired officers who are entitled to a survivor's annuity.

Categories of records in the system: Name; social security number; amount of gross retired pay or survival annuity; amount of federal income tax withheld; amount of VA reduction; amount of survivor benefit cost deducted; miscellaneous deductions; and net retired pay or annuity.

Authority for maintenance of the system: 33 U.S.C. 853a-h; 853j-l-t; 854a-2; 856; 857-2; 857-5; 872; 873. Authorities for Payroll Records - 5 U.S.C. 301; 552; Chap. 55; 31 U.S.C. 550; 628; 31 U.S.C. 52; 15 U.S.C. 1511; 37 U.S.C. 201 (Pay for Commissioned Officers); 5 App. Reorg. Plan No. 4 of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual, flat-paper computer print-out.

Retrievability: Filed by month and year.

Safeguards: Records are maintained in a secured area. Access only by authority of the Director, NOAA Corps or the Chief, Program Planning, Liaison and Training Division.

Retention and disposal: Retained 3 years and then destroyed.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Admin- istration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, grade, social security number and branch of service, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Information is a print-out from the computerized retired pay system maintained by the Commanding Officer, U.S. Navy Finance Center, 240 East Ninth Street, Cleveland, Ohio 44199, who maintains, under contract, the pay accounts of retired NOAA Corps officers and their annuitants.

COMMERCE/NOAA-9.

System name: Commissioners of International Fishery Commissions-COMMERCE/NOAA-9.

System location: Office of International Fisheries, NMFS, NOAA, Page Building 02, U.S. Department of Commerce, 3300 Whitehaven, Washington, D.C. 20235.

Categories of individuals covered by the system: Past and present commissioners of international fisheries commissions, e.g., the Inter-American Tropical Tuna Commission, the North Pacific Fur Seal Commission.

Categories of records in the system: Biographical data; education; past work experience; and positions previously held.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101, and other relevant statutes and international conventions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notebook of forms.

Retrievability: Listing is alphabetical by name.

Safeguards: List is in file cabinet in room which is locked when unoccupied.

Retention and disposal: Indefinite retention.

System manager(s) and address: Senior Policy Analyst, Office of International Fisheries, F4, NMFS, NOAA, Commerce, Washington, D.C.

Notification procedure: Information may be obtained from: Assistant Administrator for Adminis- tration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-10.

System name: Employee Production Records-COMMERCE/NOAA-10.

System location: Field Finance Offices (Boulder, Colo.; Kansas City, Mo.; Miami, Fla.; and Rockville, Md.) of NOAA Finance Division, 6010 Executive Blvd., Rockville, Md. 20852 and Microfilming Unit, Technical Services Branch, National Climatic Center, NOAA, Federal Building, Asheville, N.C. 28801.

Categories of individuals covered by the system: Certain NOAA employees at the system locations.

Categories of records in the system: Employee output in workload units; number of records filmed each work day by each employee.

Authority for maintenance of the system: 5 U.S.C. 301; 33 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are kept in offices locked during non-working hours.

Retention and disposal: Records are retained until superseded by current data and then destroyed.

System manager(s) and address: As appropriate: Chief, Field Finance Officers or Director, National Climatic Center, see above addresses.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, place of employment (name and location of office, division, branch, and section), dates employed, and social security number, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Compiled from organization work sheets and from logs posted by employees.

COMMERCE/NOAA-11.

System name: Fisheries Law Enforcement Case Files-COMMERCE/NOAA-11.

System location: Law Enforcement Division, NMFS, 3300 Whitehaven Street, N.W. National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Categories of individuals covered by the system: Violators and alleged violators of the criminal and/or civil provisions of certain laws (listed in the Authority section of this notice) and the regulations issued thereunder, within the responsibility of the Secretary of Commerce.

Categories of records in the system: 1. Information compiled for the purpose of identifying individual criminal and/or civil offenders and alleged offenders and consisting of identifying data and notations of arrests, the nature and disposition of criminal or civil charges, sentencing, confinement, release, parole and probation status, and fines and penalties assessed;

2. Information compiled for the purpose of a criminal or civil investigation, including reports of informants and investigators, and associated with an identifiable individual;

3. Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal and civil laws from arrest or indictment through release from supervision, and the imposition of civil sanctions through administrative and/or judicial process; and

4. Investigatory material compiled for law enforcement purposes other than the material covered above;

Authority for maintenance of the system: Reorganization Plan No. 4 of 1970; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; E.O. 10450; Certain sections of Titles 15, 16, 18, and 22 of the United States Code; and, relevant treaty, international convention, and/or agreements of which there are approximately 20. (Example: International Convention for the Regulation of Whaling (TIAS 1849) cf. 16 U.S.C. 916).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement. Also, Information is given to the Marine Mammal Commission for their use in making recommendations on the issuance of permits and the award of grants under the Marine Mammal Protection Act of 1972.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual's name and is also given an identifying case number at its initiation.

Safeguards: Employees are informed of the Departmental rule of conduct regarding unauthorized disclosure of information contained in official records. All Special Agents receive a security clearance, granted by the Department of Commerce, after an investigation. The files of the Law Enforcement Division which relate to information concerning an identifiable individual are maintained in locked, metal file cabinets.

Retention and disposal: All records of this Division are subject to the retention and disposal procedures set forth in NOAA Directives Manual 62-10, et seq.

System manager(s) and address: Chief, Law Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Adminsitration, U.S. Depart- ment of Commerce, 3300 Whitehaven Street, N.W., Page 2 Building, Suite 426, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, and case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information; NMFS investigators; Federal and state law enforcement personnel; foreign governments; special interest organizations, members of the general public, and all information sources that are open to the public-at-large.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a (j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b),(c)(1) and (2), (e) (4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a (k)(2), on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meet the criteria stated in 5 U.S.C. 552a (k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. In addition, pursuant to 5 U.S.C 552a(k)(1), all materials qualifying for this exemption are exempt from 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and

(f) in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy.

COMMERCE/NOAA-12.

System name: Marine Recreational Fishermen's Catch Statistics-COMMERCE/NOAA-12.

System location: Statistics & Market News Division, NMFS, NOAA, U.S. Department of Commerce, 3300 Whitehaven Street, Washington, D.C. 20235.

Categories of individuals covered by the system: Marine recreational fishermen.

Categories of records in the system: Marine recreational fishermen catches by species, length, weight, area of capture, disposition of catch, and expenses and other trip records.

Authority for maintenance of the system: Fish and Wildlife Act as amended (16 U.S.C. 742 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy, punch cards, mag-tape, and disc files.

Retrievability: Filed alphabetically by name. 9CPersonnel indoctrination and screening; secured offices; and entrance into the computer system to obtain individual records would require detailed knowledge of inhouse ADP procedures by a skilled computer programmer.

Retention and disposal: Records are permanently maintained.

System manager(s) and address: Chief, Statistics and Market News Division (F23), see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual recreational fishermen.

COMMERCE/NOAA-13.

System name: Guest Workers at National Geophysical and Solar-Terrestrial Data Center-COMMERCE/NOAA-13.

System location: National Geophysical and Solar-Terrestrial Data Center, EDS/NOAA, RB03, Room A123, Boulder, Colorado 80302.

Categories of individuals covered by the system: People that are visiting NGSDC as Guest Workers to use the data files.

Categories of records in the system: Name; address; length of visit; type of work they are doing; and education.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in metal file cabinets which are locked after hours. Access is limited to those whose official duties require access.

Retention and disposal: Records are retained for 3 years.

System manager(s) and address: Administrative Officer, NGSDC, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the idividual to furnish information.

COMMERCE/NOAA-14.

System name: Individuals Engaged in Weather Modification Activities-COMMERCE/NOAA-14.

System location: EM5 Office of Weather Modification, NOAA, U.S. Department of Commerce, 6010 Executive Blvd., Rockville, Md. 20852.

Categories of individuals covered by the system: Individuals and associations involved in weather modification operations.

Categories of records in the system: Individual's name and address; type of weather modification activity; location and duration of project; and equipment used.

Authority for maintenance of the system: P.L. 92-205; 15 CFR Part 908.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also information is made available to anyone who so requests.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folder.

Retrievability: Filed sequentially by chronology.

Safeguards: Records are located cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Office of the Director, Office of Weather Modification, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide-- name, address, date(s) of project etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual or association involved and those authorized by the foregoing to furnish information.

COMMERCE/NOAA-15.

System name: Sales Agents Authorized to Retail NOAA Aeronautical and Nautical-Charts-COMMERCE/NOAA-15.

System location: National Ocean Survey, Distribution Division, 6501 Lafayette Avenue, Riverdale, Maryland 20840.

Categories of individuals covered by the system: Authorized Chart Sales Agents for the sale of aeronautical and nautical charts.

Categories of records in the system: Applications relative to the appointment; name of agent; and signed contracts.

Authority for maintenance of the system: 4691 U.S. Act of June 3, 1844, of the revised statute.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by city and state.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief, Distribution Division, National Ocean Survey, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide city and state address as well as name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-16.

System name: Scientist-Researchers in GATE (Global Atmospheric Research Program Atlantic Tropical Experiment)-COMMERCE/NOAA-16.

System location: NOAA, EM6 Office of World Weather Programs, 6010 Executive Blvd., Rockville, Maryland 20852.

Categories of individuals covered by the system: Research meteorologists and ocean scientists participating in the Global Atmospheric Research Program Atlantic Tropical Experiment (GATE).

Categories of records in the system: Names of individual scientists; their research institutions and research programs; and their addresses.

Authority for maintenance of the system: Ministerial requirement necessitated by NOAA's appointment, as lead agency for the U.S. participation in 'GATE'; Presidential memorandum dated July 5, 1968 to DOC; 5 U.S.C. 301; and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Data is also used to summarize and evaluate the U.S. GATE Research Program for the World Meteorological Organization incorporation into the International summary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name of principal scientist.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secure premises with access limited to those whose official duties require access.

Retention and disposal: Records maintained indefinitely.

System manager(s) and address: Director, GATE Project Office, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide--name and address etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same adress as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NTIS-1.

System name: Customer Account Records-COMMERCE/NTIS-1.

System location: Administrative Services Division, Room 1018, NTIS, Springfield, Va. 22151.

Categories of individuals covered by the system: All individuals who order and/or purchase materials from NTIS.

Categories of records in the system: Name; address; items ordered; items sent; amount of purchases, date received; date sent; NTIS deposit account; whether collectible or not.

Authority for maintenance of the system: 15 U.S.C. 1151-57; 41 U.S.C. 104.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and computer tapes.

Retrievability: Filed alphabetically by name and address.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Paper records are retained indefinitely. Computer tapes are retained for 2 years and destroyed.

System manager(s) and address: Chief, Administrative Services Division, NTIS, Room 1016, Sills Building, Springfield, Va. 22161.

Notification procedure: Information may be obtained from: Assistant Director Administration, NTIS, Sills Building, Springfield, Virginia 22161. Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and NTIS transaction files.

COMMERCE/NTIS-2.

System name: Individuals Interested in NTIS Publications, Shipped Order Addresses, and Subscribers Files-COMMERCE/NTIS-2.

System location: Administrative Services Division, NTIS, Room 1016, Sills Building, Springfield, Va. 22161.

Categories of individuals covered by the system: All regular publication customers and all individuals who have requested that they be placed on a mailing list.

Categories of records in the system: Name; address; date of last order; customer code number; amount of money spent at NTIS; NTIS deposit account number; amount on deposit; total charge to date; when subscription expires; which publications they receive.

Authority for maintenance of the system: 15 U.S.C. 1151-57.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mailing labels and computer tape.

Retrievability: Filed alphabetically by name and address code.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are updated monthly and retained indefinitely.

System manager(s) and address: Chief, Administrative Services. Division, NTIS, Room 1016, Sills Building, Springfield, Va. 22161.

Notification procedure: Information may be obtained from: Assistant Director Administration, NTIS, Sills Building, Springfield, Virginia 22161. Requester should provide name and address, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and NTIS transaction files.

COMMERCE/PAT-TM-1.

System name: Attorneys and Agents Registered to Practice Before the Office-COMMERCE/ PAT-TM-1.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia

22202, and Office of Computer Services, U.S. Patent and Trademark Office; 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents who are registered to practice before the Patent and Trademark Office in patent cases, and applicants for such registration to practice.

Categories of records in the system: Biographical information, personal and professional qualifications, character and fitness reports, undertakings of former examiners, current address, and status information.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Prefatory Statement paragraphs on Routine Uses. Also, a public roster of the registered individuals is published periodically, and limited information is disseminated by Committee on Enrollment staff in response to inquiries from members of the public (e.g., potential clients), state bars, and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and magnetic tape.

Retrievability: Filed alphabetically by name or registration number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Committee on Enrollment, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name, address, and date of application, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b.

Record source categories: Subject individual, references, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-2.

System name: Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents-COMMERCE/PAT-TM-2.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents registered to practice before the Patent and Trademark Office in patent cases, and disbarred or suspended attorneys and agents.

Categories of records in the system: Complaints and information obtained during investigations and quasi-judicial disciplinary proceedings.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 32.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, dissemination of information concerning the complaint, investigations, or disciplinary proceeding, by the Solicitor's staff, to the complainant and, upon inquiry, to State bars and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and identification data pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, clients of same, registered attorneys and agents, witnesses in disciplinary proceedings, court opinions, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-3.

System name: Employee Production Records-COMMERCE/PAT-TM-3.

System location: Office of Program Planning and Evaluation, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Employees of the Patent and Trademark Office.

Categories of records in the system: Employee name and number, position and grade level, time in duty status, time on leave, duty hours distributed by task, receipt date of oldest item in processing queue, beginning and ending balances of work in process, work volumes compiled by organization and in some organizations by individuals, and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 5 U.S.C. 301 and 35 U.S.C. 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, and microfilm.

Retrievability: Filed by organization; cross referenced for access by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with thr unit's Records Control Schedule.

System manager(s) and address: Supervisory Information Systems Analyst, Office of Program Planning and Evaluation, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and number, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and the individual's supervisors.

COMMERCE/PAT-TM-4.

System name: Government Employee Invention Rights-COMMERCE/PAT-TM-4.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Government employees who are inventors or non-government employees who are joint inventors together with a government employee inventor.

Categories of records in the system: Invention rights questionnaires including information as to the inventor's employment status and his official duties and responsibilities at the time the invention was made, title determinations, appeals to the Commissioner, and petitions for reconsideration.

Authority for maintenance of the system: 35 U.S.C. 1 and 6, and E.O. 10096, dated January 23, 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See paragraphs on routine uses in the Prefatory Statement to these notices. Also, information is transferred to various Government departments and agencies in connection with determinations made as to respective property rights (or the methods of protection thereof) of Government employees and such departments and agencies in and to inventions made by such employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name and case number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Head, Office of Government Employee Inventions, Office of the Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 21230. Requester should provide name (and case number, if known) pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and their employees, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (1), Government Employee Invention Rights records which relate to applications or inventions subject to a secrecy order pursuant to 35 U.S.C, 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which are published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-5.

System name: Non-registered Persons Rendering Assistance to Patent Applicants- COMMERCE/PAT-TM-5.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Persons other than registered attorneys or agents who have offered or rendered, for payment, various services to inventors, patent applicants and patentees.

Categories of records in the system: Declarations of assistance received and other reports or complaints, including names and addresses, of persons rendering services, and information given and used for investigatory and law enforcement purposes.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 33; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Providing notice to patent applicants, by Solicitor's staff, regarding whether or not the persons from whom assistance was received are registered to practice before the Office. Used by Solicitor's Staff for investigative purposes. Also, see paragraphs on routine uses in Prefatory statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance withi the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and name of patent applicants, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Patent applicants who have received and paid for services by the individuals on whom the records are maintained.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552(a)(k)(2), all investigatory materials in the record which meet the criteria in 5 U.S.C. 552a (k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552(a)(c)(3), (d), (e), (1), (e)(4), (G), (H), and (I), and (f)), of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/PAT-TM-6.

System name: Parties Involved in Patent Interference Proceedings- COMMERCE/PAT-TM-6.

System location: Board of Patent Interferences, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants for patent and patentees who become involved in a conflict involving the question of priority of invention.

Categories of records in the system: Preliminary statements, motions, and testimony, including information relating to the applicant's or patentee's name, age, citizenship, residence, educational and work background, physical and mental health and other matters which may arise during the taking of testimony. Information concerning the applicant's or patentee's activities relating to conception and reduction to practice of the contested subject matter.

Authority for maintenance of the system: 35 U.S.C. 1, 6, 23, 24, and 135.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Prior to termination of the interference proceedings, and thereafter until a patent has issued (except in cases involving a patent), information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner. Subsequent to such termination in cases involving a patent or after issuance of a patent, the records are open to public inspection. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by Interference Number, cross-indexed to the names of the parties.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Board of Patent Interferences, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and Interference Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Applicants for patent and patentees, the patent attorneys or agents authorized by such persons to represent them, those authorized by the applicant to furnish information, and witnesses and other parties involved in the taking of testimony.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(i), Patent Interference Proceedings records which relate to applications subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-7.

System name: Patent Application Files-COMMERCE/PAT-TM-7 (Note: This notice is broken down, where indicated, into three subsystems relating to the status of the files: a. Pending; b. Abandoned; and c. Patented.)

System location: a. U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; b. Abandoned Files Unit, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; c. Record Branch, Patent Search Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202, and Office of Organization and Management Systems, ADP Operations Division, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Oath or declaration of applicant including name, citizenship, residence, post-office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kinds of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 115; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Information concerning these records is provided outside the Office only upon authorization of the applicant or owner of the application or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner, e.g., secrecy order files under 35 U.S.C. 181. b. Same as a., except where application is referred to in a U.S. Patent, in which case the record is open to public inspection. c. Records are open to public inspection.

All three subsystems are also subject to the routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and magnetic tape and disc for subsystem c.

Retrievability: Subsystems a. and b. filed by serial number; Subsystem c. filed by Patent Number.

Safeguards: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Records on magnetic tape are located in premises secured by combination and key lock.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: a. Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231; b. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231; c. Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Serial Number or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The inventors or other persons who submit applications for patent and the patent attorneys or agents authorized by such inventor or other persons to represent them.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (1), Patent Applications, to the extent that they are subject to a secrecy order pursuant to 35 U.S.C. Section 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)), procedures. This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-8.

System name: Patent Application Secrecy Order Files-COMMERCE/PAT-TM-8.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Identification of patent application and applicant including application serial number, filing date, title of invention, applicant's or inventor's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C., 1, 6, and 181 through 183.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to authorized government agencies under 35 U.S.C., Section 181 for determination of the requirement for a secrecy order, and notification of the applicant or his duly appointed representative of such secrecy order. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by serial number of applicant, cross-indexed to name of applicant.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained, plus storage in a locked vault.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and social security or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicants or their representatives and authorized representatives of the Energy Research and Development Administration, the Secretary of Defense, and the Chief Officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k) (1), these records, since they relate to determinations pertinent to secrecy orders pursuant to 35 U.S.C. Section 181 or to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-9.

System name: Patent Assignment Records-COMMERCE/PAT-TM-9.

System location: Office of Patent and Trademark Services, Assignment Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202 and Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, same address.

Categories of individuals covered by the system: Persons who have given or received property rights under an application for patent or a patent by means of a written instrument recorded in the Patent and Trademark Office. Deceased or incapacitated inventors and their legal representatives.

Categories of records in the system: Assignments, grants, mortgages, liens, encumbrances, licenses, and other instruments affecting title. Letters testamentary and other court certificates and orders.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 261, and E.O. 9424.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See the routine use paragraphs of the Prefatory Statement. Also, records are searched by all users for the purpose of determining ownership or other property rights with respect to patents and patent applications. Providing certified abstracts of title and copies of instruments. On the separate Government Register, those records categorized as 'Public' are available for public inspections; those records categorized as 'Departmental' are used by duly authorized employees of government agencies only; and those records designated as 'secret' are disclosed only to persons having written authority from the head of the agency submitting the record. With the exception of assignment records relating to pending or abandoned patent applications, all non-Government Register records are open to public inspection. Information concerning assignment records relating to pending or abandoned patent applicaflons is maintained in confidence in accordance with 5 U.S.C. 122 but is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, microfilm reels, and index card files.

Retrievability: Filed by name, application serial number, patent number.

Safeguards: Building employs security guards. Records subject to confidence requirements are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Records in the Secret Portion of the Government Register are, additionally, stored in a locked vault.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Recording Officer, Assignment Division, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name, and Application Serial Number or Patent Number if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notificaiton section above.

Contesting record procedures: The Departments rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Persons who have submitted written instruments to the Patent and Trademark Office for recording.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(i), assignment records which are designated 'Secret' and maintained in the Government Register pursuant to E.O. 9424 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a (c)(3),(d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be dettimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-10.

System name: Patent Deposit Accounts System-COMMERCE/PAT-TM-10.

System location: Receipts Control Division, Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of Computer Services, same address.

Categories of individuals covered by the system: Registered patent attorneys and agents and other members of the public who maintain deposit accounts to pay the cost of services rendered by the Patent and Trademark Office.

Categories of records in the system: Name, address, account number, and financial transactions with the Office.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 41.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm, magnetic tape.

Retrievability: Filed by name, account number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office, of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and account number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing intital determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-11.

System name: Patent Examiner Testimony Files-COMMERCE/PAT-TM-11.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Employees and former employees who have testified in person or through deposition in court actions in regard to duties performed while employed by the Patent and Trademark Office, or who have been interviewed to determine whether such testimony will be taken.

Categories of records in the system: Name, address, employment status, education, work experience, and other matters which might be raised in the course of a deposition or other testimony.

Authority for maintenance of the system: 35 U.S.C. 1 and 6; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Coontrol Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington D.C. 20231

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and date(s) of testimony or interview, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's coworkers, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-12.

System name: Patent Subscription Service System-COMMERCE/PAT-TM-12.

System location: U.S. Patent and Trademark Office, Office of Patent and Trademark Services, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Individuals subscribing to copies of patents, trademarks, designs, defensive publications, and related publications issued in certain classes or subclasses.

Categories of records in the system: Name of subscriber, Deposit Account Number, address, classes or subclasses subscribed to, total number of subclasses subscribed to; and initial payment per year. Weekly listings of patent, trademark, design, defensive publication, and related publication numbers for each subscription order.

Authority for maintenance of the system: 35 U.S.C. 41, 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape and computer print out.

Retrievability: By subscriber's name and account number.

Safeguards: Maintained in areas accessible only to authorized personnel in building protected by security guards non-business hours.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Office of Patent and Trademark Services U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Deposit Account Number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-13.

System name: Petitioners for License to File for Foreign Patents-COMMERCE/PAT-TM-13.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Petitioners for license to file a patent application in any foreign country.

Categories of records in the system: Petitioner's name, address, and description of subject matter, or, where a corresponding U.S. application has been filed, identification of applicant including application serial number, filing date, title to invention, applicant's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 184.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy.

Retrievability: By number assigned called P number and by serial number related to P number when additional matter is submitted in connection with a corresponding U.S. application, cross-indexed to petitioner's name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U. S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name, and serial number or P number if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals or their duly appointed representatives. /*

[FR Doc.75-26288 Filed 9-26-75;5:07 pm]

Title 18—Conservation of Power and Natural Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Subpart E—Protection of Privacy

IMPLEMENTATION OF THE PRIVACY ACT OF 1974

On page 39438 of the FEDERAL REGISTER of August 27, 1975, there was published a notice of proposed rulemaking to add a new Subpart E to Part 701 of Chapter VI, Title 18 of the Code of Federal Regulations. Subpart E establishes regulations for the protection of personal privacy of individuals identified in records maintained by the Council (pursuant to the requirements of the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a))).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

These regulations are effective September 27, 1975.

WARREN D. FAIRCHILD,
Director,
U.S. Water Resources Council.

Subpart E—Protection of Privacy

Sec.
701.300 Purpose and scope.
701.301 Definitions.
701.302 Conditions of disclosure.
701.303 Procedures for requests pertaining to individual records in a record system.
701.304 Times, places, and requirements for identification of individuals making requests.
701.305 Disclosure of requested information to individuals.
701.306 Special procedure: Medical records.
701.307 Requests for correction or amendment to record.
701.308 Council review of request for correction or amendment of record.
701.309 Appeal of initial adverse determination.
701.310 Disclosure of record to person other than the individual to whom it pertains.
701.311 Fees.
701.312 Penalties.
701.313 Exemptions.

AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a)).

Subpart E—Protection of Privacy

§ 701.300 Purpose and scope.

(a) The purpose of this subpart is to set forth rules to inform the public about information maintained by the U.S. Water Resources Council relating to identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The regulations in this subpart implement the requirements of the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a)).

(c) The regulations in this subpart apply only to records disclosed or requested under the Privacy Act of 1974, and not requests for information made pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552, as amended by Pub. L. 93-502).

§ 701.301 Definitions.

For the purposes of this subpart, unless otherwise required by the context:

(a) "Council" means the U.S. Water Resources Council;

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) "Maintain" means maintain, collect, use or disseminate;

(d) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Council, including, but not limited to, his education, financial transactions, medical history and criminal or employment history, and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(e) "Adverse determination" means a decision by the proper Council official to deny, in whole or in part, a request from an individual for a correction or amendment of a record concerning the individual and maintained by the Council; and,

(f) "Record system" means "system of records" as defined in the Act, i.e., a group of any records under the control of the Council from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual.

§ 701.302 Procedures for requests pertaining to individual records in a record system.

(a) Any individual may request the Council to inform him or her whether a particular record system named by the individual contains a record pertaining to him or her. The request may be made in person or in writing at the location and to the person specified in the notice describing that record system.

(b) An individual who believes that the Council maintains records pertaining to him or her but who cannot determine which records system contains those records, may request assistance by mail or in person at the Division of Program Coordination and Management, 2120 L Street, NW, Washington, D.C. 20037, during business hours (8:00 a.m. through 4:30 p.m., Monday through Friday, excluding legal holidays).

§ 701.303 Conditions of disclosure.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, the Council will not disclose any record which is contained in a system of records, by any means of communication to any person who is not an individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, the Council may disclose any such record to any person or other agency.

(c) In the absence of a written consent from the individual to whom the record pertains, the Council may disclose any such record provided such disclosure is:

(1) To those officers and employees of the Council who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use compatible with the purpose for which it was collected;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity under the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Council with adequate advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law: *Provided*, The head of the agency or instrumentality has made a prior written request to the Assistant Director Program Coordination and Management specifying the particular record and the law enforcement activity for which it is sought;

(8) To a person pursuant to a showing of compelling circumstance affecting the health or safety of an individual: *Provided*, That upon such disclosure notification is transmitted to the last known address of such individual (and see § 701.306);

(9) To either House of Congress, and to the extent of a matter within its jurisdiction, any committee or subcommittee, or joint committee of Congress;

(10) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the GAO; or

(11) Under an order of a court of competent jurisdiction.

§ 701.304 Times, places, and requirements for identification of individuals making requests.

(a) After being informed by the Council that a system of records contains a record pertaining to him or her, an individual may request the Council to disclose that record to him or her in the manner described in this section. Each request for the disclosure of a record or a copy of it will be made at the place specified in the notice describing that system of records, either in writing or in person. Requests may be made by agents, parents, or guardians of individuals as described in § 701.310 (a) and (b).

(b) Each individual requesting the disclosure of a record or copy of a record will furnish the following information with his or her request:

(1) The name of the record system containing the record;

(2) Proof as described in paragraph (c) of this section that he or she is the individual to whom the requested record relates; and

(3) Any other information required by the notice describing the record system.

(c) Proof of identity as required by paragraph (b)(2) of this section will be provided as described in paragraph (c)(1) and (2) of this section. Requests made by an agent, parent, or guardian will include the authorization described in § 701.310 (a) and (b).

(1) Requests made in writing will include a statement, signed by the individual and properly notarized, that he or she appeared before a notary public and submitted proof of identification in the form of a driver's license, birth certificate, passport or other identification acceptable to the notary public. In any case in which, because of extreme sensitivity of the record sought to be seen or copied, the agency determines that the identification is not adequate, it may request the individual to submit additional proof of identification.

(2) If the request is made in person, the requester will submit proof of identification similar to that described in paragraph (c)(1) of this section, acceptable to the Council.

§ 701.305 Disclosure of requested information to individuals.

(a) Upon submission of proof of identification as required by § 701.304, the Council will, as soon as possible, allow the individual to see and/or have a copy of the requested record or will send a copy of the record to the individual by registered mail, as requested by the individual. If the individual requests to see the record, the Council will make the record available either at the location where the record is maintained or at a place more suitable to the requester, if possible.

(b) The Council will provide each record furnished to an individual under this subpart in a form intelligible to that individual.

§ 701.306 Special procedure: Medical records.

(a) An individual requesting disclosure of a record which contains medical or psychological information may name a medical doctor or other person to act as his agent as described in § 701.309 (a). Records containing medical or psychological information may be disclosed to that agent rather than to the individual at the individual's request.

(b) If the individual has not named a medical doctor as agent, the Council may determine, after consultation with a medical doctor, that disclosure of the information would have an adverse effect on the requester. The Council may then disclose that information to a medical doctor specified by the individual, rather than to that individual, either in person or by mail.

§ 701.307 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him that was furnished to him under this subpart, may request the agency to correct or amend all or any part of that record.

(b) Each individual requesting a correction or amendment will send the request to the agency official who furnished the record to him.

(c) Each request for a correction or amendment of a record will contain the following information:

(1) The name of the individual requesting the correction or amendment;

(2) The name of the system of records in which the record sought to be corrected or amended is maintained;

(3) The location of that record in the system of records;

(4) A copy of the record sought to be corrected or amended or a description of that record;

(5) A statement of the material in the record requested to be corrected or amended;

(6) A statement of the specific wording of the correction or amendment sought; and

(7) A statement of the basis for the requested correction or amendment, including any material that the individual can furnish to substantiate the reasons for the correction or amendment sought.

§ 701.308 Council review of request for correction or amendment of record.

(a) Not later than 10 days (excluding Saturdays, Sundays, and legal holidays) after the receipt of the request for the correction or amendment of a record under § 701.304, the Council will acknowledge receipt of the request and inform the individual whether further information is required before the correction or amendment can be considered.

(b) The Council will promptly review the request and either make the requested correction or amendment or notify the individual of the initial adverse determination, including in the notification the reasons for the adverse determination and the appeal procedure provided by § 701.309.

(c) The Assistant Director, Program Coordination and Management, or his designee, will, after consulting with the General Counsel, or his designee, have the primary authority to make an initial adverse determination.

(d) The Council will make each requested correction or amendment to a record if that correction or amendment will correct anything that is not accurate, relevant, timely, or complete, within the record.

§ 701.309 Appeal of initial adverse determination.

(a) Any individual whose request for a correction or amendment, requested by him, to a record has been denied, in whole or in part, may appeal that decision to the Director of the Council.

(b) The appeal will be in writing and will:

(1) Name the individual making the appeal;

(2) Identify the record sought to be amended;

(3) Name the record system in which that record is contained;

(4) Contain a short statement describing the amendment sought; and

(5) State the name and location of the Council official who made the initial adverse determination.

(c) Not later than 30 days (excluding Saturdays, Sundays, and legal holidays) after the date on which the Council received the appeal, the Director will complete his review of the appeal and make a final decision thereon. However, for good cause shown, the Director may extend that 30 day period by not more than an additional 30 working days. If the Director so extends the period, he will promptly notify the individual requesting the review that the extension has been made and the reasons therefor.

(d) After review of an appeal request, the agency will send a written notice to the requester containing the following information:

(1) The decision and, if the denial is upheld, the reasons for the decision; and

(2) The specific civil remedies available to the requester as per section 2(g) of Pub. L. 93-579, as well as notice that additional remedies may be appropriate and available to enable the full exercise of the requester's rights at law.

§ 701.310 Disclosure of record to person other than the individual to whom it pertains.

(a) Any individual who desires to have a record covered by this subpart disclosed to or mailed to a person other than that individual may authorize that person to act as his agent for that specific purpose. The authorization will be in writing, signed by the individual, and will be notarized. The agent will submit with the authorization proof of the individual's identity as required by § 701.304 (b).

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court of competent jurisdiction to be incompetent due to physical or mental incapacity or age, may act on behalf of that individual in any matter covered by this subpart. A parent or guardian who desires to act on behalf of such an individual will present suitable evidence of parentage or guardianship, by birth certificate, certified copy of a court order, or similar documents, and proof of the individual's identity in a form that complies with § 701.304(b).

(c) An individual to whom a record is to be disclosed in person pursuant to this subpart, may have a person of his own choosing accompany the individual when the record is disclosed.

§ 701.311 Fees.

(a) The Council will not charge an individual for the costs of making a search for a record or the costs of reviewing the record. When the Council makes a copy of a record as a necessary part of the process of disclosing the record to an individual, the Council will not charge the individual for the cost of making that copy.

(b) If an individual requests the Council to furnish him with a copy of the record (when a copy has not otherwise been made as a necessary part of the process of disclosing the record to the individual), the Council will charge a maximum fee of $0.25 per page (maximum per page dimension of 8 x 14 inches) to the extent that the request exceeds $5.00 in cost to the Council. Requests not exceeding $5.00 in cost to the Council will be met without cost to the requester.

§ 701.312 Penalties.

Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States. Section 552a(i)(3) of the Privacy Act (5 U.S.C. 552a(i)(3)) makes it a misdemeanor, subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Section 552a(i) (1) and (2) of the Privacy Act (5 U.S.C. 552a(i) (1) and (2) provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder.

§ 701.313 Exemptions.

No Council records system or systems are exempted from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 552a(j) and (k).

[FR Doc.75-26357 Filed 9-29-75;12:07 pm]

WATER RESOURCES COUNCIL

PRIVACY ACT OF 1974

Notice of Adoption of Systems of Records

On page 39231 of the FEDERAL REGISTER of August 27, 1975, there was published a notice of the Systems of Records proposed to be adopted by the Water Resources Council, such notice made pursuant to the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a)).

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposal. No objections have been received.

Two changes, however, have been made:

(1) The U.S. Water Resources Council Mailing Lists Systems (system number WRC 3; page 39231 of the FEDERAL REGISTER of August 27, 1975) has been deleted. Contrary to the notice as originally published the mailing lists are not retrieved by reference to either an individual name or any other personal identifier and therefore are not a system of records for purposes of the Privacy Act.

(2) The Office of Management and Budget by agency-wide memorandum (August 14, 1975) requested that each executive branch agency publish in its Notice of System of Records the following routine use:

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

and therefore this language has been included in the "Appendix (WRC)" to the routine users of the WRC Systems of Records.

With the exception of the addition of the routine use and the deletion of the WRC Mailing lists as a WRC system of records, the Systems of Records as proposed are adopted as final, effective September 27, 1975.

GARY D. COBB,
Acting Director,
Water Resources Council.

[FR Doc.75-26358 Filed 9-29-75;12:07 pm]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 15]

PART 215—REGULATIONS FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

On August 27, 1975, a document was published in the FEDERAL REGISTER (40 FR 39447) proposing to add a new Part 215 to Chapter II of Title 22 of the Code of Federal Regulations relating to the implementation of the provisions of the Privacy Act of 1974 (Pub. L. 93-579; 88 Stat. 1896).

The proposed regulations contained procedures for determining whether or not an individual is the subject of a record in a system of records maintained by the Agency; set forth the time, place(s) and requirements for identification of individuals making requests for notification, access, correction or amendment of records; and permit appeals of initial adverse determinations by the Agency with respect to the amendment or correction of records. The proposed rules also established fees for providing copies of records in certain circumstances and set forth rules for exempting some systems of records from certain provisions of the Act.

Interested persons were given until September 26, 1975, to submit written data, views, suggestions and arguments concerning the proposed rules. All comments received were given full and fair consideration. No changes, except those to correct typographical errors or language changes for clarification, are required to be made.

22 CFR Chapter II is amended by adding a new Part 215, reading as follows:

Sec.

215.1 Purpose and scope.
215.2 Definitions.
215.3 Procedures for requests pertaining to individual records in a system of records.
215.4 Times, places and requirements for identification of individuals making requests.
215.5 Access to requested information by individuals.
215.6 Special procedures: Medical records.
215.7 Request for correction or amendment to record.
215.8 Agency review of request for correction or amendment to record.
215.9 Appeal of initial adverse agency determination on correction or amendment.
215.10 Disclosure of record to person other than the individual to whom it pertains.
215.11 Fees.
215.12 Penalties.
215.13 General exemptions.
215.14 Specific exemptions.

Appendix A

AUTHORITY: Sec. 621, Foreign Assistance Act of 1961, as Amended, (22 U.S.C. 2381; 75 Stat. 445); secs. 3, 4, Administrative Procedures Act (5 U.S.C. 553; 60 Stat. 237); Privacy Act of 1974 (Pub. L. 93-579; 5 U.S.C. 552a; 88 Stat 1896).

§ 215.1 Purpose and scope.

(a) It is the purpose and objective of the Agency for International Development to collect information, revise personal data collection forms or processes, and maintain Agency records in a manner that will prevent an unwarranted invasion of privacy of those individuals who are the subjects of Agency records.

(b) These regulations establish the procedures by which an individual may obtain notification of the existence of Agency records pertaining to that individual, gain access to those records, request an amendment or correction to the records, and appeal adverse decisions to requests for amendment or correction of Agency records.

(c) The Agency separately states and publishes in the FEDERAL REGISTER a public notice of the existence and character of systems maintained by the Agency, pursuant to the provisions of sections (e)(4) and (e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a; 88 Stat. 1896).

§ 215.2 Definitions.

(a) "Act" means the Privacy Act of 1974 (5 U.S.C. 552a; 88 Stat. 1896);

(b) "Agency" means the Agency for International Development, its offices, bureaus, divisions, and posts abroad;

(c) "Amend" shall include the amendment or correction of a record;

(d) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(e) "Maintain" includes maintain, collect, use or disseminate;

(f) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(g) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(h) "Statistical Record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13;

(i) "System of Records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

§ 215.3 Procedures for requests pertaining to individual records in a system of records.

(a) Requests for notification of, access to, or amendment of Agency records contained in a system of record pertaining to an individual may be made in person or by mail as follows:

IN PERSON

Director, Office of Personnel and Manpower (SER/PM), Agency for International Development, Rosslyn Plaza, Room 105, 1601 North Kent Street, Arlington, Virginia 22209.

BY MAIL

Director, Office of Personnel and Manpower (SER/PM), Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523. Attention: Privacy Liaison Officer.

(b) Such request should include information necessary to identify the record, e.g., the individual's full name, date of birth, place of birth, present mailing address, system of record identification name and number, if known, and, to facilitate the retrieval of records contained in those systems of records which are retrievable by social security numbers, the social security number of the individual to whom the record pertains.

(c) With respect to a system of records which may be maintained by the Agency in offices outside the United States, an individual may inquire whether he or she is the subject of an Agency record or may request access to or amendment of such records by appearing in person or by writing to the Privacy liaison Officer, Agency for International Development, at the address given for the applicable country in Appendix A, of this part.

(d) The Director, Office of Personnel and Manpower, or his or her designee, or, in the case of an office abroad, the Privacy Liaison Officer, or his or her designee, shall, within ten (10) working days of receipt of the request, furnish in writing to the requesting individual notice of the existence or nonexistence of any records described in the request.

§ 215.4 Times, places, and requirements for identification of individuals making requests.

(a) Individuals making personal requests for notification, access or contest may do so at the place designated in paragraph (a) of § 215.3, which is open from 9 a.m. to 5 p.m. daily, except Saturdays, Sundays, and Legal Public Holidays.

(b) Individuals making personal requests for notification, access or contest at offices outside the United States may do so at the places designated in paragraph (c) of § 215.3, during the regular business hours of those offices.

(c) An individual requesting such information in person shall provide such personal identification as is reasonable under the circumstances to verify the individual's identity; e.g., driver's license, employee identification card, or medicare card.

(d) An individual requesting such information by mail shall include in his or her request a signed notarized statement to verify his or her identity and which stipulates that the individual understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine up to $5,000, as provided in section (i)(3) of the Act.

(e) Verification of identity as set forth in paragraphs (c) and (d) of this section shall not be required of individuals seeking access to records otherwise available to any member of the public under the Freedom of Information Act (5 U.S.C. 552; 88 Stat. 1561).

(f) An individual who wishes to be accompanied by another person when reviewing a record shall furnish the Agency with a written statement authorizing discussion of his or her record in the presence of the accompanying person. Such statement need not contain any reasons for the access or for the accompanying person's presence.

§ 215.5 Access to requested information by individuals.

(a) Upon receipt of a request by an individual made in accordance with the provisions of § 215.3, such individual shall be granted access to any record pertaining to him or her which is contained in a system of records maintained by the Agency.

(b) Notwithstanding the provisions of paragraph (a) of this section, access will not be allowed an individual to information or records compiled by the Agency in reasonable anticipation of a civil or criminal action or proceeding.

(c) Whenever possible, access to requested records will be granted:

(1) Where the request is presented in person and the record is readily available, promptly upon receipt of the request for access, determination that access to the record may be granted, verification of the identity of the individual seeking access, and, where applicable, receipt of consent to discuss the record with a person accompanying the individual;

(2) Where the request is made by mail, the record will, whenever possible, be provided within ten (10) working days of receipt of the request.

(d) Where access to a record cannot reasonably be granted as provided in paragraph (c) (1) and (2) of this section, the Agency will acknowledge in writing receipt of the request for access and indicate a reasonable time within which access to the record can be granted.

(e) Where no reasonable means exist for an individual to have access to his or her record in person, a copy of the record may be provided through the mail. No fee will be charged for providing copies pursuant to this subsection.

§ 215.6 Special procedures: Medical records.

If the Director, Office of Personnel and Manpower, determines that the release directly to the individual of medical records maintained by the Agency could have an adverse effect upon such individual, the director will attempt to arrange an acceptable alternative (such as the release of said information to a doctor named by the individual) in granting access to such record.

§ 215.7 Request for correction or amendment of record.

(a) An individual may request the Agency to correct or amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely or complete.

(b) Such request must be in writing and must be presented, in person or by mail as follows:

IN PERSON

Director, Office of Personnel and Manpower (SER/PM), Agency for International Development, Rosslyn Plaza, Room 105, 1601 North Kent Street, Arlington, Virginia 22209. Attention: Privacy Liaison Officer.

BY MAIL

Director, Office of Personnel and Manpower (SER/PM), Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523. Attention: Privacy Liaison Officer.

(c) Such requests, whether or not submitted on forms provided therefor, must set forth the following information:

(1) Identification of the system of records in which the particular record is maintained;

(2) The portion(s) of the record to be amended or corrected;

(3) The desired amendment or correction;

(4) The reasons for the amendment or correction; and the request must be accompanied by evidence, documentation, or other information in support of the request.

(d) Assistance in preparing a request to amend a record may be obtained from:

Privacy Liaison Officer, Rosslyn Plaza, Room 105, 1601 North Kent Street, Arlington, Virginia 22209.

§ 215.8 Agency review of requests for amendment of record.

(a) The Agency will examine the information requested to be amended to determine its accuracy, timeliness, and completeness, and its relevancy and necessity to accomplish a purpose of the Agency required to be accomplished by statute or by executive order.

(b) Within ten (10) working days after the receipt by the Director, Office of Personnel and Manpower, of a request made in accordance with this section, the Director shall acknowledge in writing such receipt and shall, after examination in accordance with the provisions of paragraph (a) of this section, promptly either:

(1) Make any amendment of any portion thereof which the individual believes is not accurate, relevant, timely or complete, and notify the individual of the amendment made; or

(2) Inform the individual of the Agency's refusal to amend the record in accordance with the request, the reason(s) for the refusal, and the procedures established by the Agency for the individual to request a review of that refusal.

(c) If the Agency agrees with the individual's request to amend a record, in addition to proceeding as set forth in paragraph (b) (1) of this section, it shall promptly advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment where an accounting of disclosures has been made.

(d) If unusual circumstances prevent the completion of Agency action on the request to amend within 30 days after the receipt thereof by the Director, the individual will be promptly advised of the delay, the reasons for the delay, and of the date by which the review is expected to be completed.

(e) If the Agency, after its initial examination of the record and the request for Amendment, disagrees with all or any part of the individual's request to amend, it shall:

(1) To the extent the Agency agrees with any part of the individual's request to amend, proceed as described in paragraphs (b) (1) and (c) of this section;

(2) Advise the individual of its refusal and the reason(s) therefor;

(3) Inform the individual that he or she may request a further review by the Administrator or by an officer of the Agency designated by the Administrator; and

(4) Describe the procedures for requesting such a review, including the name and address of the official to whom the request should be directed.

(f) No part of these regulations shall be construed to permit:

(1) The alteration of evidence presented in the course of judicial, quasi-judicial or quasi-legislative proceedings;

(2) Collateral attack upon any matter which has been the subject of judicial or quasi-judicial action; or

(3) An amendment or correction which would be in violation of an existing statute, executive order or regulation.

§ 215.9 Appeal of initial adverse agency determination.

(a) An individual who disagrees with the denial or partial denial of his or her request to amend a record may file a request for review of such refusal within 60 days after the date of notification of the denial or partial denial.

(b) The request for review must be in writing and may be presented in person or by mail to:

Administrator, Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523. Attention: Executive Secretary, Privacy Review Request.

Both the envelope and the letter should be clearly marked: *Attention: Executive Secretary, Privacy Review Request.* Such request should include any documentation, information or statements advanced for the amendment of the record, and a copy of the initial adverse determination.

(c) Upon receipt of the request for review, the Administrator, or an officer of the Agency designated in writing by the Administrator, shall undertake an independent review of the initial determination.

(d) If someone other than the Administrator is designated to conduct the review, he or she shall be an officer who is organizationally independent of or senior to the officer or employee who made the initial determination.

(e) In conducting the review, the reviewing official may, at his or her option, request such additional information as is deemed necessary to establish that the record contains only that information which is accurate, timely, complete and necessary to assure fairness in any determination which may be made about the individual on the basis of the record.

(f) Within 30 days after receipt of the request for review, the Administrator, or the official designated to conduct the review, shall advise the individual of the Agency's final decision. If unusual circumstances prevent the completion of the review within the 30-day period, the Agency shall, prior to the expiration of the 30-day period, advise the individual in writing of the circumstances preventing the completion of such review and inform him or her of the date by which the review is expected to be completed.

(g) If the reviewing official determines that the record should be amended in accordance with the individual's request, the Agency shall:

(1) Amend the record accordingly;

(2) Advise the individual of the amendment; and

(3) Where an accounting of disclosures has been made, advise all previous recipients of the fact that the amendment was made and the nature of the amendment.

(h) If, after conducting the review, the reviewing official refuses to amend the record, in whole or in part, in accordance with the individual's request, Agency shall advise the individual:

(1) Of its refusal and the reasons therefor;

(2) Of the individual's right to file a concise statement of his or her reasons for disagreeing with the Agency's decision;

(3) Of the procedures for filing a statement of disagreement;

(4) That any such statement will be made available to anyone to whom the record is subsequently disclosed, together with a brief statement by the Agency summarizing its reasons for refusing to amend the record;

(5) That to the extent an accounting of disclosure was maintained, prior recipients of the disputed record will be provided a copy of any statement of disagreement and of the Agency's statement summarizing its reasons for refusing to amend the record; and

(6) Of the individual's right to seek judicial review of the Agency's refusal to amend a record as provided for in section (g)(1)(a) of the Act.

§ 215.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, the Agency shall not disclose any record which is contained in a system of records by any means of communication to any person or other agency who is not the individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, the Agency may disclose any such record to a person or to another agency as requested or authorized.

(c) Notwithstanding the absence of written consent from the individual to whom the record pertains, the Agency may disclose any such record provided such disclosure is:

(1) To those officers and employees of the Agency who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use as defined in § 215.2;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the Agency with adequate advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his or her designee, to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law: *Provided*, The head of the agency or instrumentality has made a prior written request to the Director, Office of Personnel and Manpower, specifying the particular record and the law enforcement activity for which it is sought;

(8) To a responsible person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification will be transmitted to the last known address of such individual;

(9) To either House of Congress, and to the extent of a matter within its jurisdiction, any committee or subcommittee, or joint committee of Congress, or subcommittee of such joint committee;

(10) To the Comptroller General, or any of his or her authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to an order of a court of competent jurisdiction.

§ 215.11 Fees.

(a) Except as provided in paragraph (b) of this section, and § 215.5(e), fees for copies of records and documents will be charged at the rate of 10 cents per page (one side), limited to size 8½" by 14" or smaller.

(b) No fees will be charged for providing the first copy of a record or any portion thereof to individuals to whom the record pertains.

(c) If special handling or other than first-class mail is requested or required, the costs thereof shall be added to the basic fee.

(d) Remittance may be in the form of a check, bank draft on a bank in the United States, or postal money order, payable to the Treasurer of the United States, or cash.

(e) A receipt for fees paid will be given only upon request.

§ 215.12 Penalties and remedies.

The provisions of the Act relating to penalties and remedies are summarized below:

(a) An individual may bring a civil action against the Agency when the Agency:

(1) Makes a determination not to amend a record in accordance with the individual's request;

(2) Refuses to comply with an individual's request pursuant to 5 U.S.C. 552a (d)(1);

(3) Fails to maintain a record concerning an individual with such accuracy, relevance, timeliness and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and as a result thereof a determination is made which is adverse to the individual; or

(4) Fails to comply with any other provision of section (d) of the Act in such a way as to have an adverse effect on an individual.

(b) The court may order the correction or amendment of the record, may enjoin the Agency from withholding the records, may order the Agency to produce any records improperly withheld, and may assess attorneys' fees and costs.

(c) Where a court of competent jurisdiction makes a determination that the Agency action was willful or intentional with respect to 5 U.S.C. 552a (g)(1)(c) or (d), the United States shall be liable for actual damages of no less than $1,000. the costs of the action, and attorneys' fees.

(d) Criminal penalties may be imposed against an officer or employee of the Agency who willfully discloses material which he or she knows is prohibited from disclosure, or who maintains a system of records without complying with the notice requirements.

(e) Criminal penalties may be imposed against any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses. The offenses enumerated in paragraph (d) of this section and this paragraph (e) are misdemeanors, with fines not to exceed $5,000.

§ 215.13 General exemptions.

(a) Pursuant to 5 U.S.C. 552a (j)(2), the Administrator may, where there is a compelling reason to do so, exempt a system of records within the Agency from any part of the Act, except subsections (b), (c) (1) and (2), (e)(4)(A) through (F), (e) (6), (7), (9), (10), and (11), and (i) thereof, if the system of records

is maintained by the Agency or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

(b) Each notice of a system of records that is the subject of an exemption under this section will include a statement that the system has been exempted, the reasons therefor, and a reference to the FEDERAL REGISTER issue where the exemption rule can be found.

(c) The systems of records to be exempted under section (j)(2) of the Act, the provisions of the Act from which they are being exempted, and the justification for the exemptions, are set forth below:

(1) *Criminal Law Enforcement Records.* This system of records is to be exempted from sections (c) (3) and (4), (d), (e) (1), (2), and (3), (e) (4) (G), (H), and (I), (e) (5) and (8), (f), (g) and (h) of the Act. These exemptions are necessary to insure the proper functioning of the law enforcement activity, to protect confidential sources of information, to fulfill promises of confidentiality, to maintain the integrity of the law enforcement procedures, to avoid premature disclosure of the knowledge of criminal activity and the evidentiary bases of possible enforcement actions, to prevent interference with law enforcement proceedings, to avoid the disclosure of investigative techniques, and to avoid the endangering of law enforcement personnel.

§ 215.14 Specific exemptions.

(a) Pursuant to 5 U.S.C. 552a(k) the Administrator may, where there is a compelling reason to do so, exempt a system of records, from any of the provisions of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Act if a system of records is:

(1) Subject to the provisions of 5 U.S.C. 552(b)(1);

(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Act: *Provided, however,* That if any individual is denied any right, privilege, or benefit to which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056;

(4) Required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(b) Each notice of a system of records that is the subject of an exemption under 5 U.S.C. 552a(k) will include a statement that the system has been exempted, the reasons therefor, and a reference to the FEDERAL REGISTER issue where the exemption rule can be found.

(c) The systems of records to be exempted under section (k) of the Act, the provisions of the Act from which they are being exempted, and the justification for the exemptions, are set forth below:

(1) *Criminal Law Enforcement Records.* If the 5 U.S.C. 552a(j)(2) exemption claimed under paragraph (c) of § 215.13 and on the notice of systems of records to be published in the FEDERAL REGISTER on this same date is held to be invalid, then this system is determined to be exempt, under 5 U.S.C. 552(a)(k)(1) and (2) of the Act, from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The reasons for asserting the exemptions are to protect the materials required by Executive Order to be kept secret in the interest of the national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel.

(2) *Personnel Security and Suitability Investigatory Records.* This system is exempt under U.S.C. 552a (k)(1), (k)(2), (k)(3), and (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to assure the protection of the President, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract. Special note is made of the limitation on the extent to which this exemption may be asserted.

(3) *Litigation Records.* This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract.

(4) *Employee Equal Employment Opportunity Complaint Investigatory Records.* This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), (k)(4), and (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the

ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract, and to prevent interference with a legitimate, Congressionally sanctioned activity.

(5) The following systems of records are exempt under 5 U.S.C. 552a (k)(5) from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f):

(i) Employee Conduct and Discipline Records

(ii) Employee Relations Records.

This exemption is claimed for these systems of records to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, ultimately, to facilitate proper selection or continuance of the best applicants or persons for a given position or contract. Special note is made of the limitation on the extent to which this exemption may be asserted. The existence and general character of the information exempted will be made known to the individual to whom it pertains.

Effective date. This part becomes effective on September 27, 1975.

Dated: September 26, 1975.

JOHN E. MURPHY,
Acting Administrator.

APPENDIX A.—*Agency for International Development, address and locations of offices referenced in the regulations and notices*

	Mailing address	Location
I. In the United States:		
OFFICE		
State Department	A.I.D., Washington, D.C. 20523	320 21st St. NW., Washington, D.C.
State Department, Annex 2.	do	515 22d St. NW., Washington, D.C.
State Department, Annex 5.	do	1901 Pennsylvania Ave. NW., Washington, D.C.
State Department, Annex 11.	do	1401 Wilson Blvd., Arlington, Va.
Universal North Building.	do	1875 Florida Ave. NW., Washington, D.C.
Pomponio Plaza Building.	do	1735 North Lynn St., Arlington, Va.
Rosslyn Plaza "E" Building.	do	1621 N. Kent St., Arlington, Va.
Rosslyn Plaza "C" Building.	do	1601 N. Kent St., Arlington, Va.
New Cumberland	A.I.D. Excess Property Division, Building 54-5, New Cumberland Army Depot, New Cumberland, Pa. 17070.	Building 54-5, New Cumberland Army Depot, New Cumberland, Pa. 17070.
II. Abroad:		
MISSION		
Afghanistan	USAID to Afghanistan, c/o American Embassy, Kabul, Afghanistan.	Wazir Akbar Khan Mina, Kabul, Afghanistan.
Bangladesh	USAID, c/o American Embassy, Dacca, Bangladesh.	Adamjee Court Bldg. Montijheel, Dacca, Bangladesh.
Brazil	USAID to Brazil, CAIZA Postal 14-2324, Brasilia D.F., Brazil.	Ed. Bandeirantes, SCS Q. 17, Lote 2/5, Brasilia, Brazil.
British Honduras	American Consulate, Belize City, British Honduras.	Gabourel Lane and Hutson St., Belize City, Belize.
Bolivia	USAID to Bolivia, c/o American Embassy, La Paz, Bolivia.	363 Almirante Grau St., La Paz, Bolivia.
Chad	Country Development Officer, c/o American Embassy, N'Djamena, Chad.	Rue du Lt. Col. Colonna d'Ornano, N'Ljamena, Chad.
Cameroon	Area Development Office, c/o American Embassy, Yaounde, Cameroon.	Rue Nachtigal, Yaounde, Cameroon.
Chile	USAID to Chile, c/o American Embassy, Santiago, Chile.	Avenida B. O'Higgins No. 1146, Santiago, Chile.
Colombia	USAID to Colombia, c/o American Embassy, Bogota, Colombia.	Carrera 10 Nr 28-49, Bogota, Colombia.
Costa Rica	Office of AID Affairs, c/o American Embassy, San Jose, Costa Rica.	Avenida 3 Calle 1, San Jose, Costa Rica.
Dominican Republic	USAID to Dominican Republic, c/o American Embassy, Santo Domingo, Dominican Republic.	Calle Cesar Nicolas Pensen and Calle, Leopoldo Navarro, Santo Domingo, Dominican Republic.
Ecuador	USAID to Equador, c/o American Embassy, Quito, Ecuador.	120 Avenida Patria, Quito, Ecuador.
Egypt	USAID, American Embassy, Cairo, Egypt	5 Sharia Latin America, Carlo, Egypt.
El Salvador	USAID to El Salvador, c/o American Embassy, San Salvador, El Salvador.	No. 1230, 25 Avenida Norte, San Salvador, El Salvador.
Ethiopia	USAID to Ethiopia, c/o American Embassy, Addis Ababa, Ethiopia.	Crown Prince Asfaw Wossen St., Addis Ababa, Ethiopia.
France	U.S. Mission to the OECD, c/o American Embassy, Paris, France.	13 Villa Croix Nivert, Paris, France.
Ghana	USAID, P.O. Box 1630, Acera, Ghana	Liberia and Rowe Roads, Accra, Ghana.
Guatemala	USAID/ROCAP, c/o American Embassy, Guatemala City, Guatemala.	USAID/ROCAP, 7-86, 8th St., Zone 9, Guatemala City, Guatemala.
Guyana	USAID to Guyana, c/o American Embassy, Georgetown, Guyana.	65 Main St., Georgetown, Guyana.
Haiti	Office of AID Representative, American Embassy, Port au Prince, Haiti.	American Embassy, Harry Truman Blvd., Port au Prince, Haiti.
Honduras	USAID to Honduras, c/o American Embassy, Tegucigalpa, Honduras.	Avenida La Paz, Tegucigalpa, Honduras.
Iceland	American Embassy, Reykjavik, Iceland	Laufasvegur 21, Reykjavik, Iceland.
India	USAID to India, c/o American Embassy, New Delhi, India 11.	Shanti Path, Chanakyapuri 21, New Delhi, India.
Indonesia	USAID to Indonesia, c/o American Embassy, Jakarta, Indonesia.	Medan Merdeka, Selatan 5, Jakarta, Indonesia.

	Mailing address	Location
Italy	American Embassy, Rome, Italy	Via Veneto 119, Rome, Italy.
Ivory Coast	Regional Economic Development Services Offices/West Africa, c/o American Embassy, Abidjan, Ivory Coast.	5, Rue Jesse Owens, Abidjan, Ivory Coast.
Jamaica	Office of AID Affairs, c/o American Embassy, Kingston, Jamaica.	American Embassy, 43 Duke St., Kingston, Jamaica.
Jordan	American Embassy, Amman, Jordan	Jebel Amman, Amman, Jordan.
Kenya	USAID to Kenya, P.O. Box 30261, Nairobi, Kenya.	Cotts House, Eliot St., Nairobi, Kenya.
Korea	USAID to Korea, c/o American Embassy, Seoul, Korea.	New Seoul Bldg. 1503 62-7, 2-KA, Chungmu-Ro; Chung-Ku, Seoul, Korea.
Lebanon	AID Regional Training Office, c/o American Embassy, Beirut, Lebanon.	Corniche at Rue Alv Mreisseh, Beirut, Lebanon.
Liberia	USAID, P.O. Box 1445, Monrovia, Liberia	United Nations Dr., Monrovia, Libeia.
Mali	Country Development Officer, c/o American Embassy, Bamako, Mali.	Rue Testard and Rue Mohamed V, Bamako, Mali.
Mauritania	Country Development Officer, c/o American Embassy, Nouakchott, Mauritania.	American Embassy, Nouakchott, Mauritania.
Mexico	Office of AID Affairs, c/o American Embassy, Mexico D.F. Mexico.	Cor. Danubio and Paseo de la Reforma, 305, Colonia Cuauhtemoc, Mexico D.F. Mexico.
Morocco	USAID to Morocco, c/o American Embassy, Rabat, Morocco.	2 Ave. de Marrakech, Rabat, Morocco.
Nepal	USAID to Nepal, c/o American Embassy, Kathmandu, Nepal.	Rabi Bhawan, Kathmandu, Nepal.
Nicaragua	USAID to Nicaragua, c/o American Embassy, Managua, Nicaragua.	Boulevard Somoza, Managua, Nicaragua.
Niger	Area Development Office, c/o American Embassy, Niamey, Niger.	Yantala Road, Niamey, Niger.
Nigeria	USAID to Nigeria, c/o American Embassy, Lagos, Nigeria.	1/3 Moloney St., Lagos, Nigeria.
Pakistan	USAID, P.O. Box 1028, Islamabad, Pakistan.	Diplomatic Enclave, Ramna 4, Islamabad, Pakistan.
Panama	USAID to Panama, c/o American Embassy, Panama City, Panama.	USAID Main Bldg., Cemento Panama Bldg., Manuel Espinosa Batista, Panama City, Panama.
Paraguay	USAID to Paraguay, c/o American Embassy, Asuncion, Paraguay.	300 Kubitschek, Asuncion, Paraguay.
Peru	USAID to Peru, c/o American Embassy, Lima, Peru.	Av. Espana 386, Lima, Peru.
Philippines	USAID to the Republic of the Philippines, c/o American Embassy, Manila, Philippines.	1680 Roxas Blvd., Manila, Philippines.
Portugal	American Embassy, Lisbon, APO New York 09678.	Avenida Duque de Loule No. 39, Lisbon, Portugal.
Puerto Rico	c/o Assistant Secretary, International Exchange, Department of State, Commonwealth of Puerto Rico, San Juan, Puerto Rico.	OTC, San Juan, Puerto Rico.
Senegal	Area Development Office, c/o American Embassy, Dakar, Senegal.	BIAO Building, Place de l'Independance, Dakar, Senegal.
Sri Lanka	Office of AID Representative, c/o American Embassy, Colombo, Sri Lanka.	44 Galle Road, Colpetty, Colombo, Sri Lanka.
Sudan	AID Affairs Office, c/o Embassy of the Netherlands, Khartoum, Sudan.	Gambouria Ave., Khartoum, Sudan.
Swaziland	Office of Southern African Regional Activities, Coordination/Mbabane, c/o American Embassy, Mbabane, Swaziland.	OSA RAC-Hdqts, 218 Gilfillan St., Mbabane, Swaziland.
Switzerland	U.S. Mission to International Organization, c/o Amemb, Geneva, Switzerland.	80 Rue de Lausanne, Geneva, Switzerland.
Syria	Office of A.I.D. Representative, c/o American Embassy, Damascus, Syria Arab Republic.	Chare (Ave.) Al-Mansour, Abu, Rummanih, Damascus, Syria.
Taiwan	Office of AID Affairs, c/o American Embassy, Taipei, Taiwan.	No. 2 Chung Hsiao West Road, Second Sectiori, Taipei, Taiwan.
Tanzania	USAID to United Republic of Tanzania, c/o American Embassy, Dar es Salaam, Tanzania.	National Bank of Commerce Bldg. on City Drive, Dar es Salaam, Tanzania.
Thailand	USOM, c/o American Embassy, Bangkok, Thailand.	95 Wireless Road, Bangkok, Thailand.
Togo	Area Development Officer, c/o American Embassy, Niamey, Niger.	Rue Pelletier Caventor and rue Vauban, Lome, Togo.
Tunisia	USAID to Tunisia, c/o American Embassy Tunis, Tunisia.	142 Aveneue de la Liberte, Tunis, Tunisia.
Turkey	USAID, PK 39, Cankaya, Ankara, Turkey	Cinnah Caddesi, No. 16, Ankara, Turkey.
Upper Volta	AID Country Development Officer, c/o American Embassy, Ouagadougou, Upper Volta.	Boite Postale 35, Ouagadougou, Upper Volta.
Uruguay	Office of AID, Representative/Montevideo, c/o American Embassy, Montevideo, Uruguay.	Lauro Muller 1776, Montevideo, Uruguay.
Yemen	Office of AID Affairs, c/o American Embassy, Sana, Yemen.	American Embassy, Sana, Yemen Arab Republic.
Zaire	USAID to Republic of Zaire, c/o American Embassy, Kinshasa, Republic of Zaire.	310 Ave. des Aviateurs, Kinshasa, Zaire.

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Title 31—Money and Finance: Treasury

Subtitle A—Office of the Secretary of the Treasury

PART 1—ACCESS TO RECORDS

Subpart C—Records Pertaining to Individuals

Adoption of Final Regulations

The Department of the Treasury adopts regulations to implement the Privacy Act of 1974 (5 U.S.C. 552a) to be published as a new Subpart C to Part 1. Records Pertaining to Individuals. The regulations are intended to apply uniformly to all component units of the Department of the Treasury.

In general, the regulations prescribe the requirements for the Department of the Treasury maintaining systems of records pertaining to individuals, the means by which any person may learn whether records pertaining to such individual are being maintained, and limitations on access to such records by anyone, including the individual to whom they pertain. They provide for annual publication in the Federal Register of notices concerning the existence of, and nature of information contained in, systems of records maintained by the Department and the intended uses of such information in such systems. They provide procedures by which an individual may obtain access to records maintained by the Department of the Treasury, which pertain to such individual, procedures by which such individual may request amendment of such records and procedures for the resolution of disputes when a request for amendment is denied.

The regulations also designate officers of the constituent units of the Department of the Treasury who are responsible for making determinations concerning notification, access, and requests for amendment of records and accounting for disclosures.

These regulations were published in proposed form for public comment in the Federal Register for August 26, 1975 (40 FR 37602). Such comments as were received were considered in preparing these final regulations. The regulations were revised in addition to accommodate comments provided from within the Department.

Therefore, a new Subpart C is added to Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations to read as follows:

Subpart B—Under Other Provisions

Sec. 1.12 through 1.10 [Reserved]

Subpart C—Records Pertaining to Individuals

1.20 Purpose and scope of regulations.
1.21 Definitions.
1.22 Requirements relating to systems of records.
1.23 Publication in the Federal Register—annual notices of systems of records, general exemptions, specific exemptions.
1.24 Disclosures of records to person other than the individual to whom they pertain.
1.25 Accounting for disclosures made.
1.26 Procedures for notification and access to individuals—format and fees for request for access.
1.27 Procedures for amendment of records pertaining to individuals—format, agency review and appeal from initial adverse agency determination.
1.28 Training, rules of conduct, penalties for non-compliance.
1.29 Records transferred to Federal Records Center or National Archives of the United States.
1.30 Application to systems of records maintained by Government contractors.
1.31 Sale or rental of mailing lists.
1.32 Use and disclosure of Social Security Numbers.
1.33 Cooperation with Privacy Protection Study Commission.
1.34 Guardianship.
1.35 Information forms.
1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

Appendix A—Office of the Secretary.
Appendix B—Internal Revenue Service.
Appendix C—United States Customs Service.
Appendix D—United States Secret Service.
Appendix E—Bureau of Alcohol, Tobacco and Firearms.
Appendix F—Bureau of Engraving and Printing.

Appendix G—Bureau of Government Financial Operations.
Appendix H—Bureau of the Mint.
Appendix I—Bureau of the Public Debt.
Appendix J—Office of the Comptroller of the Currency.
Appendix K—United States Saving Bonds Division.
Appendix L—Consolidated Federal Law Enforcement Training Center.

AUTHORITY: The provisions of this subpart C of Part 1 issued under 5 U.S.C. 552a.

§ 1.20 Purpose and scope of regulations.

The regulations in this subpart are issued to implement the provisions of the Privacy Act of 1974, (5 U.S.C. 552a). The regulations relate to all records maintained by the Department of the Treasury which are identifiable by individual name or identifier and all systems of such records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. They do not relate to those personnel records of Government employees, which are under the jurisdiction of the Civil Service Commission, to the extent such records are subject to regulations issued by such Commission. The regulations apply to all constituent units of the Deparement of the Treasury. Any reference in this subpart to the Department or its officials, employees, or records shall be deemed to refer also to the constituent units or their officials, employees, or records. The regulations set forth the requirements applicable to Department of the Treasury employees maintaining, collecting, using or disseminating records pertaining to individuals. They also set forth the procedures by which individuals may request notification of whether the Department of the Treasury maintains or has disclosed a record pertaining to them or may seek access to such records maintained in any nonexempt system of records, request amendment of such records, and appeal any initial adverse determination of any such request. For the convenience of interested persons, the constituent units of the Department of the Treasury may reprint these regulations in their entirety (less any appendices not applicable to the unit in question) in those titles of the Code of Federal Regulations which normally contain regulations applicable to such constituent units. In connection with such republication, and at other appropriate times, constituent units may issue supplementary regulations applicable only to the constituent unit in question, which are consistent with these regulations. In the event of any actual or apparent inconsistency, these Departmental regulations shall govern. Persons interested in the records of a particular constituent unit should therefore, also consult the Code of Federal Regulations for any rules or regulations promulgated specifically with respect to that constituent unit (see Appendices to this subpart for cross references). The head of each unit is hereby also authorized to substitute other appropriate officials for those designated and correct addresses specified in the appendix to this subpart applicable to his unit. The constituent units of the Department of the Treasury for the purposes of this subpart are:

(a) The Office of the Secretary of the Treasury, which includes the offices of:

(1) The Secretary, including immediate staff;

(2) The Deputy Secretary, including immediate staff;

(3) The Under Secretary for Monetary Affairs, including immediate staff;

(4) The Under Secretary, including immediate staff;

(5) The General Counsel and the Legal Division, except legal counsel to the officer and offices listed in paragraph (a) (6) of this section and the constituent units listed in paragraphs (b) through (e) and (h) through (k) of this section;

(6) The Assistant Secretary (Tax Policy), including immediate staff and all offices reporting to him;

(7) The Assistant Secretary (International Affairs) and all offices reporting to him, including immediate staff;

(8) The Assistant Secretary (Trade, Energy and Financial Resources Policy Coordination) and all offices reporting to him, including immediate staff;

(9) The Assistant Secretary (Economic Policy) and all other offices reporting to him, including immediate staff;

(10) The Fiscal Assistant Secretary, including immediate staff;

(11) The Assistant Secretary (Administration) and all offices reporting to him, including immediate staff;

(12) The Assistant Secretary (Legislative Affairs), including immediate staff;

(13) The Assistant Secretary (Enforcement, Operations and Tariff Affairs), including immediate staff, and the Offices of Law Enforcement, including Interpol (National Central Bureau), Operations, Tariff Affairs and Foreign Assets Control reporting to him;

(14) The Special Assistant to the Secretary (Public Affairs), including immediate staff;

(15) The Special Assistant to the Secretary (Debt Management) and the offices reporting to him, including immediate staff;

(16) The Special Assistant to the Secretary (National Security), including immediate staff;

(17) The Treasurer of the United States, including immediate staff;

(18) The Director of Practice, including immediate staff; and

(19) Persons concerned with the completion of actions under the Economic Stabilization Act of 1970, as amended.

(b) The Internal Revenue Service;

(c) The United States Customs Service;

(d) The United States Secret Service;

(e) The Bureau of Alcohol, Tobacco and Firearms;

(f) The Bureau of Engraving and Printing;

(g) The Bureau of Government Financial Operations;

(h) The Bureau of the Mint;

(i) The Bureau of the Public Debt;

(j) The Office of the Comptroller of the Currency;

(k) The United States Savings Bond Division; and

(l) The Consolidated Federal Law Enforcement Training Center.

For purposes of this subpart, the office of the legal counsel for the constituent units listed in Paragraphs (b), (c), (d), (e), (h), (i), (j), and (k) of this section are to be considered a part of such constituent unit. Any office, which is now in existence or may hereafter be established, which is not specifically listed or known to be a constituent of any of those listed above, shall be deemed a part of the Office of the Secretary for the purpose of these regulations.

§ 1.21 Definitions.

(a) The term "agency" means agency as defined in 5 U.S.C. 552(e);

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Department of the Treasury or any constituent unit thereof, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(e) The term "system of records" means a group of any records under the control of the Department of the Treasury or any constituent unit thereof from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8.

(g) The term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(h) The term "constituent unit" means a bureau or office of the Department of the Treasury as set forth in section 1.20 and in the appendices to these regulations. (See 5 U.S.C. 552a(a)).

§ 1.22 Requirements relating to systems of records.

(a) *In general.* Subject to 5 U.S.C. 552a (j) and (k) and section 1.23(c) of this subpart, each constituent unit shall in conformance with 5 U.S.C. 552a, —

(1) Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President (See 5 U.S.C. 552a(e)(1)), and

(2) Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs (See 5 U.S.C. 552a(e)(2)).

(b) *Requests for information from individuals.* Subject to 5 U.S.C. 552a(j) and section 1.23(c)(1) of this subpart, each constituent unit of the Treasury shall inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual—

(1) The authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as published pursuant to 5 U.S.C. 552a(e)(4)(D), and

(4) The effects on such individual, if any, of not providing all or any part of the requested information. (See 5 U.S.C. 552a(e)(3)).

(c) *Report on new systems.* Each constituent unit of the Treasury shall provide adequate advance notice to Congress and the Office of Management and Budget through the Legislation Section, Office of the General Counsel of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers. (See 5 U.S.C. 552a(o)).

(d) *Accurate and secure maintenance of records.* Each constituent unit shall—

(1) Subject to 5 U.S.C. 552a(j) and section 1.23(c)(1) of this subpart, maintain all records which are used in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination, (see 5 U.S.C. 552a(e)(5));

(2) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to 5 U.S.C. 552 (see 31 CFR Part 1, Subpart A), make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for Department of the Treasury purposes. (See 5 U.S.C. 552a(e)(6)), and

(3) Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained. (See 5 U.S.C. 552a(e)(10)).

(i) System managers, with the approval of the head of their offices within a constituent unit, shall establish administrative and physical controls, consistent with Department regulations, to insure the protection of records systems from unauthorized access or disclosure and from physical damage or destruction. The controls instituted shall be proportional to the degree of sensitivity of the records but at a minimum must insure that records other than those available to the general public under the Freedom of Information Act, (5 U.S.C. 552), are protected from public view, that the area in which the records are stored is supervised during all business hours and physically secure during nonbusiness hours to prevent unauthorized personnel from obtaining access to the records. Automated systems shall comply with the security standards promulgated by the National Bureau of Standards.

(ii) System managers, with the approval of the head of their offices within a constituent unit, shall adopt access restrictions to insure that only those individuals within the agency who have a need to have access to the records for the performance of their duties have access to them. Procedures shall also be adopted to prevent accidental access to, or dissemination of, records.

(e) *Prohibition against maintenance of records concerning First Amendment rights.* No constituent unit shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment, (e.g. speech), unless the maintenance of such record is—

(1) Expressly authorized by statute, or

(2) Expressly authorized by the individual about whom the record is maintained, or

(3) Pertinent to and within the scope of an authorized law enforcement activity. (See 5 U.S.C. 552a(e)(7)).

(f) *Notification of disclosure under compulsory legal process.* Subject to 5 U.S.C 552a(j) and section 1.23(c)(1) of this subpart, when records concerning an individual are subpoenaed by a Grand Jury, Court, or quasi-judicial agency, the official served with the subpoena shall make reasonable efforts to assure that notice of any disclosure is provided to the individual. Notice shall be provided within 5 working days of making the records available under compulsory legal process or, in the case of a Grand Jury subpoena, within five days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date and authority to which the subpoena is, or was returnable, the name and number of the case or proceeding, and the nature of the information sought and provided. Notice of the issuance of a subpoena is not required if the system of records has been exempted from the notice requirement of 5 U.S.C. 552a(e)(8) and this section, pursuant to 5 U.S.C. 552a(j) and § 1.23(c)(1), by a Notice of Exemption published in the FEDERAL REGISTER. (See 5 U.S.C. 552a(e)(8)).

(g) *Emergency disclosure.* If information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the individual shall be notified at his last known address within 5 days of the disclosure (excluding Saturdays, Sundays, and legal public holidays). Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure. (See 5 U.S.C. 552a(b)(8)).

§ 1.23 Publication in the Federal Register—annual notices of systems of records, general exemptions, specific exemptions.

(a) *Annual notices of systems of records to be published in the* FEDERAL REGISTER. Each constituent unit shall publish in the FEDERAL REGISTER at least annually a notice of the existence and character of all systems of records it maintains. Such notices are set forth in the "Notices of Records Systems" published by the General Services Administration and referenced in Appendices A through L to this subpart. Subject to 5 U.S.C. 552a (j) and (k) and subsection (c) of this section, each notice shall include—

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(5) The policies and practices of the constituent unit regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the Treasury official who is responsible for the system of records;

(7) The procedures of the constituent unit whereby an individual can be notified at his or her request if the system of records contain a record pertaining to him or her, including reasonable times, places, and identification requirements;

(8) The procedures of the constituent unit whereby an individual can be notified at his or her request how he or she can gain access to any record pertaining to him or her contained in the system of records, and how he or she can contest its content; and

(9) The categories of sources of records in the system. (See 5 U.S.C. 552a(e)(4)).

(b) *Notice of new or modified routine uses to be published in the* FEDERAL REGISTER. At least 30 days prior to a new use or modification of a routine use, as published under paragraph (a)(4) of this section, each constituent unit shall publish in the Federal Register notice of such new or modified use of the information in the system and provide an opportunity

for interested persons to submit written data, views, or arguments to the constituent unit. (See 5 U.S.C. 552a(e)(11)).

(c) *Promulgation of rules exempting systems from certain requirements.*—(1) *General exemptions.* In accordance with existing procedures applicable to a Treasury constituent unit's issuance of regulations, the head of each such unit may adopt rules, in accordance with the requirements (including general notice) of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e), to exempt any system of records within the constituent unit from any part of 5 U.S.C. 552a and these regulations except subsections (b) (§ 1.24, conditions of disclosure), (c)(1) (§ 1.25, keep accurate accounting of disclosures), (c)(2) (§ 1.25, retain accounting for five years or life of record), (e)(4)(A) through (F) (paragraphs (a) of this section, publication of annual notice of systems of records), (e)(6) (§ 1.22(d), accuracy of records prior to dissemination), (e)(7) (§ 1.22(e), maintenance of records on First Amendment rights), (e)(9) (§ 1.28, establish rules of conduct), (e)(10) (§ 1.22(d)(3), establish safeguards for records), (e)(11) (paragraph (c) of this section, publish new intended use), and (i) (§ 1.28(c), criminal penalties) if the systems of records maintained by the constituent unit or component thereof which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (i) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole, and probation status; (ii) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (iii) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. (See 5 U.S.C. 552a(j).)

(2) *Specific exemptions.* In accordance with existing procedures applicable to a Treasury constituent unit's issuance of regulations, the head of each such unit may adopt rules, in accordance with the requirements (including general notice) of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e), to exempt any system of records within the unit from 5 U.S.C. 552a(c)(3) (§ 1.25(c)(2), accounting of certain disclosures available to the individual), (d) (§ 1.26(a), access to records), (e)(1) (§ 1.22(a)(1), maintenance of information to accomplish purposes authorized by statute or executive order only), (e)(4)(G) ((a)(7) of this section, publication of procedures for notification), (e)(4)(H) ((a)(8) of this section, publication of procedures for access and contest), (e)(4)(I) ((a)(9) of this section, publication of sources of records), and (f) (§ 1.26, promulgate rules for notification, access and contest), if the system of records is—

(i) Subject to the provisions of 5 U.S.C. 552(b)(1);

(ii) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of 5 U.S.C. 552a and paragraph (a)(1) of this section. If any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence;

(iii) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056;

(iv) Required by statute to be maintained and used solely as statistical records;

(v) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence;

(vi) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(vii) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(3) At the time that rules under this subsection are adopted, the head of the constituent unit shall include in the statement required under 5 U.S.C. 553(c) the reasons why the system of records is to be exempted from a provision of 5 U.S.C. 552a and this part. (See 5 U.S.C. 552a(j) and (k)).

§ 1.24 Disclosure of record to person other than the individual to whom it pertains.

(a) *Conditions of disclosure.* No constituent unit of Treasury shall disclose any record which is contained in a system of records maintained by it by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, or the parent, if a minor, or legal guardian, if incompetent, of such individual, unless disclosure of the record would be—

(1) To those offices and employees of the Department of the Treasury who have a need for the record in the performance of their duties;

(2) Required under 5 U.S.C. 552 (Subpart A of this Part);

(3) For a routine use as defined in 5 U.S.C. 552a(a)(7) and § 1.21(g) and as described under 5 U.S.C. 552a(e)(4)(D) and § 1.23(a)(4);

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the U.S. Code;

(5) To a recipient who has provided the constituent unit with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity,

(i) If the activity is authorized by law; and

(ii) If the head of the agency or instrumentality has made a written request to the Department of the Treasury specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure, notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction. (See 5 U.S.C. 552a(b)).

§ 1.25 Accounting of disclosures.

(a) *Accounting of certain disclosures.* Each constituent unit, with respect to each system of records under its control, shall—

(1) Keep an accurate accounting of: (i) the date, nature, and purpose of each disclosure of a record to any person or to an agency made under 5 U.S.C. 552a(b) and § 1.24; and (ii) the name and address of the person or agency to whom the disclosure is made;

(2) Retain the accounting made under paragraph (a)(1) of this section for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made; and

(3) Inform any person or other agency about any correction or notation of dispute made by the constituent unit in accordance with 5 U.S.C. 552a(d) and § 1.28 of any record that has been disclosed to the person or agency if an accounting of the disclosure was made. (see 5 U.S.C. 552(c))

(b *Accounting systems.* To permit the accounting required by paragraph (a) of this section, system managers, with the approval of the head of their offices within a constituent unit, shall establish or implement, as soon as possible, but not later than September 27, 1975, a system of accounting for all disclosures of records, either orally or in writing, made outside the Department of the Treasury. Accounting records shall—

(1) Be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, of to whom or what agencies records concerning them have been disclosed;

(2) Provide, as a minimum, the identification of the particular record disclosed, the name and address of the person or agency to whom or to which disclosed, and the date, nature and purpose of the disclosure; and

(3) Be maintained for 5 years or until the record is destroyed or transferred to the National Archives and Records Service for storage in records centers, in which event, the accounting pertaining to those records, unless maintained separately, shall be transferred with the records themselves.

(c) *Exemptions from accounting requirements.* No accounting is required for disclosures of records—

(1) To those officers and employees of the Department of the Treasury who have a need for the record in the performance of their duties; or

(2) If disclosure would be required under 5 U.S.C. 552 and Subpart A of this part.

(d) *Access to accounting by individual.* (1) Subject to paragraphs (c) and (d)(2) of this section, each constituent unit shall establish and set forth in the appendix to this subpart applicable to the constituent unit, procedures for making the accounting required under paragraph (a) of this section available to the individual to whom the record pertains and shall thereafter make such accounting available in accordance therewith at the request of the individual. The procedures may require the requester to provide reasonable identification.

(2) Access accountings of disclosure may be withheld from the individual named in the record only if the disclosures were (i) made under 5 U.S.C. 552a (b)(7) and § 1.24(a)(7), or (ii) under a system of records exempted from the requirements of 5 U.S.C. 552a(c)(3) in accordance with 5 U.S.C. 552(a)(j) or (k) and § 1.23(c). (See 5 U.S.C. 552a(c)).

§ 1.26 Procedures for notification and access to records pertaining to individuals—format and fees for request for access.

(a) *Procedures for notification and access.* Each constituent unit shall establish, in accordance with the requirements of 5 U.S.C. 553, and set forth in the appendix to this subpart applicable to such constituent unit procedures whereby an individual can be notified, in response to his request, if any system of records named by the individual contains a record pertaining to him. In addition, such procedures shall set forth the requirements for access by such individual to records which pertain to him. As a minimum such procedures shall specify the times during, and the places at, which access will be accorded, together with such identification as may be required of the individual before access. (See 5 U.S.C. 552a(f)(1), (2) and (3)).

(b) *Access.* Each constituent unit, in accordance with the procedures prescribed under paragraph (a) of this section, shall upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that the agency may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence. (See 5 U.S.C. 552a(d)(1)).

(c) *Exceptions.* Neither the procedures prescribed under paragraph (a) of this section nor the requirements for access under paragraph (b) of this section shall be applicable to—(1) systems of records exempted pursuant to 5 U.S.C. 552a (j) and (k) and § 1.23(c); (2) information compiled in reasonable anticipation of a civil action or proceeding (See 5 U.S.C. 552a(d)(5)); or (3) information pertaining to an individual which is contained in, and inseparable from, another individual's record.

(d) *Format of request.* (1) A request for notification of whether a record exists shall—

(i) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative (See § 1.34);

(ii) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a or these regulations, have marked "Privacy Act Request" on the request and on the envelope;

(iii) Give the name of the system or subsystem or categories of records to which access is sought, as specified in the "Notices of Records Systems" published by the General Services Administration and referenced in the appendices to this subpart;

(iv) Describe the nature of the record(s) sought and the approximate dates covered by the record(s);

(v) Provide such identification of the requester as may be specified in the appropriate appendix to this subpart; and

(vi) Be addressed to delivered in person to the office or officer of the constituent unit indicated for the particular system or subsystem or categories of records the individual wishes access to, as specified in the "Notice of Records Systems" published by the General Services Administration and referenced in the appendices to this subpart. Assistance in ascertaining the appropriate constituent unit or in preparing a request for notification may be obtained by a written request to that effect addressed as specified in Appendix A of this part, as the address for the Office of the Secretary for "Request for notification and access to records and accountings of disclosures".

(2) A request for access to records shall, in addition to complying with paragraph (a)(1) (i) through (vi) of this section—

(i) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them;

(ii) If the requester desires to have a copy made, state the firm agreement of the requester to pay the fees for duplication ultimately determined in accordance with [31 CFR] § 1.6, Subpart A of this title, unless such fees are waived pursuant to that section by the system manager or other appropriate official as indicated in the appropriate appendix to these regulations; and

(iii) Comply with any other requirement set forth in the applicable appendix to this subpart or the "Notice of Records Systems" applicable to the system in question.

Requesters are hereby advised that any request for access which does not comply with the foregoing requirements and those set forth elsewhere in this subpart C, will not be deemed subject to the time constraints of this section, unless and until amended so as to comply. However, constituent units shall advise the requester in what respect the request is deficient so that it may be processed. This section applies only to records in being which are contained in a system of records and which are in the possession or control of the constituent unit. (See 5 U.S.C. 552a(d) and (f)).

(e) *Requests for records not in control of constituent unit.* (1) Treasury employees shall make reasonable efforts to assist an oral requester to ascertain to which office or officer a written request should be sent. Where the re-

quest is for a record which is not in the possession or control of any constituent unit of the Department of the Treasury, the requester shall be so advised.

(2) Where the record requested was created by a Department or agency other than the Department of the Treasury or a constituent unit thereof and has been classified (e.g. National Defense or Intelligence Information) or otherwise restrictively endorsed (e.g. Civil Service Commission records or FBI reports) by such other Department or agency, and a copy thereof is in the possession of a constituent unit of the Department of the Treasury, that portion of the request shall be referred to the originating agency for determination as to all issues in accordance with the Privacy Act. In the case of a referral to another agency under this paragraph, the requester shall be notified that such portion of his request has been so referred and that he may expect to hear from that agency.

(3) When information sought from a system manager or other appropriate official in the Department of the Treasury includes information furnished by other federal agencies not classified or otherwise restrictively endorsed, the system manager or other appropriate official receiving the request shall consult with the appropriate agency prior to making a decision to disclose or not to disclose the record but the decision as to whether the record shall be disclosed shall be made, in the first instance by the system manager or other appropriate official maintaining the record. (See 5 U.S.C. 552a (d) and (f)).

(f) *Date of receipt of request.* A request for notification or access to records shall be considered to have been received for purposes of this subpart on the date on which the requirements of paragraph (d) of this section have been satisfied. Requests for notification or access to records and any separate agreement to pay shall be stamped or endorsed with the date of receipt by the receiving office. The latest of such stamped dates will be deemed for the purposes of this subpart to be the date of receipt of the request. (See 5 U.S.C. 552a (d) and (f)).

(g) *Notification of determination*—(1) *In general.* Notification of determinations as to notification of whether a record exists or as to whether to grant access to records requested will be made by the officers designated in the appendices to this subpart. The notification of the determination shall be mailed within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (f) of this section. If it is not possible to respond within 30 days, the designated officer shall inform the requester, stating the reason for the delay (e.g. volume of records requested, scattered location of the records, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched. (See 5 U.S.C. 552a (d) and (f).

(2) *Granting of access.* When it has been determined that the request for access will be granted—(i) and a copy requested, such copy in a form comprehensible to him shall be furnished promptly, together with a statement of the applicable fees for duplication; and (ii) and the right to inspect has been requested, the requester shall be promptly notified in writing of the determination, and when and where the requested records may be inspected. An individual seeking to inspect records concerning himself may be accompanied by another individual of his own choosing. The individual seeking access shall be required to sign the required form indicating that the Department of the Treasury is authorized to discuss the contents of the subject record in the accompanying person's presence. If, after making the inspection, the individual making the request desires a copy of all or a portion of the requested records, such copy in a form comprehensible to him shall be furnished upon payment of the applicable fees for duplication. Fees to be charged are as prescribed by 31 CFR Part 1, Subpart A § 1.6. Fees shall not be charged where they would amount, in the aggregate, to less than $3.00. (See 5 U.S.C. 552a (d) and (f)).

(3) *Requirements for access to medical records.* When access is requested to medical records, including psychological records, the responsible official may determine that such release could have an adverse effect on the individual and that release will be made only to a physician authorized in writing to have access to such records by the individual making the request. Upon receipt of the authorization the physician will be permitted to review the records or to receive copies of the records by mail, upon proper verification of identity. (See 5 U.S.C. 552a (f)(3)).

(4) *Denial of request.* When it is determined that the request for notification of whether a record exists or access to records will be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (g)(1) of this section. The letter of notification shall specify the city or other location where the requested records are situated (if known), contain a statement of the reasons for not granting the request as made, set forth the name and title or position of the responsible official and advise the individual making the request of the right to file suit in accordance with 5 U.S.C. 552a(g)(1)(B).

(5) *Prohibition against use of 5 U.S.C. 552(b) exemptions.* Exemptions from disclosure under 5 U.S.C. 552(b), (31 CFR Part 1, Subpart A, § 1.2(c)) may not be invoked for the purpose of withholding from an individual any record which is otherwise accessible to such individual under the Privacy Act, 5 U.S.C. 552a. and this subpart. (See 5 U.S.C. 552a(q)).

(6) *Records exempt in whole or in part.* (i) When an individual requests notification as to whether a record exists or access to records concerning himself which have been exempted from individual access pursuant to 5 U.S.C. 552a(j) or which have been compiled in reasonable anticipation of a civil action or proceeding in either a court or before an administrative tribunal and the assertion of the exemption is deemed necessary, the Department of the Treasury will neither confirm nor deny the existence of the record but shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests from individuals for access to records which have been exempted from access pursuant to 5 U.S.C. 552a(k) shall be processed as follows:

(A) Requests for information classified pursuant to Executive Order 11652 require the responsible component of the Department to review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D) and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual. If the information continues to warrant classification, the individual shall be advised that the information sought is classified, that it has been reviewed and continues to warrant classification, and that it has been exempted from access pursuant to 5 U.S.C. 552(b)(1) and 5 U.S.C. 552a(k)(1). Information which has been exempted pursuant to 5 U.S.C. 552a(j) and which is also classified shall be reviewed as required by this subparagraph but the response to the individual shall be in the form prescribed by paragraph (g)(6)(i) of this section.

(B) Requests for information which has been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (g)(6)(i) of this section unless the requester shows that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under federal law. In that event, the individual shall be advised of the existence of the information but such information as would identify a confidential source shall be extracted or summarized in a manner which protects the source to the maximum degree possible and the summary extract shall be provided to the requesting individual.

(C) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent that it identifies the confidential source. Material identifying the confidential sources shall be extracted or summarized in a manner which protects the source to the maximum degree possible and the summary or extract shall be provided to the requesting individual.

(D) Testing or examination material which has been exempted pursuant to 5 U.S.C. 552a(k)(6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process; but may be made available if no

such compromise possibility exists. (See 5 U.S.C. 552 a(d)(5), (j) and (k)).

§ 1.27 Procedures for amendment of records pertaining to individuals—format, agency review and appeal from initial adverse agency determination.

(a) *In general.* Subject to the application of exemptions promulgated by the head of each constituent unit, in accordance with § 1.23(c), and subject to § 1.27(f), each constituent unit of the Department of the Treasury, shall in conformance with 5 U.S.C. 552 a(d)(2), permit an individual to request amendment of a record pertaining to him. Any request for amendment of records or any appeal from the initial denial of a request which does not fully comply with the requirements of this section and any additional specific requirements imposed by the constituent unit in the applicable appendix to this subpart will not be deemed subject to the time constraints of paragraph (e) of this section, unless and until amended so as to comply. However, constituent units shall, forthwith advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended. (See 5 U.S.C. 552a (d) and (f).

(b) *Form of request to amend records.* In order to be subject to the provisions of this section, a request to amend records shall—

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative;

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a or these regulations, have marked "Privacy Act Amendment Request" on the request and on the envelope;

(3) Be addressed to the office or officer of the constituent unit specified for such purposes in the "Notices of Records Systems" published by the General Services Administration and referenced in the appendices to this subpart for that purpose; and

(4) Reasonably describe the records which the individual desires to have amended, including, to the best of the requester's knowledge, dates of letters requesting access to such records previously and dates of letters in which notification concerning access was made, if any, and the individual's documentation justifying the correction. (See 5 U.S.C. 552a (d) and (f)).

(c) *Date of receipt of request.* A request for amendment of records pertaining to an individual shall be deemed to have been received for purposes of this subpart when the requirements of paragraph (b) of this section have been satisfied. The receiving office or officer shall stamp or otherwise endorse the date of receipt of the request. (See 5 U.S.C. 552 a(d) and (f)).

(d) *Review of requests to amend records.* Officials responsible for review of requests to amend records pertaining to an individual, as specified in the appendices to this subpart, shall:

(1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

(2) Promptly, either—(i) Make any correction of any portion thereof which the individual believes and the official agrees is not accurate, relevant, timely, or complete; or (ii) Inform the individual of the refusal to amend the record in accordance with his request, the reason for the refusal, and the name and business address of the officer designated in the applicable appendix to this subpart, as the person who is to review such refusal. (See 5 U.S.C. 552a(d) and (f)).

(e) *Administrative appeal*—(1) *In general.* Each constituent unit shall permit individuals to request a review of initial decisions made under paragraph (d) of this section, when an individual disagrees with a refusal to amend this record. (See 5 U.S.C. 552a(d), (f), and (g)(1)).

(2) *Form of request for administrative review of refusal to amend record.* At any time within 35 days after the date of the notification of the initial decision described in paragraph (d)(2)(ii) of this section, the requester may submit an administrative appeal from such refusal to the official specified in the notification of the initial decision and the appropriate appendix to this subpart. The appeal shall—

(i) Be made in writing stating any arguments in support thereof and be signed by the person to whom the record pertains, or his duly authorized representative;

(ii) Be addressed to and mailed or hand delivered, within 35 days of the date of the initial decision, to the office or officer specified in the appropriate appendix to this subpart and in the notification. (See the appendices to this subpart for the address to which appeals made by mail should be addressed);

(iii) Have clearly marked on the appeal and on the envelope, "Privacy Act Amendment Appeal";

(iv) Reasonably describe the records requested to be amended; and

(v) Specify the date of the initial request to amend records, and the date of the letter giving notification that the request was denied. (See 5 U.S.C. 552a(d) and (f).)

(3) *Date of receipt.* Appeals shall be promptly stamped with the date of their receipt by the office to which addressed and such stamped date will be deemed to be the date of receipt for all purposes of this subpart. The receipt of the appeal shall be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays) from the date of receipt (unless the determination on appeal is dispatched in 10 days, in which case, no acknowledgement is required) by the responsible official and the requester advised of the date of receipt established by the foregoing and when a response is due in accordance with this paragraph. (See 5 U.S.C. 552a (d) and (f).)

(4) *Review of administrative appeals from denial of requests to amend records.* Officials responsible for deciding administrative appeals from denials of requests to amend records pertaining to an individual, as specified in the appendices to this subpart shall: complete the review, and notify the requester of the final agency decision within 30 days (exclusive of Saturdays, Sundays and legal public holidays) after the date of receipt of such appeal, unless the time is extended by the head of the agency or his delegate, for good cause shown. If such final agency decision is to refuse to amend the record, in whole or in part, the requester shall also be advised of his right—(i) to file a concise "Statement of Disagreement" setting forth the reasons for his disagreement with the decision which shall be filed within 35 days of the date of the notification of the final agency decision and (ii) to judicial review of the final agency decision under 5 U.S.C. 552a(g)(1)(A). (See 5 U.S.C. 552a (d), (f) and (g)(1)).

(5) *Notation on record and distribution of statements of disagreement.* The system manager is responsible, in any disclosure containing information about which an individual has filed a "Statement of Disagreement", occurring after the filing of the statement under paragraph (e)(4) of this section, for clearly noting any portion of the record which is disputed and providing copies of the statement and, if deemed appropriate, a concise statement of the constituent unit's reasons for not making the amendments requested to persons or other agencies to whom the disputed record has been disclosed. (See 5 U.S.C. 552a (d)(4)).

(f) *Records not subject to correction under the Privacy Act.* The following records are not subject to correction or amendment by individuals:

(1) Transcripts or written statements made under oath; and

(2) Transcripts of Grand Jury proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings; and

(3) Pre-sentence reports comprising the property of the courts but maintained in agency files; and

(4) Records pertaining to the determination, the collection and the payment of federal taxes; and

(5) Records duly exempted from correction by notice published in the FEDERAL REGISTER; and

(6) Records compiled in reasonable anticipation of a civil action or proceeding.

§ 1.28 Training, rules of conduct, penalties for non-compliance.

(a) *Training.* Subject to policy guidance and regulations issued by the Deputy Secretary, who has Department-wide responsibility therefor, each constituent unit shall institute a training program to instruct employees and employees of Government contractors covered by 5 U.S.C. 552a(m), who are involved in the design, development, operation or maintenance of any system of records, on a continuing basis with

respect to the duties and responsibilities imposed on them and the rights conferred on individuals by the Privacy Act, the regulations in this subpart, including the appendices thereto, and any other related regulations. Such training shall provide suitable emphasis on the civil and criminal penalties imposed on the Department and the individual employees by the Privacy Act for non-compliance with specified requirements of the Act as implemented by the regulations in this subpart. (See 5 U.S.C. 552a (e)(9).)

(b) *Rules of conduct.* In addition, to the Standards of Conduct published in Part 0 of this Title, particularly 31 CFR 0.735–44, the following are applicable to employees of the Department of the Treasury (including, to the extent required by the contract or 5 U.S.C. 552a (m), Government contractors and employees of such contractors), who are involved in the design, development, operation or maintenance of any system of records, or in maintaining any records, for or on behalf of the Department, including any constituent unit thereof.

(1) The head of each component of a constituent unit of the Department shall be responsible for assuring that employees subject to his supervision are advised of the provisions of the Privacy Act, including the criminal penalties and civil liabilities provided therein, and the regulations in this subpart, and that such employees are made aware of their individual and collective responsibilities to protect the security of personal information, to assure its accuracy, relevance, timeliness and completeness, to avoid unauthorized disclosure either orally or in writing, and to insure that no information system concerning individuals, no matter how small or specialized is maintained without public notice.

(2) Employees of the Department of the Treasury involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record shall:

(i) Collect no information of a personal nature from individuals unless authorized to collect it to achieve a function or carry out a responsibility of the Department;

(ii) Collect from individuals only that information which is necessary to Department functions or responsibilities, unless related to a system exempted under 5 U.S.C. 552a (j) or (k);

(iii) Collect information, wherever possible, directly from the individual to whom it relates, unless related to a system exempted under 5 U.S.C. 552a(j);

(iv) Inform individuals from whom information is collected about themselves of the authority for collection, the purposes thereof, the use that will be made of the information, and the effects, both legal and practical, of not furnishing the information (While this provision does not explicitly require it, where feasible, third party sources should be informed of the purposes for which information which they are asked to provide will be used.);

(v) Neither collect, maintain, use nor disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (A) the individual has volunteered such information for his own benefits; (B) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (C) the activities involved are pertinent to and within the scope of an authorized investigation, adjudication or correctional activity;

(vi) Advise their supervisors of the existence or contemplated development of any record system which is capable of retrieving information about individuals by individual identifier;

(vii) Disseminate no information concerning individuals outside the Department except when authorized by 5 U.S.C. 552a or pursuant to a routine use published in the FEDERAL REGISTER;

(viii) Assure that an accounting is kept in the prescribed form, of all dissemination of personal information outside the Department, whether made orally or in writing, unless disclosed under 5 U.S.C. 552 and Subpart A of this part;

(ix) Maintain and process information concerning individuals with care in order to insure that no inadvertent disclosure of the information is made either within or without the Department; and

(x) Assure that the proper Department authorities are aware of any information in a system maintained by the Department which is not authorized to be maintained under the provisions of the Privacy Act of 1974, including information on First Amendment Activities, information that is inaccurate, irrelevant or so incomplete as to risk unfairness to the individual concerned.

(3) Heads of constituent units within the Department or their delegates shall, at least annually, review the record systems subject to their supervision to insure compliance with the provisions of the Privacy Act of 1974 and the regulations in this subpart. (See 5 U.S.C. 552a (e)(9), (i) and (m)).

(c) *Criminal penalties.* (1) The Privacy Act imposes criminal penalties on the conduct of Government officers and employees as follows: Any officer or employee of an agency [which term includes the Department of the Treasury]:

(i) Who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section [5 U.S.C. 552a] or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or

(ii) Who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section [5 U.S.C. 552a]—shall be guilty of a misdemeanor and fined not more than $5,000. (Bracketed material added.)

(2) The Act also imposes a collateral criminal penalty on the conduct of any person as follows:

> Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

(3) For the purposes of 5 U.S.C. 552a (i), the provisions of paragraph (c) (1) of this section are applicable to Government contractors and employees of such contractors who by contract, entered into after September 27, 1975, operate by or on behalf of the Department of the Treasury a system of records to accomplish a Departmental function. Such contractor and employees are considered employees of the Department of the Treasury for the purposes of 5 U.S.C. 552a(i). (See 5 U.S.C. 552a(i) and (m)).

§ 1.29 Records transferred to Federal Records Center or National Archives of the United States.

(a) *Records transferred to the Administrator of General Services for storage in the Federal Records Center.* Records pertaining to an identifiable individual which are transferred to the Federal Records Center in accordance with 44 U.S.C. 3103 shall for the purposes of the Privacy Act, 5 U.S.C. 552a, be considered to be maintained by the constituent unit which deposited the record and shall be subject to the provisions of the Privacy Act and this subpart. The Administrator of General Services shall not disclose such records except to the Department of the Treasury or to others under rules consistent with the Privacy Act which may be established by the Department of the Treasury or a constituent unit thereof. If such records are retrieved for the purpose of making a determination about an individual, they must be reviewed for accuracy, relevance, timeliness, and completeness.

(b) *Records transferred to the National Archives of the United States*—(1) *Records transferred to National Archives prior to September 27, 1975.* Records pertaining to an identifiable individual transferred to the National Archives prior to September 27, 1975, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government shall be considered to be maintained by the National Archives, and

(i) Shall not be subject to 5 U.S.C. 552a,

(ii) Except, that a statement describing such records (modeled after 5 U.S.C. 552a(e)(4)(A) through (G)) shall be published in the Federal Register.

(2) *Records transferred to National Archives on or after September 27, 1975.* Records pertaining to an identifiable individual transferred to the National Archives as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, on or after September 27, 1975, shall be considered to be maintained by the National Archives, and

(i) Shall not be subject to 5 U.S.C. 552a.

(ii) Except, that a statement describing such records in accordance with 5 U.S.C. 552a(e)(4) (A) through (G) shall be published in the FEDERAL REGISTER and rules of conduct and training in accordance with 5 U.S.C. 552a(e)(9) are to be established by the National Archives. (See 5 U.S.C. 552a(e)).

§ 1.30 Application to Government contractors.

When a constitutent unit contracts for the operation of a system of records to accomplish a Departmental function, the provisions of the Privacy Act, 5 U.S.C. 552a, and this subpart shall be applicable to such system. The constituent unit shall have responsibility for insuring that the contractor complies with the contract requirements relating to privacy. All such contracts entered into after September 27, 1975, shall contain the standard contract requirements promulgated by the General Services Administration to insure compliance with the Privacy Act of 1974. All such contracts entered into prior to September 27, 1975, shall be amended as soon as feasible to also include such standard requirements. No constituent unit of the Department shall contract or extend an existing contract after September 27, 1975, for the operation of a record system by or on behalf of the agency without the express approval of the Assistant Secretary for Administration. (See 5 U.S.C. 552a(m)).

§ 1.31 Sale or rental of mailing list.

(a) *In general.* An individual's name and address shall not be sold or rented by a constituent unit unless such action is specifically authorized by law.

(b) *Withholding of names and addresses.* This section shall not be construed to require the withholding of names and addresses otherwise permitted to be made public (See 5 U.S.C. 552a(n)).

§ 1.32 Use and disclosure of social security numbers.

(a) *In general.* An individual shall not be denied any right, benefit, or privilege provided by law by a constituent unit because of such individual's refusal to disclose his social security number.

(b) *Exceptions.* The provisions of paragraph (a) of this section shall not apply with respect to—

(1) Any disclosure which is required by Federal statute, or

(2) The disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(c) *Requests for disclosure of social security number.* Any constituent unit which requests an individual to disclose his social security account number shall inform that individual whether—

(1) Disclosure is mandatory or voluntary,

(2) By what statutory or other authority such number is solicited, and

(3) What uses will be made of it. (See section 7 of the Privacy Act of 1974 set forth at 5 U.S.C. 552a, note.)

§ 1.33 Cooperation with Privacy Protection Study Commission.

(a) *Furnishing of information, reports and assistance to Commission.* Each constituent unit is authorized to furnish to the Commission, upon request made by the Chairman, such information, data, reports and such other assistance as the Commission deems necessary to carry out its functions under 5 U.S.C. 552a. A copy of reports made by the constituent units to Congress and the Office of Management and Budget in accordance with § 1.22(c), shall be transmitted to the Commission.

(b) *Confidentiality of information disclosed to the Commission.* Any constituent unit providing information to the Commission shall obtain assurance from the Commission that the information is to be used only for the purpose for which it is provided, and upon completion of that purpose such information shall be destroyed or returned. (See section 5(e)(2)(A) of the Privacy Act of 1974 set forth at 5 U.S.C. 552a, note.)

§ 1.34 Guardianship.

The parent or guardian of a minor or a person judicially determined to be incompetent shall, in addition to establishing the identity of the minor or other person he represents, establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship and may thereafter, act on behalf of such individual. (See 5 U.S.C. 552a(h)).

§ 1.35 Information forms.

(a) *Review of forms.* Except for forms developed and used by constituent units, the Assistant Secretary for Administration shall be responsible for reviewing all forms developed and used by the Department of the Treasury to collect information from and about individuals. The heads of constituent units shall each be responsible for the review of forms used by such unit to collect information from and about individuals.

(b) *Scope of review.* The responsible officers shall review each form for the purpose of eliminating any requirement for information that is not relevant and necessary to carry out an agency function and to accomplish the following objectives:

(1) To insure that no information concerning religion, political beliefs or activities, association memberships (other than those required for a professional license), or the exercise of First Amendment rights is required to be disclosed unless such requirement of disclosure is expressly authorized by statute or is pertinent to, and within the scope of, any authorized law enforcement activity;

(2) To insure that the form or a separate form that can be retained by the individual makes clear to the individual which information he is required by law to disclose and the authority for that requirement and which information is voluntary;

(3) To insure that the form or a separate form that can be retained by the individual states clearly the principal purpose or purposes for which the information is being collected, and summarizes concisely the routine uses that will be made of the information;

(4) To insure that the form or a separate form that can be retained by the individual clearly indicates to the individual the effect in terms of rights, benefits or privileges of not providing all or part of the requested information; and

(5) To insure that any form requesting disclosure of a Social Security Number, or a separate form that can be retained by the individual, clearly advises the individual of the statute or regulation requiring disclosure of the number or clearly advises the individual that disclosure is voluntary and that no consequence will flow from his refusal to disclose it and the uses that will be made of the number whether disclosed mandatorily or voluntarily.

(c) *Revision of forms.* Any form which does not meet the objectives specified in the Privacy Act and in this section, shall be revised to conform thereto. If revision, printing and distribution cannot be accomplished prior to September 27, 1975, a separate statement shall be prepared to accompany each form advising the individual that the form is not in compliance with the Privacy Act and specifying the portions thereof which are not in compliance. The statement shall include all the information necessary to accomplish the objectives specified in the Privacy Act and this section.

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

In accordance with 5 U.S.C. 552a (j) and (k) and § 1.23(c), constituent units of the Department of the Treasury exempt the following systems of records from certain provisions of the Privacy Act for the reasons indicated:

OFFICE OF THE SECRETARY

OFFICE OF THE GENERAL COUNSEL

Notice exempting certain systems from requirements of the Privacy Act

(a) *In general.* The General Counsel of the Treasury hereby issues rules exempting the General Counsel's Civil Litigation Records System from the provisions of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a. This system of records contains information or documents related to litigation involving or concerning the Department or its officials, and includes pending, active, and closed files. The records consist of copies of pleadings, investigative reports, information compiled in reasonable anticipation of a civil action or proceeding, legal memoranda, and related correspondence. Pleadings which have been filed with a court or administrative tribunal are matters of public record, and no exemption is claimed as to them. The purpose of the proposed exemptions is to maintain the confidentiality of investigatory material compiled

for law enforcement purposes; information compiled in reasonable anticipation of a civil action or proceeding is exempt from access under subsection (d)(5) until the file is closed; thereafter subsection (k)(2) may apply in part to the information. Legal memoranda and related correspondence contain no personal information and are not subject to disclosure under section 552(a). Determinations concerning whether particular information contained in this system is exempt from disclosure will be made at the time a request is received from an individual to gain access to information pertaining to him.

(b) *Authority.* These rules are promulgated pursuant to the authority vested in the Secretary of the Treasury by 5 U.S.C. 552(a)(k), and pursuant to the authority vested in the General Counsel by paragraph 1.23(c) of Subpart C of Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations.

(c) *Name of system.* Civil Litigation Records.

(d) *Provisions from which exempted.* This system contains records described in 5 U.S.C. 552a(k), the Privacy Act of 1974. Exemption will be claimed for such records only where appropriate from the following provisions, subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a.

(e) *Reasons for claimed exemptions.* Those sections would otherwise require the Department to notify an individual of investigatory materials maintained in a record pertaining to him, permit access to such record, permit requests for its correction (section 552a(d), (e)(4)(G), (H), and (f)); make available to him any required accounting of disclosures made of the record (section 552a(c)(3)), publish the sources of records in the system (section 552a(e)(4)(I)); and screen records to insure that there is maintained only such information about an individual as is relevant to accomplish a required purpose of the Department (section 552a(e)(1)). The records compiled for the prosecution or defense of civil litigation on behalf of the Department or its officials contain investigatory materials compiled for litigation purposes, together with memoranda concerning the applicable law, and related correspondence. The use of investigatory material in court proceedings is governed by due process and statutory procedural requirements. Informing individuals that they are on record in a particular system enables such individuals to learn the nature of the investigatory material and the evidentiary basis for prosecuting or defending legal proceedings to which they are a party; furthermore, the disclosure of certain investigatory material compiled for law enforcement purposes may disclose investigative techniques and procedures so that future law enforcement efforts would be hindered. Access to an accounting of disclosures of such records would have a similar detrimental effort upon the successful prosecution of legal claims. In addition, screening for relevancy to Department purposes, and correction or attempted correction of such materials could require excessive amounts of time and effort on the part of all concerned. Accordingly, the General Counsel finds that the public interest and public policy in maintaining an effective legal services program requires exemption from the stated sections of the Act to the extent that they are applicable to appropriate materials in this system.

DIRECTOR OF PRACTICE

Notice of rules exempting certain systems from requirements of the Privacy Act

(a) *In general.* The General Counsel of the Treasury hereby issues rules exempting certain systems of records of the Office of Director of Practice from the provisions of (c)(3), (d)(1), (2), (3) and (4), (e)(1), (e)(4)(G), (H) and (f)(1), (2), (3), (4) and (5) of 5 U.S.C. 552a. The systems of records for which exemptions from the above provisions are claimed are the following:

(1) Treasury—OS—Applicant Appeal Files

(2) Treasury—OS—Closed Files Containing Derogatory Information about Individuals' Practice before the Internal Revenue Service and Files of Attorneys and Certified Public Accountants Formerly Enrolled to Practice

(3) Treasury—OS—Derogatory Information (No Action)

(4) Treasury—OS—Disbarments

(5) Treasury—OS—Inventory

(6) Treasury—OS—Resigned Enrolled Agents, and

(7) Treasury—OS—Present Suspensions from Practice before the Internal Revenue Service

The purpose of the proposed exemptions is to maintain the confidentiality of investigatory material compiled for law enforcement purposes; information compiled in reasonable anticipation of a civil action or proceeding is exempt from access under subsection (d)(5) until the file is closed; thereafter subsection (k)(2) may apply in whole or in part to the information. Legal memoranda and related correspondence contain no personal information and are not subject to disclosure under section 552a. Determinations concerning whether particular information contained in this system is exempt from disclosure will be made at the time a request is received from an individual to gain access to information pertaining to him.

(b) *Authority.* These rules are promulgated pursuant to the authority vested in the Secretary of the Treasury by 5 U.S.C. 552a(k), and pursuant to the authority vested in the General Counsel by section 1.23(c) of Subpart C of Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations.

(c) *Names of systems.* (1) Treasury—OS—Applicant Appeal Files

(2) Treasury—OS—Closed Files Containing Derogatory Information about Individuals' Practice before the Internal Revenue Service and Files of Attorneys and Certified Public Accountants Formerly Enrolled to Practice.

(3) Treasury—OS—Derogatory Information (No Action)

(4) Treasury—OS—Disbarments

(5) Treasury—OS—Inventory

(6) Treasury—OS—Resigned Enrolled Agents, and

(7) Treasury—OS—Present Suspensions from Practice before the Internal Revenue Service.

(d) *Provisions from which exempted.* These systems contain records described in 5 U.S.C. 552a(k), the Privacy Act of 1974. Exemption will be claimed for such records only where appropriate from the following provisions, subsections (c)(3), (d)(1), (2), (3) and (4), (e)(1), (e)(4)(G) and (H), and (f)(1), (2), (3), (4) and (5) of 5 U.S.C 552a.

(e) *Reasons for claimed exemptions.* (1) The Privacy Act of 1974 creates several methods by which individuals may learn of and obtain records containing information on such individuals and consisting of investigatory material compiled for law enforcement purposes. These methods are as follows: subsection (c)(3) allows individuals to discover if other agencies are investigating such individuals; subsections (d)(1), (e)(4)(H) and (f)(2), (3) and (5) establish the ability of individuals to gain access to investigatory material compiled on such individuals; subsections (d)(2), (3) and (4), (e)(4)(H) and (f)(4) presuppose access and enable individuals to contest the contents of investigatory material compiled on these individuals; and subsections (e)(4)(G) and (f)(1) allow individuals to determine whether or not they are under investigation. Because these subsections are variations upon the individuals' ability to ascertain whether their civil or criminal misconduct has been discovered, these subsections have been grouped together for purposes of this notice.

(2)(A) The General Counsel believes that imposition of the requirements of subsection (c)(3), which requires that accountings of disclosures be made available to individuals, would impair the ability of the Office of Director of Practice and other investigative entities to conduct investigations of alleged or suspected violations of the regulations governing practice before the Internal Revenue Service and of civil or criminal laws. Making the accountings of disclosures available to individuals enables such individuals to identify entities investigating them and thereby to determine the nature of the violations of which they are suspected. With such knowledge, individuals would be able to alter their illegal activities, destroy or alter evidence of such activities and seriously impair the successful completion of investigations. For these reasons, the General Counsel claims exemptions from the requirements of subsection (c)(3).

(2)(B) With respect to subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5), the General Counsel believes that access to investigatory material would prevent the successful completion of investigations. Individuals who gain access to investigatory material involving them discover the nature and extent of the viola-

tions of regulations, and of civil and criminal laws, of which they are suspected. By gaining access, such individuals also learn the facts developed during investigations. Knowledge of these matters enables these individuals to destroy or alter evidence which would otherwise have been used against them. In addition, knowledge of the facts and the suspected violations gives individuals, who are committing ongoing violations, or who are about to commit violations of regulations, or of civil or criminal laws, the opportunity to temporarily postpone the commission of the violations or to effectively disguise the commission of these violations. Material compiled on investigated individuals reveals investigative techniques and procedures, disclosure of which enables such individuals to structure their illegal activities so as to escape detection. Further, such material may contain, or by its very nature reveal, the identity of confidential sources. When the identities of confidential sources are revealed, they may be subjected to various forms of reprisal. If confidential sources of information are subjected to actual reprisals or fear thereof, they may become reluctant to provide information necessary to identify or prove the guilt of persons who violate regulations, or civil or criminal laws. Further, except in unusual circumstances, the Office of Director of Practice must bring facts or conduct evidencing violation of the regulations governing practice before the Internal Revenue Service to the attention of the suspected violator prior to instituting a proceeding for disciplinary action against him. In addition, the protections afforded by the above-referenced subsections are unnecessary because, unless a suspected violator offers his consent to a disciplinary action against him, no such action can be taken until a hearing before an administrative law judge, at which all applicable due process protections (i.e., notice and opportunity to be heard) are afforded, is held. For the reasons stated in this subparagraph, the General Counsel claims exemptions from the requirements of subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5).

(2)(C) With respect to subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4), the General Counsel believes that the imposition of these requirements, which presuppose access and provide for amending records, would impair the ability to conduct investigations and would be unnecessary for the same reasons stated in the preceding subparagraph (2)(B). Those reasons herein are incorporated by reference. Therefore, the General Counsel claims exemptions from the requirements of subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4).

(2)(D) With respect to subsections (e)(4)(G) and (f)(1), the General Counsel believes that informing individuals that they are the subjects of a particular system or systems of records would impair the ability of the Office of Director of Practice and its agents to successfully complete investigations of suspected or alleged violators of the regulations governing practice before the Internal Revenue Service. Individuals who learn that they are suspected of violating such regulations are given the opportunity to destroy or alter evidence needed to prove the alleged violations. Such individuals may also be able to impair investigations by temporarily suspending or restructuring the activities which place them in violation of said regulations. Further, as noted in preceding subparagraph (2)(B) and incorporated by reference herein, the procedural requirements imposed on the Office of Director of Practice by the regulations governing practice before the Internal Revenue Service and by procedural due process safeguards make the protections afforded by subsections (e)(4)(G) and (f)(1) unnecessary. For these reasons, the General Counsel claims exemptions from the requirements of subsections (e)(4)(G) and (f)(1).

(2)(E) Subsection (e)(1) of the Privacy Act of 1974 requires that the Office of Director of Practice maintain in its records only information that is relevant and necessary to accomplish a purpose of the Office required to be accomplished by statute or by executive order of the President. The General Counsel believes that imposition of said requirement would seriously impair the ability of the Office of Director of Practice, its agents and other investigative entities to effectively investigate suspected or alleged violations of regulations and of civil and criminal laws. The Office of Director of Practice does not initiate inquiries into individuals' conduct unless it receives information evidencing violation by such individuals of the regulations governing practice before the Internal Revenue Service. Sources of such information may be unfamiliar with this Office's interpretations of the regulations governing practice before the Internal Revenue Service and, therefore, may not always provide only relevant and necessary information. Frequently, even this Office cannot make determinations of relevance and necessity without further investigation. The nature of investigations conducted for the Office of Director of Practice requires that a wide range of facts and data be provided its legal staff for analysis under applicable rules and regulations. Further, it is often impossible to determine whether or not information is relevant and necessary until an investigation is completed. For these reasons, the General Counsel claims an exemption from the requirement of subsection (e)(1).

ASSISTANT SECRETARY FOR ADMINISTRATION

The Assistant Secretary for Administration exempts under § (k) of the Privacy Act of 1974, 5 U.S.C. 552a, the Department's Personnel Security Files and Personnel Security Files and Indices from sections (c)(3), (d), (e)(1), (e)(4)(G) through (e)(4)(I), and (f) of the Act. The records maintained in the exempt systems of records are of the type described in section (k)(5) of the Act:

investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Thus to the extent that the records in this system can be disclosed without revealing the identity of a confidential source, they are not within the scope of this exemption and are subject to all the requirements of the Privacy Act.

The sections of the Act from which this system of records are exempt are in general those providing for individual access to records. When such access would cause the identity of a confidential source to be revealed, it would impair the future ability of the Treasury Department to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

In addition, the systems are exempt from § (e)(1) which requires that the agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a statutory or executively ordered purpose. The Director finds that to fulfill the requirements of § (e)(1) would unduly restrict the agency in its information gathering inasmuch as it is often not until well after the investigation that it is possible to determine the relevance and necessity of particular information.

If any investigations within the scope of § (k)(5) become involved with civil or criminal matters, exemptions from the Act could also be asserted under sections (k)(2) or (j)(2).

ASSISTANT SECRETARY (ENFORCEMENT, OPERATIONS, AND TARIFF AFFAIRS)

Notice of rules exempting certain systems from requirements of the Privacy Act

(a) *In general.* The Assistant Secretary (Enforcement, Operations, and Tariff Affairs) hereby issues rules exempting the International Criminal Police Organization (INTERPOL) criminal investigative records from the provisions of certain subsections of 5 U.S.C. 552a, the Privacy Act of 1974. The purpose of the exemption is to maintain the confidentiality of information compiled for law enforcement purposes.

(b) *Authority.* These rules are promulgated pursuant to the authority vested in the Secretary of the Treasury by 5 U.S.C. 552a(j) and (k) and pursuant to the authority vested in the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) by paragraph 1.23(c) of Subpart C of Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations.

(c) *Name of System.* International Criminal Police Organization (INTERPOL) Criminal Investigative Records.

(d) *Provisions from which exempted.* This system contains records described

in 5 U.S.C. 552a(j) and (k), the Privacy Act of 1974. Exemptions will be claimed for such described records only where appropriate from the following provisions of the Privacy Act of 1974: subsections (c)(3) and (4); (d); (e)(1), (2) and (3); (e)(4)(G), (H) and (I); (e)(5) and (8); (f) and (g) of 5 U.S.C. 552a.

(e) *Reasons for claimed exemptions.* Those sections would otherwise require the Department to notify an individual of investigatory materials maintained in a record pertaining to him, permit access to such record, permit requests for its correction (section 552a(d), (e)(4)(G), (H) and (f)); make available to him any required accounting of disclosures made of the record (section 552a(c)(3)), publish the sources of records in the system (section 552a(e)(4)(I)); and screen records to insure that there is maintained only such information about an individual as is relevant to accomplish a required purpose of the Department (section 552a(e)(1)). Disclosure to an individual of investigatory materials pertaining to him would hamper law enforcement by prematurely disclosing the knowledge of illegal activities and the evidentiary bases for possible enforcement actions. Furthermore, the disclosure of certain investigatory material compiled for law enforcement purposes may disclose investigative techniques and procedures, so that future law enforcement efforts would be hindered. Access to an accounting of disclosures of such records would have a similar detrimental effect on law enforcement. In addition, screening for relevancy to Department purposes, and correction or attempted correction of such materials could require excessive amounts of time on the part of all concerned. Accordingly, the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) tentatively finds that the public interest and public policy in maintaining an effective law enforcement program requires exemption from the stated sections of the Act to the extent that they are applicable to appropriate materials in this system.

EXEMPTION OF FOREIGN ASSETS CONTROL ENFORCEMENT RECORDS FROM CERTAIN PROVISIONS OF THE PRIVACY ACT OF 1974 (P.L. 93-579, 5 U.S.C. 552a.)

The new regulations promulgated by the Office of Foreign Assets Control (as amendments to its Foreign Assets Control Regulations; Transaction Control Regulations; Cuban Assets Control Regulations; and, Rhodesian Sanction Regulations) read as follows:

Pursuant to subsection (k)(2) of 5 U.S.C. 552a, the Privacy Act of 1974, the Enforcement Records of the Office of Foreign Assets Control are hereby exempted from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G-I), and (f) of 5 U.S.C. 552a, as materials which are compiled and maintained for the purpose of conducting and recording investigations of criminal violations of relevant statutes and regulations administered by the Office of Foreign Assets Control. These records contain, among other things, information and evidence which was furnished in confidence by individuals, corporations, partnerships and other entities, Federal, State and local agencies, and by foreign individuals, corporations, partnerships and other entities, and foreign government sources. If it should appear that the individual concerning whom a record is maintained has been or will be denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, except for the maintenance of such material, such material shall be disclosed to such individual, except: (1) to the extent that disclosure would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence; or (2) to the extent that disclosure would reveal the identity of a source who furnished information prior to the effective date of the Privacy Act (September 27, 1975) under an implied promise that the identity of the source would be held in confidence.

THE INTERNAL REVENUE SERVICE

NOTICE OF EXEMPT SYSTEMS

The Commissioner of Internal Revenue finds that the orderly and efficient administration of the internal revenue laws necessitates that certain systems of records maintained by the Internal Revenue Service be exempted from certain sections of the Privacy Act of 1974 (88 Stat. 1986).

(a) *Exemptions under 5 U.S.C. 552a (j)(2).* (1) This paragraph applies to the following systems of records maintained by the Internal Revenue Service, for which exemptions are claimed under 5 U.S.C. 552a(j)(2).

Name of system:	No.
Strike Force	42.009
Open and Closed Narcotics Traffickers Files	42.015
Alphabetical Name File and Index	46.001
Case Management and Time Reporting System	46.002
Confidential Informants	46.003
Electronic Surveillance File	46.005
Information Gathering and Retrieval System	46.006
Information Indexing System	46.007
Information Items	46.009
Joint Compliance Program	46.010
National Register	46.012
Project Files	46.013
Project Personnel	46.014
Relocated Witnesses	46.015
Secret Service Details	46.016
Strike Force Disclosure Authorization List	46.018
Tax Practitioner Files	46.019
Tax Termination File	46.020
Treasury Enforcement Communications System (TECS)	46.022
Assault and Threat Investigation Files	60.001
Bribery Investigation Files	60.002
Disclosure Investigation Files	60.004
Chief Counsel Criminal Tax Files	90.001

(2) Under 5 U.S.C. 552a(j)(2), the head of any agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the agency or component thereof that maintains the system performs as its principal function any activities pertaining to the enforcement of criminal laws. Certain components of the Internal Revenue Service have as their principal function activities pertaining to the enforcement of criminal laws.

(3) To the extent the exemption under 5 U.S.C. 552a(j)(2) does not apply to any of the above-named systems, then exemptions under 5 U.S.C. 552a(k)(2), relating to investigatory material compiled for law enforcement purposes, are hereby claimed for such systems.

(4) The provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(j)(2) are as follows:

5 U.S.C. 552a(c) (3) and (4)
5 U.S.C. 552a(d)(1), (2), (3), and (4)
5 U.S.C. 552a(e)(1), (2), and (3)
5 U.S.C. 552a(e)(4)(G), (H), and (I)
5 U.S.C. 552a(e)(5) and (8)
5 U.S.C. 552a(f)
5 U.S.C. 552a(g)

(5) See paragraph (c) for reasons for the exemptions.

(b) *Exemptions under 5 U.S.C. 552a (k)(2).* (1) This paragraph applies to the following systems of records maintained by the Internal Revenue Service, for which exemptions are claimed under 5 U.S.C. 552a(k)(2):

Name of system:	No.
Audit Underreporter Case File	22.005
Collection Case File	22.012
Discriminant Function File (DIF)	22.014
Multiple Refund Files	22.040
Taxpayer Delinquent Investigation Notice File	22.057
Wage and Information Document (WAID) File	22.061
Acquired Property Records	26.001
Adjustment and Payment Tracer Files	26.002
Collateral Files	26.003
File of Persons Making Threats of Force or Forcible Assaults	26.005
Form 2209, Courtesy Investigations	26.006
Form 2990, Miscellaneous Investigations	26.007
IRS and Treasury Employee Delinquency	26.008
Litigation Case Files	26.011
Offer in Compromise (OIC) File	26.012
(One-Hundred) 100-Percent Penalty Cases	26.013
Records Being Maintained at the Request of Congressional Committees	26.015
Returns Compliance Programs (RCP)	26.016
Seized Property Records	26.017
Tax Collection Waiver Form 900 Files	26.018
TDA (Taxpayer Delinquent Accounts)	26.019
TDI (Taxpayer Delinquency Investigations) Files	26.020
Transferee Files	26.021
Delinquency Prevention Programs	26.022
Administrative File	42.001
Audit Information Management System (AIMS)	42.008
Classification and Audit Selection Files	42.016
Compliance Programs and Projects Files	42.021

Name of system:	No.
Coordinated Examinations of Large Cases Program	42.024
International Enforcement Files	42.017
System for Controlling Returns in Inventory and Production Data (SCRIP)	42.003
Tax Shelter Program Files	42.012
Appellate Case Files	44.001
Information and Correspondence	46.008
Disclosure to Department of Justice	48.001
Disclosure to Executive Departments and Congressional Committees	48.002
Testimony of IRS Employees in Nontax Matters	48.003
Collateral and Information Requests System	49.001
Collateral Files and Competent Authority Requests	49.002
Overseas Compliance Projects System	49.007
Conduct Investigation Files	60.003
Enrollee Charge Investigation Files	60.006
Miscellaneous Information File	60.007
Special Inquiry (Complaint) Investigation Files	60.009
Chief Counsel Disclosure Division Case Files	90.002
Chief Counsel General Legal Services Case Files	90.004
Chief Counsel General Litigation Case Files	90.005
Chief Counsel Refund Litigation Division Case Files	90.008
Chief Counsel Tax Court Case Files	90.009
Digest Room Files Containing Briefs and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws	90.010
Legal Case Files of the Chief Counsel, Deputy Chief Counsel, Associate Chief Counsels, Assistant Chief Counsel and their Staff Assistants	90.013
Reports and Information Retrieval Activity Computer and Microfilm Records	90.016
Correspondence Files—Inquiries about Enforcement Activities	00.002

(2) Under 5 U.S.C. 552a (k) (2), the head of any agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system is investigatory material compiled for law enforcement purposes. To the extent that information contained in the above-named systems has as its principal purpose the enforcement of criminal laws, exemption for such information under 5 U.S.C. 552a (j) (2) is hereby claimed.

(3) The provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(2) are as follows:

5 U.S.C. 552a(c)(3)
5 U.S.C. 552a(d)(1), (2), (3), and (4)
5 U.S.C. 552a (e)(1)
5 U.S.C. 552a(e)(4)(G), (H), and (I),
5 U.S.C. 552a(f)

(4) See paragraph (c) for reasons for the exemptions.

(c) *Reasons for exemptions.* The following are the reasons for exempting systems of records maintained by the Internal Revenue Service pursuant to 5 U.S.C. 552a (j)(2) and (k)(2) of the Privacy Act of 1974.

(1) 5 U.S.C. 552a(c)(3). This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c)(1) and (2) to the individual named in the record at his request. The reasons for exempting systems of records from the foregoing provision are as follows:

(i) The release of disclosure accounting would put the subject of an investigation on notice of the existence of an investigation and that such person is the subject of that investigation;

(ii) Such release would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. The release of such information to the subject of an investigation would provide the subject with significant information concerning the nature of the investigation and could result in the altering or destruction of documentary evidence, the improper influencing of witnesses, and other activities that could impede or compromise the investigation. In the case of a delinquent account, such release might enable the subject of the investigation to dissipate assets before levy;

(iii) Release to the individual of the disclosure accounting would alert the individual as to which agencies were investigating this person and the scope of the investigation, and could aid the individual in impeding or compromising investigations by those agencies.

(2) 5 U.S.C. 552a (c)(4), (d)(1), (2), (3), and (4), (e)(4) (G) and (H), (f), and (g). These provisions of the Privacy Act relate to an individual's right to notification of the existence of records pertaining to such individual; requirements for identifying an individual who requests access to records; the agency procedures relating to access to records and the contest of the information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. The reasons for exempting systems of records from the foregoing provisions are as follows: To notify an individual at the individual's request of the existence of records in an investigative file pertaining to such individual or to grant access to an investigative file could interfere with investigative and enforcement proceedings; deprive co-defendants of a right to a fair trial or an impartial adjudication; constitute an unwarranted invasion of the personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by such sources; and disclose investigative techniques and procedures.

(3) 5 U.S.C. 552a(e)(4)(I). This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. In cases where an exemption from this provision has been claimed, the reasons are as follows:

(i) Revealing categories of sources of information could disclose investigative techniques and procedures;

(ii) Revealing categories of sources of information could cause sources who supply information to investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality.

(4) 5 U.S.C. 552a(e)(1). This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The reasons for exempting systems of records from the foregoing provision are as follows:

(i) The Internal Revenue Service will limit its inquiries to information which is necessary for the enforcement and administration of tax laws. However, an exemption from the foregoing provision is needed because, particularly in the early stages of a tax audit or other investigation, it is not possible to determine the relevance or necessity of specific information.

(ii) Relevance and necessity are questions of judgment and timing. What appears relevant and necessary when collected may subsequently be determined to be irrelevant or unnecessary. It is only after the information is evaluated that the relevance and necessity of such information can be established with certainty.

(iii) When information is received by the Internal Revenue Service relating to violations of law within the jurisdiction of other agencies, the Service processes this information through Service systems in order to forward the material to the appropriate agencies.

(5) 5 U.S.C. 552a(e)(2). This provision of the Privacy Act requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The reasons for exempting systems of records from the foregoing provisions are as follows:

(i) In certain instances the subject of a criminal investigation can not be required to supply information to investigators. In those instances, information relating to a subject's criminal activities must be obtained from other sources;

(ii) In a criminal investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to accumulate and verify the evidence necessary for the successful prosecution of persons suspected of violating the criminal laws.

(6) 5 U.S.C. 552a(e)(3). This provision of the Privacy Act requires that an agency must inform the subject of an

investigation who is asked to supply information of (A) the authority under which the information is sought and whether disclosure of the information is mandatory or voluntary, (B) the purposes for which the information is intended to be used, (C) the routine uses which may be made of the information, and (D) the effects on the subject, if any, of not providing the requested information. The reasons for exempting systems of records from the foregoing provision are as follows:

(i) The disclosure to the subject of an investigation of the purposes for which the requested information is intended to be used would provide the subject with significant information concerning the nature of the investigation and could result in impeding or compromising the investigation.

(ii) Informing the subject of an investigation of the matters required by this provision could seriously undermine the actions of undercover officers, requiring them to disclose their identity and impairing their safety, as well as impairing the successful conclusion of the investigation.

(iii) Individuals may be contacted during preliminary information gathering, surveys, or compliance projects concerning the administration of the internal revenue laws before any individual is identified as the subject of an investigation. Informing the individual of the matters required by this provision would impede or compromise subsequent investigations.

(7) 5 U.S.C. 522a(e)(5). This provision of the Privacy Act requires an agency to maintain all records which are used in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. The reasons for exempting systems of records from the foregoing provision are as follows: Since the law defines "maintain" to include the collection of information, compliance with the foregoing provision would prohibit the initial collection of any data not shown to be accurate, relevant, timely, and complete at the moment of its collection. In gathering information during the course of a criminal investigation, it is not feasible or possible to determine completeness, accuracy, timeliness, or relevancy prior to collection of the information. Facts are first gathered and then placed into a cohesive order which objectively proves or disproves criminal behavior on the part of a suspect. Seemingly nonrelevant, untimely, or incomplete information when gathered may acquire new significance as an investigation progresses. The restrictions of the foregoing provision could impede investigators in the preparation of a complete investigative report.

(8) 5 U.S.C. 552a (e) (8). This provision of the Privacy Act requires an agency to make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The reasons for exempting systems of records from the foregoing provision are as follows: The notice requirement of the foregoing provision could prematurely reveal the existence of criminal investigations to individuals who are the subject of such investigations.

(d) *Exemption under 5 U.S.C. 552a (k) (4).* (1) This paragraph applies to the following system of records maintained by the Internal Revenue Service, for which exemption is claimed under 5 U.S.C. 552a (k) (4): Statistics of Income—Individual Tax Returns 70.001.

(2) Under 5 U.S.C. 552a (k) (4), the head of any agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system is required by statute to be maintained and used solely as statistical records.

(3) The above-named system is maintained under section 6108 of the Internal Revenue Code, which provides that "the Secretary or his delegate shall prepare and publish annually statistics reasonably available with respect to the operation of the income tax laws, including classifications of taxpayers and of income, the amounts allowed as deductions, exemptions, and credits, and any other facts deemed pertinent and valuable".

(4) The reason for exempting the above-named system of records is that disclosure of statistical records (including release of accounting for disclosures) would in most instances be of no benefit to a particular individual since the records do not have a direct effect on a given individual.

(5) The provisions of the Privacy Act of 1974 from which exemption is claimed under 5 U.S.C. 522a(k)(4) are as follows:

5 U.S.C. 552a (c) (3)
5 U.S.C. 522a(d) (1), (2), (3), and (4)
5 U.S.C. 552a (e) (1)
5 U.S.C. 552a (e) (4) (G), (H), and (I)
5 U.S.C. 552a (f)

(e) *Exemptions under 5 U.S.C. 552a (k)(5).* (1) This paragraph applies to the following systems of records maintained by the Internal Revenue Service, for which exemptions are claimed under 5 U.S.C. 552a (k)(5):

Name of system:	No.
Personnel Investigation Records	36.006
Recruiting, Examining and Placement Records	36.008
Security, Background and Character Investigations Files	60.008
Chief Counsel General Administrative Systems	90.003
Employee Recruiting Files Maintained by the Administrative Services Division	90.011
Management Files Maintained by Administrative Services Division and the Assistant Chief Counsel other than the Civil Service Commission's Official Personnel Files	90.014

(2) Under 5 U.S.C. 552a (k) (5), the head of any agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system is investigatory material compiled solely for the purpose of determining suitability, eligibility, and qualifications for Federal civilian employment or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Thus, to the extent that records in the above-named systems can be disclosed without revealing the identity of a confidential source, they are not within the scope of this exemption and are subject to all the requirements of the Privacy Act.

(3) The provisions of the Act from which exemptions are claimed for the above-named systems of records are in general those providing for individual access to records. When such access would cause the identity of a confidential source to be revealed, it would impair the future ability of the Service to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. In addition, the systems are to be exempt from 5 U.S.C. 552a(e)(1), which requires that the agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a statutory or executively ordered purpose. The Service finds that to fulfill the requirements of 5 U.S.C. 552a(e)(1) would unduly restrict the agency in its information gathering inasmuch as it is often not until well after the investigation that it is possible to determine the relevance and necessity of particular information.

(4) If any investigatory material contained in the above-named systems becomes involved in criminal or civil matters, exemptions of such material under 5 U.S.C. 552a (j)(2) or (k)(2) is hereby claimed.

(5) The provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(5) are as follows:

5 U.S.C. 552a (c) (3)
5 U.S.C. 552a (d) (1), (2), (3), and (4)
5 U.S.C. 552a (e) (1)
5 U.S.C. 552a (e) (4) (G), (H), and (I)
5 U.S.C. 552a (f)

(f) *Exemption under 5 U.S.C. 552a (k)(6).* (1) This paragraph applies to the following system of records maintained by the Internal Revenue Service, for which exemption is claimed under 5 U.S.C. 552a(k)(6): Recruiting, Examining and Placement Records 36.008

(2) Under 5 U.S.C. 552a(k)(6), the head of any agency may promulgate rules to exempt any system of records that is testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the dis-

closure of which would compromise the objectivity or fairness of the testing or examination process.

(3) The reason for exempting the above-named system is that disclosure of the material in the system would compromise the objectivity or fairness of the examination process.

(4) The provisions of the Privacy Act of 1974 from which exemptions are claimed under 5 U.S.C. 552a(k)(6) are as follows:

5 U.S.C. 552a (c) (3)
5 U.S.C. 552a (d) (1), (2), (3), and (4)
5 U.S.C. 552a (e) (1)
5 U.S.C. 552a (e) (4) (G), (H), and (I)
5 U.S.C. 552a (f)

(g) *Exempt information included in another system.* Any information from a system of records for which an exemption is claimed under 5 U.S.C. 552a(j) or (k) which also is included in another system of records retains the same exempt status such information has in the system for which such exemption is claimed.

UNITED STATES CUSTOMS SERVICE

NOTICE OF EXEMPT SYSTEMS

In accordance with 5 U.S.C. 552a(j) and (k), general notice is hereby given of rulemaking pursuant to the Privacy Act of 1974 by the Commissioner, United States Customs Service, under authority delegated to him by the Secretary of the Treasury. The Commissioner, United States Customs Service, exempts the systems of records identified in the paragraphs below from certain provisions of the Privacy Act of 1974 as set forth in such paragraphs.

a. *General exemptions under 5 U.S.C. 552a(j)(2).* Pursuant to the provisions of 5 U.S.C. 552a(j)(2), the Commissioner, United States Customs Service, hereby exempts certain systems of records, maintained by the United States Customs Service, from the provisions of 5 U.S.C. 552a(c)(3) and (4), (d)(1), (2), (3) and (4), (e)(1), (2), (3), (4)(G), (H) and (I), (5) and (8), (f) and (g).

1. *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552a (j)(2), shall be exempt from the provisions of 5 U.S.C. 552a listed in paragraph a. above except as otherwise indicated below and in the general notice of the existence and character of systems of records which appears elsewhere in the FEDERAL REGISTER:

Aircraft Registers
Cargo Security File
CARNET Information System
Confidential Source Identification File
Currency and Monetary Instrument Reporting System (CMIR)
Customs Fugitive Program
Customs Licensing and Identification Program (Proposed) (exemptions applicable solely to the extent necessary to protect identity of confidential sources).
Investigations Record System
Private Aircraft Inspection Reporting System (PAIRS) (exemptions applicable solely to the extent necessary to protect identity of confidential sources).
Private Yacht Inspection Reporting System (exemptions applicable solely to the extent necessary to protect identity of confidential sources).
Search, Arrest and Seizure Reporting System
Seventy-two Hour Archives Search System
Telephone Analysis Program (TELAN)
Theft Information System (TIS)
Treasury Enforcement Communications System (TECS)
Vessel Violation Profile System
Violators File

2. *Reasons for exemptions.* (a). 5 U.S.C. 552a(e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records pertaining to them. The Customs Service believes that application of these provisions to the above-listed systems of records would give individuals an opportunity to learn whether they are of record either as suspects or as subjects of a criminal investigation; this would compromise the ability of the Customs Service to complete investigations and to detect and apprehend violators of the Customs and related laws in that individuals would thus be able (1) to take steps to avoid detection, (2) to inform co-conspirators of the fact that an investigation is being conducted, (3) to learn the nature of the investigation to which they are being subjected, (4) to learn the type of surveillance being utilized, (5) to learn whether they are only suspects or identified law violators, (6) to continue or resume their illegal conduct without fear of detection upon learning that they are not in a particular system of records, and (7) to destroy evidence needed to prove the violation.

(b). 5 U.S.C. 552a(d)(1), (e)(4)(H) and (f) (2), (3) and (5) enable individuals to gain access to records pertaining to them. The Customs Service believes that application of these provisions to the above-listed systems of records would compromise its ability to complete or continue criminal investigations and to detect and apprehend violators of the Customs and related criminal laws. Permitting access to records contained in the above-listed systems of records would provide individuals with significant information concerning the nature of the investigation, and this could enable them to avoid detection or apprehension in the following ways: (1) By discovering the collection of facts which would form the basis for their arrest, (2) by enabling them to destroy contraband or other evidence of criminal conduct which would form the basis for their arrest and, (3) by learning that the criminal investigators had reason to believe that a crime was about to be committed, they could delay the commission of the crime or change the scene of the crime to a location which might not be under surveillance. Granting access to on-going or closed investigative files would also reveal investigative techniques and procedures, the knowledge of which could enable individuals planning criminal activity to structure their future operations in such a way as to avoid detection or apprehension, thereby neutralizing law enforcement officers' established investigative tools and procedures. Further, granting access to investigative files and records could disclose the identity of confidential sources and other informers and the nature of the information which they supplied, thereby endangering the life or physical safety of those sources of information by exposing them to possible reprisals for having provided information relating to the criminal activities of those individuals who are the subjects of the investigative files and records; confidential sources and other informers might refuse to provide criminal investigators with valuable information if they could not be secure in the knowledge that their identities would not be revealed through disclosure of either their names or the nature of the information they supplied, and this would seriously impair the ability of the Customs Service to carry out its mandate to enforce the Customs criminal and related laws. Additionally, providing access to records contained in the above-listed systems of records could reveal the identities of undercover law enforcement officers who compiled information regarding individual's criminal activities, thereby endangering the life or physical safety of those undercover officers or their families by exposing them to possible reprisals.

(c). 5 U.S.C. 552a(d) (2), (3) and (4), (e)(4)(H) and (f)(4), which are dependent upon access having been granted to records pursuant to the provisions cited in subparagraph (b) above, enable individuals to contest (seek amendment to) the content of records contained in a system of records and require an agency to note an amended record and to provide a copy of an individual's statement (of disagreement with the agency's refusal to amend a record) to persons or other agencies to whom the record has been disclosed. The Customs Service believes that the reasons set forth in subparagraph (b) above are equally applicable to this subparagraph and, accordingly, those reasons are hereby incorporated herein by reference.

(d). 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request; such accountings must state the date, nature and purpose of each disclosure of a record and the name and address of the recipient. The Customs Service believes that application of this provision to the above-listed systems of records would impair the ability of other law enforcement agencies to make effective use of information provided by the Customs Service in connection with the investigation, detection and apprehension of violators of the criminal laws enforced by those other law enforcement agencies. Making accountings of disclosure available to violators would alert those individuals to the fact that another agency is conducting an investigation into their criminal activities, and this could reveal the geographic location of the other

agency's investigation, the nature and purpose of that investigation, and the dates on which that investigation was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, by transferring their criminal activities to other geogrpahical areas or by destroying or concealing evidence which would form the basis for their arrest. In addition, providing violators with accountings of disclosure would alert those individuals to the fact that the Customs Service has information regarding their criminal activities and could inform those individuals of the general nature of that information; this, in turn, would afford those individuals a better opportunity to take appropriate steps to avoid detection or apprehension for violations of the Customs and related criminal laws.

(e). 5 U.S.C. 552a(c)(4) requires that an agency inform any person or other agency about any correction or notation of dispute made by the agency in accordance with 5 U.S.C. 552a(d) of any record that has been disclosed to the person or agency if an accounting of the disclosure was made. Since this provision is dependent on an individual's having been provided an opportunity to contest (seek amendment to) records pertaining to him, and since the above-listed systems of records are proposed to be exempted from those provisions of 5 U.S.C. 552a relating to amendments of records as indicated in subparagraph (c) above, the Customs Service believes that this provision should not be applicable to the above-listed systems of records.

(f). 5 U.S.C. 552a(e)(4)(I) requires that an agency publish a public notice listing the categories of sources for information contained in a system of records. The Customs Service believes that application of this provision to the above-listed systems of records could compromise its ability to conduct investigations and to identify, detect and apprehend violators of the Customs and related criminal laws for the reasons that revealing sources for information could 1) disclose investigative techniques and procedures, 2) result in threatened or actual reprisal directed to informers by the subject under investigation, and 3) result in the refusal of informers to give information or to be candid with criminal investigators because of the knowledge that their identities as sources might be disclosed.

(g). 5 U.S.C. 552a(e)(1) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term "maintain" as defined in 5 U.S.C. 552a(a)(3) includes "collect" and "disseminate." At the time that information is collected by the Customs Service, there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Customs Service; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of investigation, and in many cases information which initially appears to be irrelevant and unnecessary may, upon further evaluation or upon continuation of the investigation, prove to have particular relevance to an enforcement program of the Customs Service. Further, not all violations of law discovered during a Customs Service criminal investigation fall within the investigative jurisdiction of the Customs Service; in order to promote effective law enforcement, it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies which have jurisdiction over the offense to which the information relates. The Customs Service should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction where that information comes to the attention of the Customs Service through the conduct of a lawful Customs Service investigation. The Customs Service therefore believes that it is appropriate to exempt the above-listed systems of records from the provisions of 5 U.S.C. 552a(e)(1).

(h). 5 U.S.C. 552a(e)(2) requires that an agency collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs. The Customs Service believes that application of this provision to the above-listed systems of records would impair the ability of the Customs Service to conduct investigations and to identify, detect and apprehend violators of the Customs and related criminal laws for the following reasons: 1) most information collected about an individual under criminal investigation is obtained from third parties such as witnesses and informers, and it is usually not feasible to rely upon the subject of the investigation as a source for information regarding his criminal activities, 2) an attempt to obtain information from the subject of a criminal investigation will often alert that individual to the existence of an investigation, thereby affording the individual an opportunity to attempt to conceal his criminal activities so as to avoid apprehension, 3) in certain instances the subject of a criminal investigation is not required to supply information to criminal investigators as a matter of legal duty, and 4) during criminal investigations it is often a matter of sound investigative procedure to obtain information from a variety of sources in order to verify information already obtained.

(i). 5 U.S.C. 552a(e)(3) requires that an agency inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual: the authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary; the principal purposes for which the information is intended to be used; the routine uses which may be made of the information; and the effects on the individual of not providing all or part of the requested information. The Customs Service believes that the above-listed systems of records should be exempted from this provision in order to avoid adverse effects on its ability to identify, detect and apprehend violators of the Customs and related criminal laws. In many cases information is obtained by confidential sources or other informers or by undercover law enforcement officers under circumstances where it is necessary that the true purpose of their actions be kept secret so as to not let it be known by the subject of the investigation or his associates that a criminal investigation is in progress. Further, if it became known that the undercover officer was assisting in a criminal investigation, that officer's life or physical safety could be endangered through reprisal, and, further, under such circumstances it may not be possible to continue to utilize that officer in the investigation. In many cases individuals for personal reasons would feel inhibited in talking to a person representing a criminal law enforcement agency but would be willing to talk to a confidential source or undercover officer who they believed was not involved in law enforcement activities. In addition, providing a source of information with written evidence that he was a source, as required by this provision, could increase the likelihood that the source of information would be the subject of retaliatory action by the subject of the investigation. Further, application of this provision could result in an unwarranted invasion of the personal privacy of the subject of the criminal investigation, particularly where further investigation would result in a finding that the subject was not involved in any criminal activity.

(j). 5 U.S.C. 552a(e)(5) requires that an agency maintain all records used by the agency in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in the determination. Since 5 U.S.C. 552a(a)(3) defines "maintain" to include "collect" and "disseminate," application of this provision to the above-listed systems of records would hinder the initial collection of any information which could not, at the moment of collection, be determined to be accurate, relevant, timely and complete. Similarly, application of this provision would seriously restrict the necessary flow of information from the Customs Service to other law enforcement agencies where a Customs Service investigation revealed information pertaining to a violation of law which was under the investigative jurisdiction of another agency. In collecting information during the course of a criminal investigation, it is not possible or feasible to determine accuracy, relevance, timeliness or completeness prior to collection of the infor-

mation; in disseminating information to other law enforcement agencies it is often not possible to determine accuracy, relevance, timeliness or completeness prior to dissemination because the disseminating agency may not have the expertise with which to make such determinations. Further, information which may initially appear to be inaccurate, irrelevant, untimely or incomplete may, when gathered, grouped, and evaluated with other available information, become more pertinent as an investigation progresses. In addition, application of this provision could seriously impede criminal investigators and intelligence analysts in the exercise of their judgement in reporting on results obtained during criminal investigations. The Customs Service therefore believes that it is appropriate to exempt the above-listed systems of records from the provisions of 5 U.S.C. 552a(e)(5).

(k). 5 U.S.C. 552a(e)(8) requires that an agency make reasonable efforts to serve notice on an individual when any record on the individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The Customs Service believes that the above-listed systems of records should be exempt from this provision in order to avoid revealing investigative techniques and procedures outlined in those records and in order to prevent revelation of the existence of an on-going investigation where there is a need to keep the existence of the investigation secret.

(l). 5 U.S.C. 552a(g) provides civil remedies to an individual for an agency refusal to amend a record or to make a review of a request for amendment, for an agency refusal to grant access to a record, for an agency failure to maintain accurate, relevant, timely and complete records which are used to make a determination which is adverse to the individual, and for an agency failure to comply with any other provision of 5 U.S.C. 552a in such a way as to have an adverse effect on an individual. The Customs Service believes that the above-listed systems of records should be exempted from this provision to the extent that the civil remedies provided therein may relate to provisions of 5 U.S.C. 552a from which the above-listed systems of records are proposed to be exempt. Since the provisions of 5 U.S.C. 552a enumerated in subparagraphs (a) through (k) above are proposed to be inapplicable to the above-listed systems of records for the reasons stated therein, there should be no corresponding civil remedies for failure to comply with the requirements of those provisions to which the exemption is proposed to apply. Further, the Customs Service believes that application of this provision to the above-listed systems of records would adversely affect its ability to conduct criminal investigations by exposing to civil court action every stage of the criminal investigative process in which information is compiled or used in order to identify, detect, apprehend and otherwise investigate persons suspected or known to be engaged in criminal conduct in violation of the Customs and related laws.

b. *Specific exemptions under 5 U.S.C. 552a(k)(2)*

Pursuant to the provisions of 5 U.S.C. 552a(k)(2), the Commissioner, United States Customs Service, hereby exempts certain systems of records, maintained by the United States Customs Service, from the provisions of 5 U.S.C. 552a(c)(3), (d)(1), (2), (3) and (4), (e)(1) and (4)(G), (H) and (I) and (f).

1. *Exempt systems.* The following systems of records, which contain information of the type described in 5 U.S.C. 552a(k)(2), shall be exempt from the provisions of 5 U.S.C. 552a listed in paragraph b. above except as otherwise indicated below and in the general notice of the existence and character of systems of records which appears elsewhere in the FEDERAL REGISTER:

Advice Requests (Legal)
Aircraft Registers
Aircraft Ownership File
Arrest/Seizure/Search Report and Notice of Penalty File
Attorney Case File
Boarding Report
Cargo Security File
CARNET Information System
Cartmen or Lightermen
Case Files (Regional Counsel—Region V)
Claims Case File
Claims Files (Region VIII)
Claims for Automobile Accidents
Collection File
Confidential Source Identification File
Container Station Operator Files (exemptions applicable solely to the extent necessary to protect identity of confidential sources)
Cooperating Individual Files
Court Case File
Court Case Files (Region VIII)
Court Docket Records System
Currency and Monetary Instrument Reporting System (CMIR)
Customhouse Brokers File, Chief Counsel
Customhouse Brokers, Headquarters Records
Customhouse Brokers Records
Customhouse Brokers Records (Headquarters)
Customs Fugitive Program
Customs Licensing and Identification Program (Proposed) (exemptions applicable solely to the extent necessary to protect identity of confidential sources).
Disciplinary Action and Resulting Grievance or Appeal Case Files
Disclosure of Information File (two systems of the same name)
Disclosure of Information Request Files (Region VIII)
Equal Employment Opportunity Program
Equal Opportunity Discrimination Complaint Case File
Federal Tort Claims Act File (two systems of the same name)
Fines, Penalties, and Forfeitures (Supplemental Petitions)
Fines, Penalties, and Forfeiture Files (Supplemental Petitions)
Fines, Penalties and Forfeiture Records
Fines, Penalties and Forfeiture Records (Headquarters)
Fines, Penalty, and Forfeiture (FP&F) Record System
Florida Boat Registration File
Information and Investigative Reports From Other Federal Agencies
Information Received File (Patrol File)
Information Received File (Patrol Division—New Orleans, La.) (two systems of the same name)
Information Received (MOIR) File (San Diego DD)
Information Received File (San Juan Patrol)
Intelligence Log
Internal Security Records System
Investigations Record System
Justice Court Case File (two systems of the same name)
Justice Department Case File
Litigation Issue Files
Lookout Notice
Narcotics Suspect File
Notification of Personnel Management Division When An Employee is Placed Under Investigation by the Office of Internal Affairs
Patrol Information Data System
Patrol Officers Case File
Penalty Case File
Personal Search Negative (exemptions applicable solely to the extent necessary to protect enforcement techniques)
Personal Search, (Negative Results) (exemptions applicable solely to the extent necessary to protect enforcement techniques)
Personal Search—Negative (District Director—Mobile, Alabama) (exemptions applicable solely to the extent necessary to protect enforcement techniques)
Personal Search—Negative (District Patrol—New Orleans, La. and Mobile, Alabama) (exemptions applicable solely to the extent necessary to protect enforcement techniques)
Personal Search File (exemptions applicable solely to the extent necessary to protect enforcement techniques)
Personal Search Report (exemptions applicable solely to the extent necessary to protect enforcement techniques)
Personnel Action Records System
Personnel Case File (two systems of the same name)
Personnel Case Files (Region VIII)
Private Aircraft Inspection Reporting System (PAIRS) (exemptions applicable solely to the extent necessary to protect identity of confidential sources).
Private Yacht Inspection Reporting System (exemptions applicable solely to the extent necessary to protect identity of confidential sources).
Regulatory Audits of Customhouse Brokers
Search/Arrest/Seizure Report
Search, Arrest and Seizure Reporting System
Seizure File
Seventy-two Hour Archives Search System
Suspect File (two systems of the same name)
Suspect Persons Index
Telephone Analysis Program (TELAN)
Theft Information System
Tort Claims Act File (three systems of the same name)
Tort Claim Records System
Treasury Enforcement Communications System (TECS)
Treasury Enforcement Communications System Card File
Vessel Identification Report
Vessel Violation Profile System
Violator's Case Files
Violators File
Warehouse Proprietor Files

2. *Reasons for exemptions.* (a). 5 U.S.C. 552a(e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records pertaining to them. The Customs Service believes that application of these provisions (to those of the above-listed systems of records for which no notification procedures have been provided in the general notice of the existence and character of systems of records which appears elsewhere in the Federal Register) would impair the ability of the Customs Service to successfully complete investiga-

tions and inquiries of suspected violators of civil and criminal laws and regulations under its jurisdiction. In many cases investigations and inquiries into violations of civil and criminal laws and regulations involve complex and continuing patterns of behavior. Individuals, if informed that they have been identified as suspected violators of civil or criminal laws and regulations, would have an opportunity to take measures to prevent detection of illegal action so as to avoid prosecution or the imposition of civil sanctions. They would also be able to learn the nature and location of the investigation or inquiry and the type of surveillance being utilized, and they would be able to transmit this knowledge to co-conspirators. Finally, violators might be given the opportunity to destroy evidence needed to prove the violation under investigation or inquiry.

(b). 5 U.S.C. 552a(d)(1), (e)(4)(H) and (f)(2), (3) and (5) enable individuals to gain access to records pertaining to them. The Customs Service believes that application of these provisions to the above-listed systems of records would impair its ability to complete or continue civil or criminal investigations and inquiries and to detect and apprehend violators of the Customs and related laws. Permitting access to records contained in the above-listed systems of records would provide violators with significant information concerning the nature of the civil or criminal investigation or inquiry. Knowledge of the facts developed during an investigation or inquiry would enable violators of criminal and civil laws and regulations to learn the extent to which the investigation or inquiry has progressed, and this could provide them with an opportunity to destroy evidence that would form the basis for prosecution or the imposition of civil sanctions. In addition, knowledge gained through access to investigatory material could alert a violator to the need to temporarily postpone commission of the violation or to change the intended point where the violation is to be committed so as to avoid detection or apprehension. Further, access to investigatory material would disclose investigative techniques and procedures which, if known, could enable violators to structure their future operations in such a way as to avoid detection or apprehension, thereby neutralizing investigators' established and effective investigative tools and procedures. In addition, investigatory material may contain the identity of a confidential source of information or other informer who would not want his identity to be disclosed for reasons of personal privacy or for fear of reprisal at the hands of the individual about whom he supplied information. In some cases mere disclosure of the information provided by an informer would reveal the identity of the informer either through the process of elimination or by virtue of the nature of the information supplied. If informers cannot be assured that their identities (as sources for information) will remain confidential, they would be very reluctant in the future to provide information pertaining to violations of criminal and civil laws and regulations, and this would seriously compromise the ability of the Customs Service to carry out its mission. Further, application of 5 U.S.C. 552a(d)(1), (e)(4)(H) and (f)(2), (3) and (5) to the above-listed systems of records would make available attorney's work product and other documents which contain evaluations, recommendations, and discussions of ongoing civil and criminal legal proceedings; the availability of such documents could have a chilling effect on the free flow of information and ideas within the Customs Service which is vital to the agency's predecisional deliberative process, could seriously prejudice the agency's or the Government's position in a civil or criminal litigation, and could result in the disclosure of investigatory material which should not be disclosed for the reasons stated above. It is the belief of the Customs Service that, in both civil actions and criminal prosecutions, due process will assure that individuals have a reasonable opportunity to learn of the existence of, and to challenge, investigatory records and related materials which are to be used in legal proceedings.

(c). 5 U.S.C. 552a(d)(2),(3) and (4), (e)(4)(H) and (f)(4), which are dependent upon access having been granted to records pursuant to the provisions cited in subparagraph (b) above, enable individuals to contest (seek amendment to) the content of records contained in a system of records and require an agency to note an amended record and to provide a copy of an individual's statement (of disagreement with the agency's refusal to amend a record) to persons or other agencies to whom the record has been disclosed. The Customs Service believes that the reasons set forth in subparagraph (b) above are equally applicable to this subparagraph, and, accordingly, those reasons are hereby incorporated herein by reference.

(d). 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request; such accountings must state the date nature and purpose of each disclosure of a record and the name and address of the recipient. The Customs Service believes that application of this provision to the above-listed systems of records would impair the ability of the Customs Service and other law enforcement agencies to conduct investigations and inquiries into civil and criminal violations under their respective jurisdictions. Making accountings available to violators would alert those individuals to the fact that the Customs Service or another law enforcement authority is conducting an investigation or inquiry into their activities, and such accountings could reveal the geographic location of the investigation or inquiry, the nature and purpose of the investigation or inquiry and the nature of the information disclosed, and the dates on which that investigation or inquiry was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, transferring their activities to other locations or destroying or concealing evidence which would form the basis for prosecution or the imposition of civil sanctions.

(e). 5 U.S.C. 552a(e)(1) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term "maintain" as defined in 5 U.S.C. 552a(a)(3) includes "collect" and "disseminate." At the time that information is collected by the Customs Service there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Customs Service; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of investigation or inquiry, and in many cases information which initially appears to be irrelevant and unnecessary may, upon further evaluation or upon continuation of the investigation or inquiry, prove to have particular relevance to an enforcement program of the Customs Service. Further, not all violations of law uncovered during a Customs Service investigation or inquiry fall within the civil or criminal jurisdiction of the Customs Service; in order to promote effective law enforcement it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies which have jurisdiction over the offense to which the information relates. The Customs Service should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction where that information comes to the attention of the Customs Service through the conduct of a lawful Customs Service civil or criminal investigation or inquiry. The Customs Service therefore believes that it is appropriate to exempt the above-listed systems of records from the provisions of 5 U.S.C. 552a(e)(1).

c. *Specific exemptions under 5 U.S.C. 552a(k)(5).* Pursuant to the provisions of 5 U.S.C. 552a(k)(5), the Commissioner, United States Customs Service, hereby exempts the *Internal Security Records System* from the provisions of 5 U.S.C. 552a(c)(3), (d)(1), (2), (3) and (4), (e)(1) and (4)(G), (H) and (I) and (f). The records maintained in the exempt system of records are of the type described in 5 U.S.C. 552a(k)(5): "investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied

promise that the identity of the source would be held in confidence."

Thus to the extent that the records in this system can be disclosed without revealing the identity of a confidential source, they are not within the scope of this exemption and are subject to all the requirements of 5 U.S.C. 552a, except where those records contain other information which is exempt under the provisions of 5 U.S.C. 552a(k)(2) for the reasons stated under paragraph b, above.

The sections of 5 U.S.C. 552a from which this system of records is exempt include in general those providing for individuals' access to or amendment of records. When such access or amendment would cause the identity of a confidential source to be revealed, it would impair the future ability of the Customs Service to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

In addition, the systems shall be exempt from 5 U.S.C. 552a(e)(1) which requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The Customs Service believes that to fulfill the requirements of 5 U.S.C. 552a(e)(1) would unduly restrict the agency in its information gathering inasmuch as it is often not until well after the investigation that it is possible to determine the relevance and necessity of particular information.

If any investigations within the scope of 5 U.S.C. 552a(k)(5) become involved with civil or criminal matters, exemptions from 5 U.S.C. 552a could also be asserted under 5 U.S.C. 552a(k)(2) or (j)(2).

UNITED STATES SECRET SERVICE

Notice of rules exempting certain systems from requirements of the Privacy Act

(a) *In general.* The Director of the U.S. Secret Service hereby issues rules exempting the Criminal Investigation Information System of records, the Non-Criminal Investigation Information System of records, and the Protection Information System of records from the provisions of certain subsections of 5 U.S.C. 552a, the Privacy Act of 1974. The purpose of the exemptions is to maintain the confidentiality of information compiled for the purpose of criminal, non-criminal, and protective investigations.

(b) *Authority.* These rules are promulgated pursuant to the authority vested in the Secretary of the Treasury by 5 U.S.C. 552a (j) and (k) and pursuant to the authority vested in the Director, U.S. Secret Service by paragraph 123(c) of Subpart C of Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations.

(c) *Exempted Systems.* I. U.S. Secret Service Criminal Investigation Information System. The Criminal Investigation Information System is further described in "Notices of Records Systems" published by the General Services Administration.

(1) *Provisions from which exempted.* The Criminal Investigation Information System maintained by the Secret Service contains records described in 5 U.S.C. 552a (j) and (k), the Privacy Act of 1974. Exemptions are claimed for such described records only where appropriate from the following provisions of the Privacy Act of 1974 subsections (c) (3) and (4); (d) (1), (2), (3) & (4); (e) (1), (2) and (3); (e)(4) (G), (H) and (I); (e) (5) and (8); (f) and (g) of 5 U.S.C. 552a.

(2) *Reasons for claimed exemptions.* a. 5 U.S.C. 552a(c)(3): This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c) (1) and (2) to the individual named in the record at his request. The reasons why the Criminal Investigation Information System is exempted from the foregoing provision are as follows:

(i) The release of accounting disclosures would put the subject of a criminal investigation on notice of the existence of an investigation and that he is the subject of that investigation;

(ii) It would provide the subject of a criminal investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. Obviously, the release of such information to the subject of a criminal investigation would provide him with significant information concerning the nature of the investigation and could result in impeding or compromising the efforts of law enforcement personnel to detect and arrest persons suspected of criminal activity;

(iii) Disclosure to the individual of the disclosure accounting after the investigation is closed would alert the individual as to which agencies were investigating him and would put him on notice concerning the scope of his suspected criminal activities and could aid him in avoiding detection and apprehension.

b. 5 U.S.C. 552a(e)(4); (d); (e)(4) (G) and (H); (f) and (g): The foregoing provisions of the Privacy Act relate to an individual's right to notification of the existence of records pertaining to him and access to such records; the agency procedures relating to notification, access and contest of the information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. The reasons why the Criminal Investigation Information System of records is exempted from the foregoing provisions are as follows:

(i) To notify an individual at his request of the existence of records pertaining to him in the Criminal Investigation Information System would inform the individual of the existence of an investigation and that he is the subject of that investigation. This would enable the individual to avoid detection and would further enable him to inform co-conspirators of the fact that an investigation is being conducted;

(ii) To permit access to the records contained in the Criminal Investigation Information System would not only inform an individual that he is or was the subject of a criminal investigation, but would also provide him with significant information concerning the nature of the investigation which might enable him to avoid detection or apprehension;

(iii) To grant access to an on-going or closed criminal investigative file could interfere with Secret Service investigative and enforcement proceedings, deprive co-defendants of a right to a fair trial or an impartial adjudication, constitute an unwarranted invasion of the personal privacy of others, disclose the identity of confidential sources and reveal confidential information supplied by such sources, and disclose investigative techniques and procedures, or endanger the life or physical safety of law enforcement personnel, informants, witnesses, and other persons supplying information to investigators.

c. 5 U.S.C. a(e)(4)(I). This provision of the Privacy Act requires the publication of the categories of sources of records, in each system of records. The reasons why the Criminal Investigation Information System of records is exempted from the foregoing provision are as follows:

(i) Revealing sources of information could disclose investigative techniques and procedures;

(ii) Revealing sources of information could result in retaliation and threat of reprisal by the subject under investigation against such sources;

(iii) Revealing sources of information could cause witnesses, informants and others who supply information to criminal investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality;

(iv) Revealing sources of information could result in the refusal of some sources to give full and complete information or to be candid with investigators because of the knowledge that the identity of such sources may be disclosed.

d. 5 U.S.C. 552a(e)(1): This provision of the privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency. The reasons why the Criminal Investigation Information System of records is exempted from the foregoing provisions are as follows:

(i) In a criminal investigation it is difficult to accurately determine the relevancy and necessity of information during the process of information gathering. Only after the information is evaluated can the relevancy and necessity of such information be ascertained;

(ii) In a criminal investigation, the Secret Service often obtains information concerning the violations of laws other than those within the scope of its criminal investigative jurisdiction. In the interest of effective law enforcement,

the Secret Service should retain this information as it may aid in establishing patterns of criminal activity, and provide valuable leads for those law enforcement agencies charged with enforcing other segments of the criminal law;

(iii) In interviewing persons, or obtaining other forms of evidence during a criminal investigation, information will be supplied to the investigator which relates to matters which are ancillary to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information is not readily susceptible to segregation.

e. 5 U.S.C. 552a(e)(2): This provision of the Privacy Act requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's right, benefits and privileges under Federal programs. The reasons why the Criminal Investigation Information System is exempted from from the foregoing provision are as follows:

(i) In certain instances, the subject of a criminal investigation is not required to supply information to investigators as a matter of legal right. In those instances, information relating to a subject's criminal activities must be obtained from other sources;

(ii) A requirement that information be collected from an individual who is the subject of a criminal investigation would put the individual on notice of the existence of the investigation and could enable him to avoid detection or apprehension;

(iii) In a criminal investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to accumulate and verify the evidence necessary for the successful prosecution of persons suspected of violating the criminal laws.

f. 5 U.S.C. a (e)(3): This provision of the Privacy Act requires an agency to inform each individual whom it asks to supply information of the authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary; the principle purposes for which the information is intended to be used; the routine uses which may be made of the information; and the effect on the individual of not providing the requested information. The reasons why the Criminal Information System is exempted from the foregoing provision are as follows:

(i) Informing each individual who is asked to supply information in a criminal investigation of the information required under the foregoing provision could inform the individual of the existence of a confidential investigation; reveal the identity of confidential sources of information; and endanger the life or physical safety of confidential informants;

(ii) Informing each individual who is asked to supply information in a criminal investigation of the information required under the foregoing provision could result in an unwarranted invasion of the privacy of individuals who may be the subject of a criminal investigation or who are suspected of engaging in criminal activity;

(iii) Informing each individual who is asked to supply information in a criminal investigation of the information required under the foregoing provision would inhibit such individuals from supplying the requested information and thereby present a serious impediment to the successful investigation and prosecution of violations of the criminal law.

g. 5 U.S.C. 552a(e)(5): This provision of the Privacy Act requires an agency to maintain all records which are used in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. The reasons why the Criminal Investigation Information System is exempted from the foregoing provisions are as follows:

(i) In gathering information during the course of a criminal investigation it is usually not possible to determine in advance what information is accurate, relevant, timely, and complete. Seemingly nonrelevant or untimely information may acquire new significance as an investigation progresses;

(ii) The restrictions on the maintenance of the records contained in the foregoing provision could impede investigators and intelligence analysts in the exercise of their judgment and discretion in reporting on criminal investigations;

(iii) Compliance with the records maintenance criteria listed in the foregoing provision could require the periodic up-dating of Secret Service criminal investigations to insure that the records maintained in the system remain timely and complete.

h. 5 U.S.C. a (e) (8): This provision of the Privacy Act requires an agency to make reasonable efforts to serve notice to an individual when any record on such individual is made available to any person under compulsory legal process becomes a matter of public record. The reasons why the Criminal Investigation Information System is exempted from the foregoing provision are as follows:

(i) The notice requirement of the foregoing provision could impede law enforcement by revealing investigative techniques and procedures;

(ii) The notice requirement of the foregoing provision could reveal the existence of confidential investigations to individuals who are the subjects of such investigations.

i. The foregoing exemptions are claimed for materials maintained in the Criminal Investigation Information System to the extent that such materials contain information and reports described in 5 U.S.C. 552a(j)(2). Further, records maintained in the Criminal Investigation Information System described in 5 U.S.C. 552a(k) are exempted from subsections (c)(3), (d)(1), (2), (3) & (4); (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a for the reasons previously stated.

II. U.S. Secret Service Non-Criminal Investigation Information System. The Non-Criminal Investigation Information System is further described in "Notices of Records Systems" published by the General Services Administration.

(1) Provisions from which exempted: The Non-Criminal Investigation Information System maintained by the Secret Service contains records similar to those described in 5 U.S.C. 552a(k), the Privacy Act of 1974. Exemptions are claimed for such described records where appropriate from the following provisions of the Privacy Act of 1974: subsections (c)(3), (d)(1), (2), (3) & (4); (e)(1); (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552(a).

(2) *Reasons for claimed exemptions.* a. 5 U.S.C. 552a(c)(3): This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c) (1) and (2) to the individual named in the record at his request. The reasons why the Non-Criminal Investigation Information System is exempted from the foregoing provision are as follows;

(i) The release of accounting disclosures would put the subject of an investigation on notice of the existence of an investigation and that he is the subject of that investigation;

(ii) It would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. Obviously, the release of such information to the subject of an investigation would provide him with significant information concerning the nature of the investigation and could result in impeding or compromising the efforts of law enforcement personnel to obtain information essential to the successful conclusion of the investigation;

(iii) Disclosure to the individual of the disclosure accounting after the investigation is closed would alert the individual as to which agencies were investigating him; put him on notice concerning the scope of his suspected activities and reveal investigatory techniques and the identity of confidential informants. It could result in an invasion of privacy of private citizens who provide information in connection with a particular investigation.

(3) 5 U.S.C. 552a; (d), (e)(4)(G), (H) and (f): The foregoing provisions of the Privacy Act relate to an individual's right to notification of the existence of records pertaining to him and access to such records and the agency procedures relating to notification, access and contest of the information contained in such records. The reasons why the Non-Criminal Investigation Information System of records is exempted from the foregoing provisions are as follows:

(i) To notify an individual at his request of the existence of records pertaining to him in the Non-Criminal Investigation Information System would inform

the individual of the existence of an investigation and that he is the subject of that investigation. This could enable the individual to secrete or destroy evidence essential to the successful completion of the investigation;

(ii) To permit access to the records contained in the Non-Criminal Investigation System would not only inform an individual that he is or was the subject of an investigation, but would also provide him with significant information concerning the nature of the investigation which might enable him to avoid detection or apprehension;

(iii) To grant access to an on-going or closed non-criminal investigative file would interfere with Secret Service investigative and enforcement proceedings; deprive other parties involved in the investigations of a right to a fair trial or an impartial adjudication; constitute an unwarranted invasion of the personal privacy of others; disclose the identity of confidential sources and reveal confidential information supplied by such sources; and disclose investigative techniques and procedures.

(3) 5 U.S.C. a 3 (e) (4) (I). This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. The reasons why the Non-Criminal Investigation Information System of records is exempted from the foregoing provision are as follows:

(i) Revealing sources of information would disclose investigative techniques and procedures;

(ii) Revealing sources of information would result in retaliation and threat of reprisal by the subject under investigation against such sources;

(iii) Revealing sources of information could cause witnesses, informants and others who supply information to investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality;

(iv) Revealing sources of information could result in the refusal of some sources to give full and complete information or to be candid with investigators because of the knowledge that the identity of such sources may be disclosed.

(4) 5 U.S.C. 552a(e)(1): This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency. The reasons why the Criminal Investigation Information System of records is exempted from the foregoing provision are as follows:

(i) In a non-criminal investigation it is difficult to determine accurately the relevancy and necessity of information during the process of information gathering. It is only after the information is evaluated that the relevancy and necessity of such information can be ascertained;

(ii) In a non-criminal investigative case, the Secret Service often obtains information concerning the violation of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, it is desirable that the Secret Service retain this information since it can aid in establishing patterns of unlawful activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal, regulatory and civil laws;

(iii) In interviewing persons, or obtaining other forms of evidence during an investigation, information will be supplied to the investigator which relates to matters which are ancillary to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information is not readily susceptible to segregation.

(5) The foregoing exemptions are claimed for records maintained in the Non-Criminal Investigation Information System only to the extent that such records contain materials described in subsection (k) of 5 U.S.C. 552a, the Privacy Act of 1974.

III. U.S. Secret Service Protection Information System. The Protection Information System is further described in "Notices of Records Systems" published by the General Services Administration.

(1) *Provisions from which exempted.* The Protection Information System maintained by the Secret Service contains records similar to those described in 5 U.S.C. 552a (j) and (k), the Privacy Act of 1974. The Protection Information System contains material relating to criminal investigations concerned with the enforcement of criminal statutes involving the security of persons and property. Further, this system contains records described in 5 U.S.C. 552a(k) including, but not limited to, classified materials and investigatory material compiled for law enforcement purposes. There are maintained in the Protection Information System, in addition to the categories of records described above, records which are considered necessary to assuring the safety of individuals protected by the Secret Service pursuant to the provisions of 18 U.S.C. 3056 and Public Law 90–331, (5 U.S.C. 522a(k)(3)). Exemptions are claimed for the above described records only where appropriate from the following provisions of the Privacy Act of 1974: subsections (c)(3) and (d) (1), (2), (3) and (4); (e) (1), (2) and (3); (e)(4) (G), (H) and (I); (e)(5) and (8); (f) and (g) of 5 U.S.C. 552a.

(2) *Reasons for claimed exemptions.* a. 5 U.S.C. 552(c)(3): This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c) (1) and (2) to the individual named in the record at his request. The reasons why the Protection Information System is exempted from the foregoing provision are as follows:

(i) The release of accounting disclosures would put the subject of a protective intelligence file on notice of the existence of an investigation and that he is the subject of that investigation;

(ii) It would provide the subject of a protective intelligence file with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. Obviously, the release of such information to the subject of a protective intelligence file would provide him with significant information concerning the nature of the investigation, and could result in impeding or compromising the efforts of Secret Service personnel to detect persons suspected of criminal activities or to collect information necessary for the proper evaluation of persons considered to be of protective interest;

(iii) Disclosures of the disclosure accounting after the protective intelligence file is closed would alert the individual as to which agencies were investigating him and would put him on notice concerning the scope of the protective intelligence investigation and could aid him in avoiding detection.

b. 5 U.S.C. 552a(c)(4); (d); (e)(4)(G) and (H); (f) and (g): The foregoing provisions of the Privacy Act relate to an individual's right to notification of the existence of records pertaining to him and access to such records; the agency procedures relating to notification; access and contest of the information contained in such records; and the civil remedies available to the individual in the event of adverse determinations by an agency concerning access to or amendment of information contained in record systems. The reasons why the Protection Information System of records is exempted from the foregoing provisions are as follows:

(i) To notify an individual at his request of the existence of records pertaining to him in the Protection Information System would be injurious to the protective intelligence activities of the Secret Service if the existence of files on the subject were even acknowledged. Granting access to the criminal and the unstable person would necessarily lead to knowledge of the sources of Secret Service information and could endanger other enforcement and intelligence operations and confidential sources including co-workers, friends and relatives of the subjects of such records;

(ii) Limitation on access to the materials contained in the Protection Information System is considered necessary to the preservation of the utility of intelligence files and in safeguarding those persons the Secret Service is authorized to protect. Without such denial of access the Protection Information System could adversely effect in the poor quality of information available; in compromised confidential sources; in the inability to keep track of persons of protective interest; and from interference with Secret Service protective intelligence activities by individuals gaining access to protective intelligence files. Many of the persons on whom records are maintained in the Protection Information System suffer from mental aberrations. Knowledge of their condition and progress comes from authorities, family members and witnesses. Many times this information comes to the Secret Service as a result of two party

conversations where it would be impossible to hide the identity of informants. Sources of information must be developed, questions asked and answers recorded. Trust must be extended and guarantees of confidentiality and anonymity must be maintained. Allowing access of information of this kind to individuals who are the subjects of protective interest may well lead to violence directed against an informant by a mentally disturbed individual;

(iii) Permitting access to protective intelligence files would reveal techniques and procedures, not only of Secret Service protective investigations but could reveal the criteria by which protective intelligence subjects are evaluated;

(iv) To notify an individual at his request of the existence of records pertaining to him in the Protection Information System would inform the individual of the existence of an investigation and that he is the subject of protective interest. This would enable the individual to avoid detection and would further enable him to inform co-conspirators of the fact that an investigation is being conducted;

(v) To permit access to the records contained in the Protection Information System would not only inform an individual that he is or was the subject of protective interest, but would also provide him with significant information concerning the nature of any investigation concerning his activities;

(vi) To grant access to current or closed protective intelligence files would interfere with Secret Service investigative and enforcement proceedings; deprive co-defendants of a right to a fair trial or an impartial adjudication; constitute an unwarranted invasion of the personal privacy of others; disclose the identity of confidential sources; reveal confidential information supplied by such sources; and disclose investigative techniques and procedures, and endanger the life or physical safety of law enforcement personnel, informants, witnesses, and other persons suppling information to investigators.

c. 5 U.S.C. 552a(e)(4)(I). This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. The reasons why the Protection Information System of records is exempted from the foregoing provision are as follows:

(i) Revealing sources of information would disclose investigative techniques and procedures;

(ii) Revealing sources of information would result in retaliation and threat of reprisal by the subject of a protective intelligence file;

(iii) Revealing sources of information would cause witnesses, informants and others who supply information to Secret Service investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality;

(iv) Revealing sources of information would result in the refusal of some sources to give full and complete information or to be candid with investigators because of the knowledge that the identity of such sources may be disclosed.

d. 5 U.S.C. 552a(e)(1): This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency. The reasons why the Protection Information System of records is exempted from the foregoing provisions are as follows:

(i) In gathering protective intelligence information it is difficult to determine accurately the relevancy and necessity of information during the process of information gathering. It is only after the information is evaluated that the relevancy and necessity of such information can be ascertained;

(ii) In carrying out protective intelligence responsibilities the Secret Service often obtains information concerning the violation of laws other than those within the scope of its protective intelligence jurisdiction. In the interest of effective law enforcement, it is desirable that the Secret Service retain this information since it can aid in establishing patterns of criminal activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal law;

(iii) During protective intelligence investigations, information will be supplied to the investigator which relates to matters which are ancillary to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information is not readily susceptible to segregation.

e. 5 U.S.C. 552a(c)(2): This provision of the Privacy Act requires an agency to collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's right, benefits and privileges under Federal programs. The reasons why the Protection Information System is exempted from the foregoing provision are as follows:

(i) In certain instances, where the protective intelligence subject is suspected of criminal activity, he is not required to supply information to investigators as a matter of legal right. In those instances, information relating to a subject's criminal activities must be obtained from other sources;

(ii) A requirement that information be collected from an individual who is of protective interest would put the individual on notice of the existence of the intelligence investigation and such knowledge would enable him to avoid detection in the event that the individual attempted to physically harm persons protected by the Secret Service;

(iii) In a protective intelligence investigation where the subject of the investigation is suspected of engaging in criminal activities it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to accumulate and verify the evidence necessary for the successful prosecution of persons suspected of violating the criminal laws.

f. 5 U.S.C. 552a(e)(3): This provision of the Privacy Act requires an agency to inform each individual whom it asks to supply information of the authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary; the principle purposes for which the information is intended to be used; the routine uses which may be made of the information; and the effect on the individual of not providing the requested information. The reasons why the Protection Information System is exempted from the foregoing provision are as follows:

(i) Informing each individual who is asked to supply information in a protective intelligence investigation of the information required under the foregoing provision would inform the individual of the existence of a confidential investigation; reveal the identity of confidential sources of information; and endanger the life or physical safety of confidential informants;

(ii) Informing each individual who is asked to supply information in a protective intelligence investigation of the information required under the foregoing provision would result in an unwarranted invasion of the privacy of individuals who may be the subject of a criminal investigation or who are suspected of engaging in criminal activity;

(iii) Informing each individual who is asked to supply information in a protective intelligence investigation of the information required under the foregoing provision would inhibit such individuals from supplying the requested information and thereby present a serious impediment to the success of the Secret Service in carrying out its protective intelligence activities.

g. 5 U.S.C. 552a(e)(5): This provision of the Privacy Act requires an agency to maintain all records which are used in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. The reasons why the Protection Information System is exempted from the foregoing provisions are as follows:

(i) In gathering information during the course of a protective intelligence investigation it is usually not possible to determine in advance what information is accurate, relevant, timely, and complete. Seemingly nonrelevant or untimely information may acquire new significance as an investigation progresses;

(ii) The restrictions on the maintenance of the records contained in the foregoing provision would impede investigators and intelligence analysts in the exercise of their judgment and discretion in reporting on protective intelligence subjects;

(iii) Compliance with the records maintenance criteria listed in the foregoing provision would require the periodic up-dating of Secret Service protective intelligence files to insure that the records maintained in the system remain timely and complete.

h. 5 U.S.C. 552a(e)(8): This provision of the Privacy Act requires an agency to make reasonable efforts to serve notice

to an individual when any record on such individual is made available to any person under compulsory legal process becomes a matter of public record. The reasons why the Protection Information System is exempted from the foregoing provision are as follows:

(i) The notice requirement of the foregoing provision could impede Secret Service protective efforts by revealing techniques and procedures;

(ii) The notice requirements of the foregoing provision could reveal the existence of confidential investigations to individuals who are the subjects of such investigations.

i. The foregoing exemptions are claimed for materials maintained in the Protection Information System to the extent that such materials contain information and reports described in 5 U.S.C. 552a(j)(2). Further, records maintained in the Protection Information System described in 5 U.S.C. 552a(k) are to be exempted from subsections (c)(3), (d)(1), (2), (3) & (4); (e)(1), (e)(4) (G), (H) and (I) and (f) of 5 U.S.C. 552a for the reasons previously stated.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

NOTICE OF SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE PRIVACY ACT OF 1974

In accordance with 5 U.S.C. § 552a (j) and (k), general notice is hereby given of rulemaking under the Privacy Act of 1974 by the Director, Bureau of Alcohol, Tobacco and Firearms. The Director, Bureau of Alcohol, Tobacco and Firearms, exempts the systems of records identified in paragraphs (a), (b) and (c) of this section from certain provisions of the Privacy Act of 1974 as set forth in such paragraphs.

EXEMPTIONS

(a) *General exemptions.* Under the provisions of 5 U.S.C. 552a(j), the Director, Bureau of Alcohol, Tobacco and Firearms, hereby determines that certain provisions of the Privacy Act of 1974 shall not apply to the *Treasury—ATF Criminal Investigation Report System.*

(1) The Privacy Act of 1974 creates several methods by which individuals who are of record in this system of records may discover information collected about their criminal activities. These methods are as follows: subsections (e)(4)(G) and (f)(1) allow individuals to ascertain whether their criminal activities have been recorded; subsections (d)(1), (e)(4)(H), and (f) (2), (3) and (5) establish the ability of individuals to gain access into the investigatory files maintained on their criminal activities; subsections (d) (2), (3) and (4), (e)(4)(H), and (f)(4) presuppose access and further enable individuals to contest the contents of their criminal files; subsection (c)(3) allows individuals to discover if other law enforcement agencies are investigating their criminal activities and subsection (e)(4)(I) discloses the categories of sources of records in the system. Since these subsections are variations upon the criminal subjects' ability to ascertain whether a Federal law enforcement agency has uncovered their criminal misdeeds, these subsections have been grouped together for purposes of this notice.

(A) With respect to subsections (e)(4)(G) and (f)(1), the Bureau of Alcohol, Tobacco and Firearms believes that imposition of these requirements would identify to individuals the fact that they are of record, and in so doing, compromise the ability of ATF to successfully complete an investigation into violations of law. Where individuals have the ability to discover the location and specific character of their investigative records in this system, they will be able to determine the nature of the investigation, the type of surveillance utilized and the precise stage of the investigation into their criminal activities. When individuals can determine that the investigation into their criminal activities has been closed, they are placed on notice that they may safely resume their illegal conduct. For these reasons, ATF seeks exemption of this system from subsections (e)(4)(G) and (f)(1).

(B) With respect to subsections (d)(1), (e)(4)(H) and (f) (2), (3) and (5), the Bureau of Alcohol, Tobacco and Firearms believes that access into criminal investigative files poses present and future dangers on the ability of this agency to effectively enforce the criminal laws committed to its administration. Where individuals may break into an ongoing criminal investigative file they discover the collection of facts which will form the basis of their arrests. Knowledge of these facts enables them to destroy valuable contraband or other evidence of their activities prior to lawful seizure and thereby prevent enforcement proceedings. The ongoing investigative file may reveal that reasonable cause exists to believe that a crime is about to be committed. Disclosure of these facts enable individuals with criminal intent to either postpone the commission of their criminal acts or relocate the scene of the crime to an alternatively acceptable location where Federal agents will not be anticipated. After a criminal investigation has been closed, information in the file nevertheless reveals to the investigated subjects the techniques and procedures utilized by a law enforcement agency. Knowledge of these investigative techniques and procedures by individuals and groups devoted to crime enables them to structure their future operations in such a way as to place these activities beyond discovery until after the crime has been committed. Thus, the ability of Federal agents to prevent crime by apprehension of the criminals at the precise moment of commission of the criminal act is seriously jeopardized.

Disclosure of investigative techniques and procedures could further render the commission of the criminal act itself not susceptible to reconstruction and tracing to its originator. Armed with a knowledge of forensic science and the applied technology of criminal investigation contained in their own files, individuals and groups of individuals devoted to crime have the necessary information to develop counter-techniques which may effectively neutralize established investigative tools and procedures. Additionally, a closed criminal file reveals the identities of informers and undercover agents who have possibly risked their lives and the lives of their families by contributing information concerning the criminal activities of individuals and groups. Oftentimes, friends, family, neighbors and business associates of the subject under investigation, secure in the assured anonymity of a Federal criminal investigation, are not afraid to furnish valuable information relating to the criminal activities of the subjects of investigation. Where criminal subjects have access to the confidential information in their criminal files (with or without the identities of the sources) they can determine from the nature of the information and by process of elimination the identity of those individuals against whom to retaliate. This legitimate fear of reprisal exists in the minds of neighbors, relatives, and co-workers, especially with regard to individuals who are violence-prone or emotionally unstable. As a direct result of this fear of discovery through access to the investigative file, sources close to the criminal subject would decline to be interviewed or otherwise refrain from contact with the Bureau. This absence of information would render the Bureau unable to comply effectively with the mandates of the statutes committed to its administration. For these reasons, ATF seeks exemption of this system from subsections (d)(1), (e)(4)(H) and (f)(2), (3) and (5).

(C) With respect to subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4), which presuppose access and provide for contest of the content of records contained in this system, the Bureau of Alcohol, Tobacco and Firearms believes that the reasons set forth in subparagraph (B) of paragraph (1) of this subsection are equally applicable to this subparagraph, and are hereby incorporated by reference. For these reasons, ATF seeks exemption of this system from subsections (d)(2), (3) and (4), (e)(4)(H) and (f)(4).

(D) With respect to subsection (c)(3) which provides for making the accounting of disclosures available to the requester, the Bureau of Alcohol, Tobacco and Firearms believes that access to this accounting by a subject under investigation would impair the ability of other law enforcement agencies to utilize information developed by ATF for their investigations into violations of criminal laws not enforced by ATF. Where the interstate criminal activities of individuals or groups span the jurisdictions of several law enforcement agencies, information will be shared by these agencies in their attempts to bring these violators to justice. Disclosure of the accounting will alert such individuals to which agencies are conducting investigations, the geographic locations of such investigations, the nature and purpose of the investigations, and the date during which the investigation received information maintained by ATF. Supplied with this infor-

mation, individuals or groups may ascertain which of their criminal activities have been discovered and the law enforcement agencies which are in current pursuit. For these reasons, ATF seeks exemption of this system from subsection (e)(3).

(E) With respect to subsection (e)(4)(I), which requires publication of the categories of sources for a record system, the Bureau of Alcohol, Tobacco and Firearms believes that imposition of subsection (e)(4)(I) upon this system would reveal investigative techniques and procedures. For this reason, ATF seeks exemption of this system from subsection (e)(4)(I).

(2) The Privacy Act of 1974 provides, at subsection (e)(1), that an agency may maintain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by a statute or executive order of the President. The term "maintain" is defined in the Privacy Act to include the initial collection of information. The Bureau of Alcohol, Tobacco and Firearms believes that exemption of this system from subsection (e)(1) is appropriate because not all violations uncovered in an investigation are capable of enforcement by ATF. Where individuals or groups are engaged in a multiplicity of criminal violations, this evidence should be recorded by ATF and transferred to the appropriate law enforcement agencies. This Bureau should not and cannot legally ignore violations of law uncovered in a lawful ATF investigation merely because ATF has no authority to bring the criminal to justice for these non-ATF violations. Where other agencies uncover evidence of ATF violations, this information must be susceptible to collection and preservation by that agency for subsequent use by ATF. Where an investigation by ATF uncovers only ATF violations, information may initially appear irrelevant and unnecessary when collected. However, a later stage of the investigation may uncover additional facts which when placed together with the initially collected irrelevant information, form the basis for reasonable cause to believe that additional suspects are involved or additional crimes have been or are being committed. Until all facts have been gathered and evaluated at the conclusion of the investigation it may not be possible to determine relevancy and necessity. For these reasons, ATF seeks exemption of this system from subsection (e)(1).

(3) The Privacy Act of 1974 provides at subsection (e)(2) that an agency must collect information to the greatest extent practicable directly from the subject individual. The Bureau of Alcohol, Tobacco and Firearms believes that this system should be exempted from subsection (e)(2) because most information gathered upon a subject under investigation is obtained from third parties and witnesses. There is a minimal degree of practicability in contacting a criminal subject for purposes of seeking information as to his criminal activities. Such contact alerts the individual that he is under investigation and affords him opportunity to conceal his criminal activities or otherwise avoid detection or apprehension. In certain instances, the subject of a criminal investigation is not required to supply information to investigators as a matter of legal right. Law violators seldom give self-incriminatory information about their involvement in criminal activities. In those instances, information relating to the subject's criminal activities must be obtained from other sources. For these reasons, ATF seeks exemption of this system from subsection (e)(2).

(4) The Privacy Act of 1974 provides at subsection (e)(3) that each individual must be informed of the authority, principle purposes, and routine uses and effects on the individual when requested to provide information. The Bureau of Alcohol, Tobacco and Firearms believes that this system should be exempted from subsection (e)(3). When information is obtained by undercover officers, conformity to (e)(3) discloses their identity as agents of a law enforcement authority and thereby impairs their physical safety as well as the successful conclusion of the investigation. When presented with a written statement complying with (e)(3) by special agents acting in undercover capacity, the individual may not thereafter be completely open with such agents. For these reasons, ATF seeks exemption of this system from subsection (e)(3).

(5) The Privacy Act of 1974 provides at subsection (e)(5) that an agency maintain all records which are used in making any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. Since the law defines "maintain" to include collection of information, the Bureau of Alcohol, Tobacco and Firearms believes that this system should be exempt from subsection (e)(5) because it would prohibit the initial collection of any data not shown to be accurate, relevant, timely or complete at the moment of its collection. In gathering information during the course of a criminal investigation it is not feasible or possible to determine completeness, accuracy, timeliness or relevancy prior to collection of the information. Facts are first gathered then placed into a cohesive order which objectively proves or disproves criminal behavior on the part of a suspect. Seemingly irrelevant, untimely and incomplete information when gathered may acquire new significance as an investigation progresses. The restrictions of (e)(5) could impede special agents in the preparation of a complete investigative report. For these reasons, ATF seeks exemption of this system from subsection (e)(5).

(6) The Privacy Act of 1974 provides, at subsection (e)(8), that an agency must make reasonable efforts to serve notice on an individual when his records are made available pursuant to compulsory legal process, when such process becomes a matter of public record. Such a requirement would impose unnecessary and unusual administrative demands on the Bureau of Alcohol, Tobacco and Firearms by requiring a record system to follow up on legal process emanating from court proceedings to which ATF is not a party. The Bureau of Alcohol, Tobacco and Firearms believes the duty of serving notice in such a case properly rests with the moving party who seeks disclosure by utilization of the court's compulsory legal process. Further, in most cases where an individual's criminal records have been disclosed pursuant to compulsory legal process, the individual who is the subject of the records will be a party to the proceedings and will have actual notice of the disclosure. For these reasons, ATF seeks exemption of this system from subsection (e)(8).

(7) The Privacy Act of 1974 provides, at subsection (g), civil remedies for agency failure to grant access, agency failure to amend records, agency failure to maintain accurate, relevant, timely and complete records and agency failure to comply with provisions of the Privacy Act which have an adverse effect on an individual. The Bureau of Alcohol, Tobacco and Firearms believes that this system should be exempted from subsection (g) because the civil remedies provided in this subsection apply to provisions in the Privacy Act which have been exempted from application to this system by virtue of this notice. Since these provisions are not intended to apply to this system, there should be no corresponding civil penalty for failure to comply with the requirements of these sections due to exercise of the exemption authority. ATF believes that application of this subsection to this system of records would impair ATF's ability to conduct investigations into the criminal behavior of suspects because every step in the investigation process in which information is compiled for prosecution purposes would be susceptible to civil action under this subsection. For these reasons, ATF seeks exemption of this system from subsection (g).

(b) *Specific exemptions under § 552a (k)(2).* Under the provisions of 5 U.S.C. 552a(k)(2), the Director, Bureau of Alcohol, Tobacco and Firearms, hereby determines that certain provisions of the Privacy Act of 1974 shall not apply to the *Treasury—ATF—Regulatory Enforcement Record System*, the *Treasury—ATF—Technical and Scientific Services Record System*, and that portion of the *Treasury—ATF—Internal Security Record System* relating to "conduct of employees" and "integrity of employees" records.

(1) The Privacy Act of 1974 creates several methods by which individuals may discover records containing information on such individuals and consisting of investigatory material compiled for law enforcement purposes. These methods are as follows: subsection (c)(3) allows individuals to discover if other agencies are investigating such individuals; subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5) establish the ability

of individuals to gain access to investigatory material compiled on such individuals; subsections (d)(2), (3) and (4), (e)(4)(H) and (f)(4) presuppose access and enable individuals to contest the contents of investigatory material compiled on these individuals; and subsections (e)(4)(G) and (f)(1) allow individuals to determine whether or not they are under investigation. Since these subsections are variations upon the individuals' ability to ascertain whether their civil or criminal misdeeds have been discovered, these subsections have been grouped together for purposes of this notice.

(A) The Bureau of Alcohol, Tobacco and Firearms believes that imposition of the requirements of subsection (c)(3), requiring accounting of disclosures be made available to individuals, would impair the ability of ATF and other investigative entities to conduct investigations of alleged or suspected violations of civil or criminal laws. Making the accounting of disclosures available identifies to individuals which investigative entities are investigating the individuals, the nature of the violations of which they are suspected, and the purpose for the exchange of information. Supplied with this information, the individuals concerned would be able to alter their ongoing and future illegal activities, conceal or destroy evidentiary materials and documents, and otherwise seriously impair the successful completion of investigations. Further, where individuals learn the geographic location and identity of the investigative entities which are interested in them, such individuals are able to move the site of their illegal activities or become secure in the knowledge that their illegal activities have not been detected in particular geographic locations. For these reasons, ATF seeks an exemption from the requirements of subsection (c)(3).

(B) With respect to subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5), the Bureau of Alcohol, Tobacco and Firearms believes that access into investigatory material would prevent the successful completion of ongoing investigations. Individuals who gain access to investigatory material compiled on them discover the nature and extent of the violations of civil or criminal laws which they are suspected or alleged to have committed. By gaining access, such individuals also learn the facts developed during an investigation. Knowledge of the facts and the nature and extent of the suspected or alleged violations enables these individuals to destroy materials or documents which would have been used as evidence against them. In addition, knowledge of the facts and the suspected violations gives individuals, who are committing ongoing violations or who are about to commit violations of civil or criminal laws, the opportunity to temporarily postpone the commission of the violations or to effectively disguise the commission of these violations. Access to material compiled on investigated individuals reveals investigative techniques and the procedures followed in conducting investigations. Disclosure of these techniques and procedures enables individuals who intend to violate civil or criminal laws to structure their future illegal activities in such a way that they escape detection. Investigative material may contain the identity of confidential sources of information. Individuals who gain access to investigatory material compiled on them learn the identity of these confidential sources. Even where the name of the source is not revealed, investigated individuals may learn the identity of confidential sources by the process of elimination or by the very nature of the information contained in the files. Where the identity of confidential sources has been revealed, they may be subject to various forms of reprisal. If confidential sources of information are subjected to reprisals or the fear of reprisals, they would become reluctant to provide information necessary to identify or prove the guilt of individuals who violate civil or criminal laws. Without the information that is often supplied by confidential sources, the ability of investigative entities would be seriously impaired. For the reasons stated in this subparagraph, ATF seeks exemption from the requirements of subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5).

(C) With respect to subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4), the Bureau of Alcohol, Tobacco and Firearms believes that the imposition of these requirements, which presuppose access and provide for amending records, would impair ATF's ability to conduct investigations for the same reasons stated in the preceding subparagraph (b)(1)(B), and are incorporated by reference herein. Therefore, ATF seeks exemption from the requirements of subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4).

(D) With respect to subsections (e)(4)(G) and (f)(1), the Bureau of Alcohol, Tobacco and Firearms believes that informing individuals that they are of record would impair the ability of ATF to successfully complete the investigations of suspected or alleged violators of civil or criminal laws. Individuals, who are informed that they have been identified as suspected violators of civil or criminal laws, are given the opportunity to destroy evidence or other material needed to prove the alleged violations. Such individuals would also be able to impair investigations by temporarily suspending ongoing illegal activities or by restructuring intended illegal activities. Informing individuals that they are of record in a particular system of records enables such individuals to learn the nature of the investigation, the character of the investigatory material and the specific civil or criminal laws they are suspected of violating. For these reasons, ATF seeks exemption from the requirements of subsections (e)(4)(G) and (f)(1).

(2) Subsection (e)(1) of the Privacy Act of 1974 requires that ATF maintain in its records only information that is relevant and necessary to accomplish a purpose of ATF required to be accomplished by statute or by executive order of the President. The Bureau of Alcohol, Tobacco and Firearms believes that imposition of such requirement would seriously impair the ability of ATF and other investigative entities to effectively investigate suspected or alleged violations of civil or criminal laws. Where individuals are engaged in a broad variety of violations, if ATF were only to collect information necessary and relevant to laws under ATF's jurisdiction, ATF would be unable to perform one of its functions, i.e., working with other governmental agencies which have similar jurisdictional concerns. Additionally, it is often impossible to determine whether or not information is relevant and necessary until the investigation is completed. When initially collected, information may appear irrelevant or immaterial. However, when this information is placed together with additional data gathered at a later stage of the investigation, the initially collected irrelevant information may form the basis for reasonable cause to believe additional violations of law are present or additional suspects are involved. Until all facts have been gathered and evaluated it may not be possible to determine relevancy and materiality. For these reasons, ATF seeks an exemption from the requirement of subsection (e)(1).

(c) *Specific exemptions under § 552a (k)(5).* The Director, Bureau of Alcohol, Tobacco and Firearms exempts under § (k) of the Privacy Act of 1974, 5 U.S.C. 552a, that portion of the *Treasury—ATF—Internal Security Record System* relating to "security clearances for employees" records, and the *Treasury—ATF—Personnel Record System* from sections (c)(3), (d)(1) through (4), (e)(1), (e)(4)(G) through (e)(4)(I), and (f) of the Act. The records maintained in the exempt systems of records are of the type described in section (k)(5) of the Act: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Thus to the extent that the records in this system can be disclosed without revealing the identity of a confidential source, they are not within the scope of this proposed exemption and are subject to all the requirements of the Privacy Act.

The sections of the Act from which this system of records are exempt are in general those providing for individual access to records. When such access would cause the identity of a confidential source to be revealed, it would impair the future ability of the Treasury Department to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for

Federal civilian employment, Federal contracts, or access to classified information.

In addition, the systems are exempt from § (e)(1) which requires that the agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a statutory or executively ordered purpose. The Director finds that to fulfill the requirements of § (e)(1) would unduly restrict the agency in its information gathering inasmuch as it is often not until well after the investigation that it is possible to determine the relevance and necessity of particular information.

If any investigations within the scope of § (k)(5) become involved with civil or criminal matters, exemptions from the Act could also be asserted under sections (k)(2) or (j)(2).

(d) *Application of exemptions to records exempt in whole or in part.* (1) When an individual requests records about himself which have been exempted from individual access pursuant to 5 U.S.C. 552a(j) or which have been compiled in reasonable anticipation of a civil action or proceding in either a court or before an administrative tribunal, the Bureau of Alcohol, Tobacco and Firearms will neither confirm nor deny the existence of the record but shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified.

(2) When there is a request for information which has been classified by ATF pursuant to Executive Order 11652 and Treasury Order 160, ATF will review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5(B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified. After declassification, the information shall be made available to the individual, unless an exemption is claimed. If the information continues to warrant classification, the provisions of EO 11652 shall apply.

(3) Requests for information which have been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (d)(1) of this section unless a review of the information indicates that the information has been used to deny the individual any right, privilege, or benefit for which he is eligible or to which he would otherwise be entitled under federal law. In that event, the individual shall be advised of the existence of the information and shall be provided the information except to the extent it would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(4) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent it would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(5) Even though the exemptions described in paragraphs (a), (b) and (c) of this section may be fully applicable, the Bureau may, if not precluded by law, elect under the circumstances of a particular case not to apply the exemption; or to exempt only a part. The fact that the exemption is not applied by the Bureau in a particular case has no precedential significance as to the application of the exemption to such matter in other cases. It is merely an indication that in the particular case involved, the Bureau finds no compelling necessity for applying the exemption to such matter. Where the Bureau has elected not to apply an exemption, in whole or in part, Appendix E of 31 CFR Part 1, Subpart C, relating to ATF's notice, access and amendment procedures shall apply to the records requested only to the extent that the exemption was not asserted.

BUREAU OF ENGRAVING AND PRINTING, DEPARTMENT OF THE TREASURY

Notice of rules exempting certain systems from requirements of the Privacy Act

(a) *In general.* The Director of the Bureau of Engraving and Printing exempts the Office of Security Investigative Files from the provisions of certain subsections of 5 U.S.C. 552a, the Privacy Act of 1974. The purpose of the exemptions is to maintain the confidentiality of information compiled for the purpose of criminal, non-criminal, employee suitability and security investigations.

(b) *Authority.* These rules are promulgated pursuant to the authority vested in the Secretary of the Treasury by 5 U.S.C. 552a(k) and pursuant to the authority vested in the Director, Bureau of Engraving and Printing.

(c) *Exempted System.* Bureau of Engraving and Printing, Office of Security, Investigative Files.

(1) *Provisions from which exempted.* The Investigative Files maintained by the Office of Security contain records described in 5 U.S.C. 552a(k)(2), the Privacy Act of 1974. Exemptions will be claimed for such described records only where appropriate from the following provisions of the Privacy Act of 1974: Subsections (c)(3); (d)(1), (2), (3), (4); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a.

(2) *Reasons for claimed exemptions.* a. 5 U.S.C. 552a(c)(3): This provision of the Privacy Act provides for the release of the disclosure accounting required by 5 U.S.C. 552a(c)(1) and (2) to the individual named in the Investigative Files. The reasons why these files are exempted from the foregoing provision are as follows:

(i) The release of accounting disclosures would put the subject of a security investigation on notice of the existence of an investigation and that he is the subject of that investigation;

(ii) It would provide the subject of an investigation with an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. Obviously, the release of such information to the subject of a security investigation would provide him with significant information concerning the nature of the investigation and could result in impeding or compromising the efforts of Bureau Security personnel to detect and report persons suspected of illegal, unlawful, or unauthorized activity;

(iii) Disclosure to the individual of the disclosure accounting after the investigation is closed would alert the individual as to which agencies were investigating him and would put him on notice concerning the scope of his suspected improper activities and could aid him in avoiding detection and apprehension.

b. 5 U.S.C. 552a(d)(1), (2), (3), (4); (e)(4)(G) and (H); and (f): The foregoing provisions of the Privacy Act relate to an individual's right to notification of the existence of records pertaining to him and access to such records; the agency procedures relating to notification, access and contest of the information continued in such records. The reasons why the Investigative Files are exempted from the foregoing provisions are as follows:

(i) To notify an individual at his request of the existence of records pertaining to him in the Investigative Files would inform the individual of the existence of an investigation and that he is the subject of that investigation. This would enable the individual to avoid detection and would further enable him to inform co-conspirators of the fact that an investigation is being conducted;

(ii) To permit access to the records contained in the Investigative Files would not only inform an individual that he is or was the subject of a security investigation, but would also provide him with significant information concerning the nature of the investigation which might enable him to avoid detection or apprehension;

(iii) To grant access to an on-going or closed investigative file could interfere with Office of Security investigative proceedings, disclose the identity of confidential sources and reveal confidential information supplied by such sources, and disclose investigative techniques and procedures, or endanger the life or physical safety of Office of Security personnel, informants, witnesses, and other persons supplying information to investigators.

c. 5 U.S.C. a(e)(4)(I). This provision of the Privacy Act requires the publication of the categories of sources of records in each system of records. The reasons why the Investigative Files are exempted from the foregoing provision are as follows:

(i) Revealing sources of information could disclose investigative techniques and procedures;

(ii) Revealing sources of information could result in retaliation and threat of reprisal by the subject under investigation against such sources;

(iii) Revealing sources of information could cause witnesses, informants and others who supply information to Office of Security investigators to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality;

(iv) Revealing sources of information could result in the refusal of some sources to give full and complete information or to be candid with investigators because of the knowledge that the identity of such sources may be disclosed.

d. 5 U.S.C. 552a(e)(1): This provision of the Privacy Act requires each agency to maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency. The reasons why the Investigative Files are exempted from the foregoing provision are as follows:

(i) In a security investigation it is difficult to determine accurately the relevancy and necessity of information during the process of information gathering. It is only after the information is evaluated that the relevancy and necessity of such information can be ascertained;

(ii) In a security investigation, the Office of Security often obtains information concerning the violation of laws other than those within the scope of its responsibilities. In the interest of effective law enforcement, it is desirable that the Office of Security retain this information since it can aid in establishing patterns of criminal activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal law;

(iii) In interviewing persons, or obtaining other forms of evidence during a criminal investigation, information will be supplied to the investigator which relates to matters which are ancillary to the main purpose of the investigation but which may relate to matters under the investigative jurisdiction of another agency. Such information is not readily susceptible to segregation.

e. The foregoing exemptions are claimed for materials maintained in the Investigative Files to the extent that such materials contain information and reports described in 5 U.S.C. 552a(k)(2).

The Bureau of Engraving and Printing exempts under § (k) of the Privacy Act of 1974, 5 USC 552a, the Bureau's Personnel Security Files and Personnel Security Files and Indices from sections (c)(3), (d), (e)(1), (e)(4)(G) through (e)(4)(I), and (f) of the Act. The records maintained in the exempt systems of records are of the type described in section (k)(5) of the Act:

investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Thus to the extent that the records in this system can be disclosed without revealing the identity of a confidential source, they are not within the scope of this exemption and are subject to all the requirements of the Privacy Act.

The sections of the Act from which this system of records are exempt are in general those providing for individual access to records. When such access would cause the identity of a confidential source to be revealed, it would impair the future ability of the Treasury Department to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information.

In addition, the systems are exempt from § (e)(1) which requires that the agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a statutory or executively ordered purpose. The Director finds that to fulfill the requirements of § (e)(1) would unduly restrict the agency in its information gathering inasmuch as it is often not until well after the investigation that it is possible to determine the relevance and necessity of particular information.

If any investigations within the scope of § (k)(5) become involved with civil and criminal matters, exemptions from the Act should also be asserted under sections (k)(2) or (j)(2).

BUREAU OF THE MINT

Notice of rules exempting certain systems from requirements of the Privacy Act

(a) *In general.* The Director of the Mint exempts investigatory files on theft of Mint property and examination reports of coins forwarded to the Mint by the U.S. Secret Service from certain subsections of 5 U.S.C. 552a, the Privacy Act of 1974. The purpose of the exemption is to maintain the confidentiality of investigatory material compiled for law enforcement purposes.

(b) *Authority.* These rules are promulgated pursuant to the authority vested in the Secretary of the Treasury by 5 U.S.C. 552(a)(k)(2), and pursuant to the authority vested in the Director of the Mint by paragraph 1.23(c) of Subpart C of Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations.

(c) *Name of systems.* Examination Reports of Coins Forwarded to Mint from U.S. Secret Service and Investigatory Files on Theft of Mint Property.

(d) *Provisions from which exempted.* These two systems consist in large part of records generated by the U.S. Secret Service in connection with its responsibilities to enforce various criminal laws. Those records are described in 5 U.S.C. 552a(j) and are exempted from various provisions of the Privacy Act of 1974 by the Director of the U.S. Secret Service. To a lesser extent, these two systems also contain records generated and compiled by the Bureau of the Mint in assisting the U.S. Secret Service in its law enforcement efforts. Those records are described in 5 U.S.C. 552a(k)(2), the Privacy Act of 1974. Exemptions will be claimed for such records only where appropriate from the following provisions, subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a.

(e) *Reasons for claimed exemptions.* Those provisions of the Privacy Act would otherwise require the Bureau of the Mint to notify an individual of investigatory material maintained in a record pertaining to him, permit access to such record, permit request for its correction (section 552a(d), (e)(4)(G), (H) and (f)); make available to him any required accounting of disclosures made of the record (section 552a(c)(3)), publish the sources of records in the system (section 552a(e)(4)(I)); and screen records to insure that there is maintained only such information about an individual as is relevant to accomplish a required purpose of the Bureau (section 52a(e)(1)). Disclosure to an individual of investigatory material pertaining to him would hamper law enforcement by prematurely disclosing the knowledge of illegal activities and the evidentiary bases for possible enforcement actions. Furthermore, the disclosure of certain investigatory material compiled for law enforcement purposes may disclose investigative techniques and procedures, so that future law enforcement efforts would be hindered. Access to an accounting of disclosures of such records would have a similar detrimental effect on law enforcement. Accordingly, the Director of the Mint finds that the public interest and public policy in protecting the coinage and property of the United States require exemption from the stated sections of the Act to the extent that they are applicable to appropriate materials in these two systems.

COMPTROLLER OF THE CURRENCY

Notice of rules exempting certain systems of records from the requirements of the Privacy Act of 1974

In general. Notice is hereby given that the Comptroller of the Currency exempts certain systems of its records. They are the following: (1) Information file on individual and commercial entities known or suspected of being involved in fraudulent activities and (2) Federal Bureau of Investigation Reports relating to persons charged with or suspected of criminal activity concerning National Banks. The Department of Justice has exempted these systems of records from certain provisions of 5 U.S.C. 552a (see Justice Department Exemptions). The purpose of these exemptions is to maintain the confidentiality of information compiled for the purpose of criminal investigation.

Authority. The authority to issue exemptions for this agency is vested in the Secretary of the Treasury pursuant to

5 U.S.C. 552a (j) and (k) but has been delegated by the Secretary to the Comptroller 31 CFR 1.23(c).

The authority to rely upon the exemption promulgated by the Department of Justice for its records which are disseminated to our agency is set forth at 5 U.S.C. 552a, Section 6 and Office of Management and Budget Guidelines for the implementation of the Privacy Act (40 FR 28971–28974).

APPENDIX A—OFFICE OF THE SECRETARY

1. *In general.* This appendix applies to the Office of the Secretary as defined in 31 CFR Part 1, Subpart C § 1.20. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officers designated to grant extensions of time on appeal, the officers with which "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a (e)(4) and (11) and published by the General Services Administration as "Notices of Records Systems".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR § 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the Office of the Secretary will be made by the head of the organizational unit having immediate custody of the records requested, or his delegate as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration Requests for information and specific guidance on where to send requests for records should be addressed to:

Privacy Act Request, OS, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Requests may be delivered personally to the Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C.

3. *Requests for amendments of records.* Initial determinations under 31 CFR § 1.27(a) through (d) as to whether to grant requests to amend records for the Office of the Secretary will be made by the head of the organization or unit having immediate custody of the records or his delegate. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send such requests should be addressed to:

Privacy Act Amendment Request, OS, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR § 1.27(e) with respect to records of the Office of the Secretary (including extensions of time on appeal) will be made by the Secretary, Deputy Secretary, Under Secretary, General Counsel or Assistant Secretary having jurisdiction over the organizational unit which has immediate custody of the records, or the delegate of such officer, as limited by 5 U.S.C. 552a (d)(2) and (3). Appeals made from initial determinations refusing to amend records made by mail should be addressed as indicated in the letter of initial decision or to:

Privacy Act Amendment Appeal, OS, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Appeals may be delivered personally to the Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C.

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR § 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the General Counsel of the Department of the Treasury or his delegate and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the Office of the Secretary is set forth in the General Services Administration publication entitled "Notices of Records Systems". Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR § 1.26 and § 1.27 and (8) below, and locations for access are indicated in the notice for the pertinent system.

(8) *Verification of identity.* An individual seeking notification or access to records, or seeking to amend a record, must satisfy one of the following identification requirements before action will be taken by the Office of the Secretary on any such request:

(i) An individual seeking notification or access to records in person, or seeking to amend a record in person, may establish identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and signature (such as a driver's license or credit card).

(ii) An andividual seeking notification or access to records by mail, or seeking to amend a record by mail, may establish identity by a signature, address, and one other identifier such as a photocopy of a driver's license or other document bearing the individual's signature.

(iii) Notwithstanding subdivisions (i) and (ii) of this subparagraph, an individual seeking notification or access to records by mail or in person, or seeking to maend a record by mail or in person, who so desires, may establish identity by providing a notarized statement, swearing or affirming to such individual's identity and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining access to records under false pretenses.

Notwithstanding subdivision (i), (ii), or (iii) of this subparagraph, a designated official may require additional proof of an individual's identity before action will be taken on any request if such official determines that it is necessary to protect against unauthorized disclosure of information in a particular case. In addition, a parent of any minor or a legal guardian of any individual will be required to provide adequate proof of legal relationship before such person may act on behalf of such minor or such individual.

APPENDIX B—INTERNAL REVENUE SERVICE

(a) *Purpose.* The purpose of this section is to set forth the procedures which have been established by the Internal Revenue Service for individuals to exercise their rights under the Privacy Act of 1974 (88 Stat. 1896) with respect to systems of records maintained by the Internal Revenue Service, including the Office of the Chief Counsel. The proposed procedures contained in this section are to be promulgated under the authority of 5 U.S.C. 552a (f). The procedures contained in this section relate to the following:

(1) The procedures whereby an individual can be notified in response to a request if a system of records named by the individual contains a record pertaining to such individual (5 U.S.C. 552a (f) (1)).

(2) The procedures governing reasonable times, places, and requirements for identifying an individual who requests a record of information pertaining to such individual before the Internal Revenue Service will make the record or information available to the individual (5 U.S.C. 552a (f) (2)).

(3) The procedures for the disclosure to an individual upon a request of a record of information pertaining to such individual, including special procedure for the disclosure to an individual of medical records, including psychological records. (5 U.S.C. 552a (f) (3)).

(4) The procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to the individual, for making a determination on the request, for an appeal within the Internal Revenue Service of an initial adverse agency determination, and for whatever addi-

tional means may be necessary for individuals to be able to exercise fully their right under 5 U.S.C. 552a (5 U.S.C. 552a (f)(4)).

Any individual seeking to determine whether a system of records maintained by any office of the Internal Revenue Service contains a record or information pertaining to such individual, or seeking access to, or amendment of, such a record, must comply fully with the applicable procedure contained in paragraph (c) or (d) of this section before the Internal Revenue Service will act on the request. Neither the notification and access (or accounting of disclosures) procedures under paragraph (c) of this section nor the amendment procedures under paragraph (d) of this section are applicable to (i) systems of records exempted pursuant to 5 U.S.C. 552a (j) and (k), (ii) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a(d)(5)), or (iii) information pertaining to an individual which is contained in, and inseparable from, another individual's record.

(b) *Access to and amendment of tax records.* The provisions of the Privacy Act of 1974 may not be availed of by an individual to amend or correct any tax record. The determination of liability for taxes imposed by the Internal Revenue Code, the collection of such taxes, and the payment (including credits or refunds of overpayments) of such taxes are governed by the provisions of the Internal Revenue Code and by the procedural rules of the Internal Revenue Service. These provisions set forth the established procedures governing the determination of liability for tax, the collection of such taxes, and the payment (including credits or refunds of overpayments) of such taxes. In addition, these provisions set forth the procedures (including procedures for judicial review) for resolving disputes between taxpayers and the Internal Revenue Service involving the amount of tax owed, or the payment or collection of such tax. These procedures are the exclusive means available to an individual to contest the amount of any liability for tax or the payment or collection thereof. See, for example, 26 CFR § 601.103 for summary of general tax procedures. Individuals are advised that Internal Revenue Service procedures permit the examination of certain tax records during the course of an investigation, audit, or collection activity. Accordingly, individuals should contact the Internal Revenue Service employee conducting an audit or effecting the collection of tax liabilities to gain access to such records, rather than seeking access under the provisions of the Privacy Act. Where, on the other hand, an individual desires information or records not in connection with an investigation, audit, or collection activity, the individual may follow these procedures.

(c) *Procedures for access to records*—(1) *In general.* This paragraph sets forth the procedure whereby an individual can be notified in response to a request if a system of records named by the individual which is maintained by the Internal Revenue Service contains a record pertaining to such individual. In addition, this paragraph sets forth the procedure for the disclosure to an individual upon a request of a record or information pertaining to such individual, including procedures for verifying the identity of the individual before the Internal Revenue Service will make a record available, and the procedure for requesting an accounting of disclosures of such records. An individual seeking to determine whether a particular system of records contains a record or records pertaining to such individual and seeking access to such records (or seeking an accounting of disclosures of such records) shall make a request for notification and access (or a request for an accounting of disclosures) in accordance with the rules provided in paragraph (c)(2) of this section.

(2) *Form of request for notification and access or request for an accounting of disclosures.* (i) A request for notification and access (or a request for an accounting of disclosures) shall be made in writing and shall be signed by the person making the request.

(ii) Such request shall be clearly marked "Request for notification and access", or "Request for accounting of disclosures".

(iii) Such request shall contain a statement that it is being made under the provisions of the Privacy Act of 1974.

(iv) Such request shall contain the name and address of the individual making the request. In addition, if a particular system employs an individual's social security number as an essential means of accessing the system, the request must include the individual's social security number. In the case of a record maintained in the name of two or more individuals (*e.g.*, husband and wife), the request shall contain the names, addresses, and social security numbers (if necessary) of both individuals.

(v) Such request shall specify the name and location of the particular system of records (as set forth in the Notice of Systems) for which the individual is seeking notification and access (or an accounting of disclosures), and the title and business address of the official designated in the access section for the particular system (as set forth in the Notice of Systems). In the case of two or more systems of records which are under the control of the same designated official at the same systems location, a single request may be made for such systems. In the case of two or more systems of records which are not in the control of the same designated official at the same systems location, a separate request must be made for each such system.

(vi) If an individual wishes to limit a request for notification and access to a particular record or records, the request should identify the particular record. In the absence of a statement to the contrary, a request for notification and access for a particular system of records shall be considered to be limited to records which are currently maintained by the designated official at the systems location specified in the request.

(vii) If such request is seeking notification and access to material maintained in a system of records which is exempt from disclosure and access under 5 U.S.C. 552a(k)(2), the individual making the request must establish that such individual has been denied a right, privilege, or benefit that such individual would otherwise be entitled to under Federal law as a result of the maintenance of such material.

(viii) Such request shall state whether the individual wishes to inspect the record in person, or desires to have a copy made and furnished without first inspecting it. If the individual desires to have a copy made, the request must include an agreement to pay the fee for duplication ultimately determined to be due. If the individual does not wish to inspect a record, but merely wishes to be notified whether a particular system of records contains a record pertaining to such individual, the request should so state.

(3) *Time and place for making request.* A request for notification and access to records under the Privacy Act (or a request for accounting of disclosures) shall be addressed to or delivered in person to the office of the official designated in the access section for the particular system of records for which the individual is seeking notification and access (or an accounting of disclosures). The title and office address of such official is set forth for each system of records in the Notice of Systems of Records. A request delivered to an office in person must be delivered during the regular office hours of that office.

(4) *Sample request for notification and access to records.* The following are sample requests for notification and access to records which will satisfy the requirements of this paragraph:

REQUEST FOR NOTIFICATION AND ACCESS TO RECORDS BY MAIL

I, John Doe, of 100 Main Street, Boston, Massachusetts 02108 (soc. sec. num. 000-00-0000) request under the Privacy Act of 1974 that the following system of records be examined and that I be furnished with a copy of any record (or a specified record) contained therein pertaining to me. I agree that I will pay the fees ultimately determined to be due for duplication of such record. I have enclosed the necessary identification.

SYSTEM NAME:
SYSTEM LOCATION:
DESIGNATED OFFICIAL:

John Doe

REQUEST FOR NOTIFICATION AND ACCESS TO RECORDS IN PERSON

I, John Doe, of 100 Main Street, Boston, Massachusetts 02108 (soc. sec. num. 000-00-0000) request under the provisions of the Privacy Act of 1974, that the following system of records be examined and that I be granted access in person to inspect any record (or a specified record) contained therein pertaining to me. I have enclosed the necessary identification.

SYSTEM NAME:
SYSTEM LOCATION:
DESIGNATED OFFICIAL:

John Doe

(5) *Processing a request for notification and access to records or a request for an accounting of disclosures.* If a request for notification and access (or request for an accounting of disclosures) omits any information which is essential to processing the request, the request will not be acted upon and the individual making the request will be promptly advised of the additional information which must be submitted before the request can be processed.

(ii) Within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request for notification and access (or a request for an accounting of disclosures), to a particular system of records by the designated official for such system, a determination will be made as to whether the particular system of records is exempt from the notification and access provisions of the Privacy Act, and if such system is not exempt, whether it does or does not contain a record pertaining to the individual making the request. If a determination cannot be made within 30 days, the individual will be notified of the delay, the reasons therefor, and the approximate time required to make a determination. If it is determined by the designated official that the particular system of records is exempt from the notification and access provisions of the Privacy Act, the individual making the request will be notified of the provision of the Privacy Act under which the exemption is claimed. On the other hand, if it is determined by the designated official that the particular system of records is not exempt from the notification and access provisions of the Privacy Act and that such system contains a record pertaining to the individual making the request, the individual will be notified of the time and place where inspection may be made. If an individual has not requested that access be granted to inspect the record in person, but merely requests that a copy of the record be furnished, or if it is determined by the designated official that the granting of access to inspect a record in person is not feasible in a particular case, then the designated official will furnish a copy of the record with the notification, or if a copy cannot be furnished at such time, a statement indicating the approximate time such copy will be furnished. If the request is for an accounting of disclosures from a system of records which is not exempt from the accounting of disclosure provisions of the Privacy Act, the individual will be furnished with an accounting of such disclosures.

(6) *Granting of access.* Normally, an individual will be granted access to inspect a record in person within 30 days (excluding Saturdays, Sundays, and legal public holidays) after the receipt of a request for notification and access by the designated official. If access cannot be granted within 30 days, the notification will state the reasons for the delay and the approximate time such access will be granted. An individual wishing to inspect a record may be accompanied by another person of his choosing. Both the individual seeking access and the individual accompanying him may be required to sign a form supplied by the Internal Revenue Service indicating that the Service is authorized to disclose or discuss the contents of the record in the presence of both individuals. See 26 CFR 601.502 for requirements to be met by taxpayer's representatives in order to be recognized for the purpose of discussing the contents of any tax records.

(7) *Medical records.* When access is requested to medical records (including psychological records), the designated official may determine that release of such records will be made only to a physician designated by the individual to have access to such records.

(8) *Verification of identity.* An individual seeking notification or access to records, or seeking to amend a record, must satisfy one of the following identification requirements before action will be taken by the Internal Revenue Service on any such request:

(i) An individual seeking notification or access to records in person, or seeking to amend a record in person, may establish identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and signature (such as a driver's license or credit card).

(ii) An individual seeking notification or access to records by mail, or seeking to amend a record by mail, may establish identity by a signature, address, and one other identifier such as a photocopy of a driver's license or other document bearing the individual's signature.

(iii) Notwithstanding subdivisions (i) and (ii) of this subparagraph, an individual seeking notification or access to records by mail or in person, or seeking to amend a record by mail or in person, who so desires, may establish identity by providing a notarized statement, swearing or affirming to such individual's identity and to the fact that the individual understands the penalties provided in 5 U.S.C. 552a(i)(3) for requesting or obtaining access to records under false pretenses.

Notwithstanding subdivision (i), (ii), or (iii) of this subparagraph, a designated official may require additional proof of an individual's identity before action will be taken on any request if such official determines that it is necessary to protect against unauthorized disclosure of information in a particular case. In addition, a parent of any minor or a legal guardian of any individual will be required to provide adequate proof of legal relationship before such person may act on behalf of such minor or such individual.

(9) *Fees.* The fee for costs required of the Internal Revenue Service in copying records pursuant to this paragraph is $0.10 per page. However, no fee will be charged if the aggregate costs required of the Internal Revenue Service in copying records is less than $3.00. If an individual who has requested access to inspect a record in person is denied such access by the designated official because it would not be feasible in a particular case, copies of such record will be furnished to the individual without payment of the fees otherwise required under this subparagraph. If the Internal Revenue Service estimates that the total fees for costs incurred in complying with a request for copies of records will amount to $50 or more, the individual making the request may be required to enter into a contract for the payment of the actual fees with respect to the request before the Service will furnish the copies requested. Payment of fees for copies of records should be made by check or money order payable to the Internal Revenue Service.

(d) *Procedures for amendment of records*—(1) *In general.* This paragraph sets forth the procedures for reviewing a request from an individual concerning the amendment of any record or information pertaining to such individual, for making a determination on the request, for making an appeal within the Internal Revenue Service of an initial adverse determination, and for judicial review of a final determination.

(2) *Amendment of record.* Under 5 U.S.C. 552a(d)(2), an individual who has been granted access to a record pertaining to such individual may, after inspecting the record, request that the record be amended to make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete. An individual seeking to amend a record shall make a request to amend a record in accordance with the rules provided in paragraph (d)(3) of this section. See paragraph (b) of this section for prohibition against amendment of tax records.

(3) *Form of request for amendment of record.* (i) A request for amendment of a record shall be in writing and shall be signed by the individual making the request.

(ii) Such request shall be clearly marked "Request for amendment of record."

(iii) Such request shall contain a statement that it is being made under the provisions of the Privacy Act of 1974.

(iv) Such request shall contain the name and address of the individual making the request. In addition, if a particular system employs an individual's social security number as an essential means of accessing the system, the request must include the individual's social security number. In the case of a record maintained in the name of two or more individuals (*e.g.*, husband and wife), the request shall contain the names, addresses, and social security numbers (if necessary) of both individuals.

(v) Such request shall specify the name and location of the system of records (as set forth in the Notice of Systems) in which such record is maintained, and the title and business address of the official designated in the access section for such system (as set forth in the Notice of Systems).

(vi) Such request shall specify the particular record in the system which the individual is seeking to amend.

(vii) Such request shall clearly state the specific changes which the individual wishes to make in the record and a concise explanation of the reasons for the changes. If the individual wishes to correct or add any information, the request shall contain specific language making the desired correction or addition.

(4) *Time and place for making request.* A request to amend a record under the Privacy Act shall be addressed to or delivered in person to the office of the official designated in the access section for the particular system of records. The title and office address of such official is set forth for each system of records in the Notice of Systems of Records. A request delivered to an office in person must be delivered during the regular office hours of that office.

(5) *Processing a request for amendment of a record.* (i) Within 10 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request to amend a record by the designated official, the individual will be sent a written acknowledgement that the request has been received. The acknowledgement will state that the request has been received, that action is being taken thereon, and that the individual will be notified within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of the request whether the requested amendments will or will not be made. If a request for amendment of a record omits any information which is essential to processing the request, the request will not be acted upon and the individual making the request will be promptly advised of the additional information which must be submitted before the request can be processed.

(ii) Within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request to amend a record by the designated official, a determination will be made as to whether to grant the request in whole or in part. The individual will then be notified in writing of the determination. If a determination cannot be made within 30 days, the individual will be notified in writing within such time of the reasons for the delay and the approximate time required to make a determination. If it is determined by the designated official that the request will be granted, the requested changes will be made in the record and the individual will be notified of the changes. In addition, to the extent an accounting was maintained, all prior recipients of such record will be notified of the changes. Upon request, an individual will be furnished with a copy of the record as amended subject to the payment of the appropriate fees. On the other hand, if it is determined by the designated official that the request, or any portion thereof, will not be granted, the individual will be notified in writing of the adverse determination. The notification of an adverse determination will set forth the reasons for the refusal to amend the record. In addition, the notification will contain a statement informing the individual of such individual's right to request an independent review of the adverse determination by a reviewing officer in the national office of the Internal Revenue Service and the procedures for requesting such a review.

(6) *Administrative review of adverse determination.* Under 5 U.S.C. 552a(d)(3), an individual who disagrees with the refusal of the agency to amend a record may, within 35 days of being notified of the adverse determination, request an independent review of such refusal by a reviewing officer in the national office of the Internal Revenue Service. The reviewing officer for the Internal Revenue Service is the Commissioner of Internal Revenue, the Deputy Commissioner, or an Assistant Commissioner. In the case of an adverse determination relating to a system of records maintained by the Office of the Chief Counsel for the Internal Revenue Service, the reviewing officer is the Chief Counsel or his delegate. An individual seeking a review of an adverse determination shall make a request for review in accordance with the rules provided in paragraph (d)(7) of this section.

(7) *Form of request for review.* (i) A request for review of an adverse determination shall be in writing and shall be signed by the individual making the request.

(ii) Such request shall be clearly marked "Request for review of adverse determination".

(iii) Such request shall contain a statement that it is being made under the provisions of the Privacy Act of 1974.

(iv) Such request shall contain the name and address of the individual making the request. In addition, if a particular system employs an individual's social security number as an essential means of accessing the system, the request must include the individual's social security number. In the case of a record maintained in the name of two or more individuals (*e.g.*, husband and wife), the request shall contain the names, addresses, and social security numbers (if necessary) of both individuals.

(v) Such request shall specify the particular record which the individual is seeking to amend, the name and location of the system of records (as set forth in the Notice of Systems) in which such record is maintained, and the title and business address of the designated official for such system (as set forth in the Notice of Systems).

(vi) Such request shall include the date of the initial request for amendment of the record, and the date of the letter notifying the individual of the initial adverse determination with respect to such request.

(vii) Such request shall clearly state the specific changes which the individual wishes to make in the record and a concise explanation of the reasons for the changes. If the individual wishes to correct or add any information, the request shall contain specific language making the desired correction or addition.

(8) *Time and place for making the request.* A request for review of an adverse determination under the Privacy Act shall be addressed to or delivered in person to the Chief, Disclosure Staff, Attention: CP:D, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. A request for review of an adverse determination will be promptly referred by the Chief, Disclosure Staff to the appropriate reviewing officer for his view and final determination.

(9) *Processing a request for review of adverse determination.* Within 30 days (not including Saturdays, Sundays, and legal public holidays) after the receipt of a request for review of an adverse determination by the appropriate reviewing officer, the reviewing officer will review the initial adverse determination, make a final determination whether to grant the request to amend the record in whole or in part, and notify the individual in writing of the final determination. If a final determination cannot be made within 30 days, the Commissioner of Internal Revenue may extend such 30-day period, and the individual will be notified in writing within such time of the cause for the delay and the approximate time required to make a final determination. If it is determined by the reviewing officer that the request to amend the record will be granted, the reviewing officer will cause the requested changes to be made and the individual will be so notified. Upon request, an individual will be furnished with a copy of the record as amended subject to the payment of appropriate fees. On the other hand, if it is determined by the reviewing officer that the request to amend the record, or any portion thereof, will not be granted, the individual will be notified in writing of the final adverse determination. The notification of a final adverse determination will set forth the reasons for the refusal of the reviewing officer to amend the record. The notification shall include a statement informing the individual of the right to submit a concise statement for insertion in the record setting forth the reasons for the disagreement with the refusal of the reviewing officer to amend the record. In addition, the notification will contain a statement informing the individual of the right to seek judicial review by a United States district court of a final adverse determination.

(10) *Statement of disagreement.* Under 5 U.S.C. 552a(d)(3), an individual who disagrees with a final adverse determination not to amend a record subject to amendment under the Privacy Act may submit a concise statement for insertion in the record setting forth the reasons for disagreement with the refusal of the reviewing officer to amend the record. A statement of disagreement should be addressed to or delivered in person to the Chief, Disclosure Staff, Attention: CP:D, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The Chief, Disclosure Staff will forward the statement of disagreement to the appropriate designated official who will cause the state-

ment to be inserted in the individual's record. Any such statement will be available to anyone to whom the record is subsequently disclosed and the prior recipients of the record will be provided with a copy of the statement of disagreement to the extent an accounting of disclosures was maintained.

(11) *Judicial review.* If, after a review and final determination on a request to amend a record by the appropriate reviewing officer, the individual is notified that the request will not be granted, or if, after the expiration of 30 days (not including Saturdays, Sundays, and legal public holidays) from the receipt of such request by the Chief, Disclosure Staff, action is not taken thereon in accordance with the requirements of paragraph (d)(9) of this section, an individual may commence an action within the time prescribed by law in a U.S. district court pursuant to 5 U.S.C. 552a(g)(1). The statute authorizes an action only against the agency. With respect to records maintained by the Internal Revenue Service, the agency is the Internal Revenue Service, not an officer or employee thereof. Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Where provided in such Rules, delivery of process upon the Internal Revenue Service must be directed to the Commissioner of Internal Revenue, Attention: CC:GLS, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The district court will determine the matter *de novo*.

(e) *Records transferred to Federal Records Centers.* Records transferred to the Administrator of General Services for storage in a Federal Records Center are not used by the Internal Revenue Service in making any determination about any individual while stored at such location and therefore are not subject to the provisions of 5 U.S.C. 552a(e)(5) during such time.

Appendix C—United States Customs Service

1. *In general.* This appendix applies to the United States Customs Service. It sets forth specific notification and access procedures with respect to particular systems of records and identifies the officers designated to make the initial determinations with respect to notification and access to records and accountings of disclosures of records, sets forth the specific procedures for requesting amendment of records and identifies the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, identifies the officers designated to grant extensions of time on appeal, the officers with whom "Statements of Disagreement" may be filed and the officer designated to receive service of process, and sets forth the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a(e)(4) and (11) and published by the General Services Administration as "Notices of Records Systems."

2. *Requests for notification and access to records and accountings of disclosures.* (a) For records which are not maintained at Customs Service Headquarters, initial requests for notification and access to records and accountings of disclosures under 31 CFR 1.26 should be mailed or personally delivered in writing to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, or to the Regional Commissioner of Customs in whose region the records are located, and such officials shall have the authority to grant the request, and, in the case of a Regional Commissioner, to deny the request; any denial of a request directed to Customs Service Headquarters will be made by the Assistant Commissioner, Office of Regulations and Rulings. A request directed to a Regional Commissioner should be mailed to or personally delivered at the appropriate location specified in Customs Appendix A to the "Notices of Records Systems" published by the General Services Administration. It is suggested that requests pertaining to records not maintained at Customs Service Headquarters be directed to the appropriate Regional Commissioner in order to ensure expeditious handling of the request.

(b) For records which are maintained at Customs Service Headquarters, initial requests for notification and access to records and accountings of disclosures under 31 CFR 1.26 should be mailed or personally delivered in writing to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, and such official shall have the authority to grant the request. Any denial of a request will be made by the Assistant Commissioner, Office of Regulations and Rulings.

(c) Each request shall comply with the identification and other requirements set forth in 31 CFR 1.26 and in the appropriate system notice in the "Notices of Records Systems" published by the General Services Administration, and each request should be conspicuously labeled on the face of the envelope "Privacy Act Request."

3. *Requests for amendment of records.* (a) For records which are not maintained at Customs Service Headquarters, initial requests for amendment of records under 31 CFR 1.27 (a) through (d) should be mailed or personally delivered in writing to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, or to the Regional Commissioner of Customs in whose region the records are located, and such officials shall have the authority to grant the request, and, in the case of a Regional Commissioner, to deny the request; any denial of a request directed to Customs Service Headquarters will be made by the Assistant Commissioner, Office of Regulations and Rulings. A request directed to a Regional Commissioner should be mailed to or personally delivered at the appropriate location specified in Customs Appendix A to the "Notices of Records Systems" published by the General Services Administration. It is suggested that requests pertaining to records not maintained at Customs Service Headquarters be directed to the appropriate Regional Commissioner in order to ensure expeditious handling of the request.

(b) For records which are maintained at Customs Service Headquarters, initial requests for amendment of records under 31 CFR 1.27 (a) through (d) should be mailed or personally delivered in writing to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, and such official shall have the authority to grant the request. Any denial of a request will be made by the Assistant Commissioner, Office of Regulations and Rulings. (c) Each request shall comply with the identification and other requirements set forth in 31 CFR 1.27 and in the appropriate system notice in the "Notices of Records Systems" published by the General Services Administration, and each request should be conspicuously labeled on the face of the envelope "Privacy Act Amendment Request."

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations (including extensions of time on appeal) under 31 CFR 1.27(e) with respect to all Customs Service records will be made by the Commissioner of Customs, and all such appeals should be mailed or personally delivered to the United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Each appeal should be conspicuously labeled on the face of the envelope "Privacy Act Amendment Appeal."

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the Chief Counsel, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the United States Customs Service is set forth in the General Services Administration publication entitled "Notices of Records Systems."

Appendix D—United States Secret Service

1. *In general.* This appendix applies to the United States Secret Service and its

sub-components, the Executive Protective Service and the Treasury Security Force. It sets forth specific notification, access, and amendment procedures with respect to systems of records including identification requirements, and times and places where records may be reviewed; identifies the officers designated to make initial determinations with respect to notifications of and access to records; the officers designated to make the initial and appellate determinations with respect to requests for amendment of records; the officer designated to grant extensions of time on appeal; the officers with which "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notice of the intended use of the information contained in such systems required by 5 U.S.C. 552a(e) (4) and (11) and published by the General Services Administration as "Notices of Records Systems".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the United States Secret Service will be made by the Staff Assistant, Freedom of Information and Privacy Acts, Office of Administration, United States Secret Service. Requests for notification made by mail should be addressed to:

Staff Assistant, Freedom of Information and Privacy Acts, Office of Administration, United States Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Requests may be delivered personally to the Staff Assistant, Freedom of Information and Privacy Acts, United States Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. between the hours of 9:00 a.m. and 5:30 p.m. of any day excluding Saturdays, Sundays and legal holidays.

Requests for access to records made by mail should be addressed to:

Staff Assistant, Freedom of Information and Privacy Acts, Office of Administration, United States Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. 20223.

Requests may be delivered personally to the Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. between the hours of 9:00 a.m. and 5:30 p.m. of any day excluding Saturdays, Sundays and legal holidays.

a. *Identification Requirements.* In addition to the requirements specified in 31 CFR, 1.26 each request for notification, access or amendment of records made by mail shall contain the requesting individual's date and place of birth and a duly notarized statement signed by the requester asserting his or her identity and stipulating that the requesting individual understands that knowingly or willfully seeking or obtaining access to records about another person under false pretences is punishable by a fine of up to $5,000.

b. *Individuals making requests in person.* Individuals making requests in person will be required to exhibit acceptable identifying documents such as employee identification numbers, drivers licenses, medical cards or other documents sufficient to verify the identity of the requester.

c. *Physical Inspection of records.* Upon determining that a request for the physical inspection of records is to be granted, the requester shall be notified in writing of the determination, and when and where the requested records may be inspected. The inspection of records will be conducted at the Secret Service field office or other facility located nearest to the residence of the individual making the request. Such inspection shall be conducted during the regular business hours of the Secret Service Field Office or other facility where the disclosure is made. A person of his or her own choosing may accompany the individual making the request provided the individual furnishes a written statement authorizing the disclosure of that individual's record in the accompanying person's presence. Any disclosure of a record will be made in the presence of a representative of the U.S. Secret Service.

3. *Requests for amendment of records.* Initial determination under 31 CFR, 1. as to whether to grant requests to amend records will be made by the Staff Assistant, Freedom of Information and Privacy Acts, Office of Administration, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C. Requests for amendments of records should be addressed to:

Staff Assistant, Freedom of Information and Privacy Acts, Office of Administration, U.S. Secret Service, 1800 G. Street, N.W., Room 908, Washington, D.C. 20223.

Requests may be delivered personally to the Staff Assistant, Freedom of Information and Privacy Acts, U.S. Secret Service, 1800 G Street, N.W., Room 908, Washington, D.C., between the hours of 9:00 a.m. and 5:30 p.m. of any day excluding Saturdays, Sundays and legal holidays.

4. *Administrative appeal of initial determinations refusing amendment of records.* Appellate determinations refusing amendment of records under 31 CFR 1.27 including extensions of time on appeal, with respect to records of the U.S. Secret Service will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs). Appeals made by mail should be addressed to:

Assistant Secretary (Enforcement, Operations and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Room 3448, Washington, D.C. 20220.

Appeals may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) in Room 3448, Main Treasury Building located at 1500 Pennsylvania Avenue, N.W., Washington, D.C.

5. *Statements of Disagreement.* "Statements of Disagreements" pursuant to 31 CFR, 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the U.S. Secret Service Legal Counsel and shall be delivered to such officer at the following location:

Legal Counsel, U.S. Secret Service, 1800 G Street, N.W., Room 842, Washington, D.C. 20223.

7. *Annual notice of systems of records.* The annual notice of systems or records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the Secret Service is set forth in the General Services Administration publication entitled "Notices of Records Systems".

Appendix E—Bureau of Alcohol, Tobacco and Firearms

1. *In general.* This appendix applies to the Bureau of Alcohol, Tobacco and Firearms. It sets forth specific notification, access, and amendment procedures with respect to ATF's systems of records (published by the General Services Administration as "Notice of Records Systems") including identification requirements, and times and places where records may be reviewed; identifies the officers designated to make the initial determinations with respect to notifications of and access to records; the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officer designated to grant extensions of time on appeal; the officer designated to receive service of process and addresses for delivery of requests, appeals, and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published by the General Services Administration as "Notices of Records Systems."

2. *Requests for notification of existence of records.* Initial determination as to whether to grant requests made by individuals to ascertain if a system of records contains a record pertaining to him will be made by the Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and Firearms. Requests for such notification made by mail should be addressed to:

Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Requests may be delivered personally to Room 4402, 1200 Pennsylvania Avenue, N.W., Bureau of Alcohol, Tobacco and Firearms, Washington, D.C.

3. *Requests for access to records and accounting of disclosures.* Initial determinations under 31 CFR Section 1.26 as to whether to grant requests for access to records or access to accounting of disclosures for the Bureau of Alcohol, Tobacco and Firearms will be made by the Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and

Firearms. Requests for access to records or accountings made by mail should be addressed to:

Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C.

4. *Requests for amendment of records.* Initial determinations under 31 CFR 1.27 (a) through (d) as to whether to grant requests to amend records for the Bureau of Alcohol, Tobacco and Firearms will be made by the Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and Firearms. Requests for amendment of records should be addressed to:

Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Requests may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C.

5. *Identification requirements.* (a) In addition to the requirements specified in 31 CFR Section 1.26(d), and section 7 of this appendix, each request for notification, access or amendment of records made by mail shall contain the requesting individual's date and place of birth and a statement signed by the requester asserting his or her identity and stipulating that the requester understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is a misdemeanor and punishable by a fine of up to $5,000.00: *Provided*, That the Bureau of Alcohol, Tobacco and Firearms may require a signed notarized statement verifying the identity of the requester.

(b) Individuals making requests in person will be required to exhibit at least two acceptable identifying documents such as employee identification cards, driver's license, medical cards, or other documents sufficient to verify the identity of the requester.

(c) The parent or guardian of a minor or a person judically determined to be incompetent, shall in addition to establishing the identity of the minor or other person he represents as required in (a) and (b), establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage (or other satisfactory documentation) or a court order establishing the guardianship.

6. *Request for physical inspection of records.* Upon determining that a request for the physical inspection of records is to be granted, the requester shall be notified in writing of the determination, and when and where the records may be inspected. The inspection of records will be made at the Bureau of Alcohol, Tobacco and Firearms field office or other facility located nearest to the residence of the individual making the request. Such inspection shall be conducted during the regular business hours of the field office or other facility where the disclosure is made. A person of the requester's own choosing may accompany the requester provided the requester furnishes a written statement authorizing the disclosure of the requester's record in the accompanying person's presence. The record inspection will be made in the presence of a representative of the Bureau. Following the inspection of the record, the individual will acknowledge in writing the fact that he or she had an opportunity to inspect the requested record.

7. *Requests for copies of records without prior physical inspection.* Upon determining that an individual's request for copies of his records without prior physical inspection is to be granted, the requester shall be notified in writing of the determination, and the location and time for his receipt of the requested copies. The copies will be made available at the Bureau of Alcohol, Tobacco and Firearms field office or other facility located nearest to the residence of the individual making the request. Copies shall be received by the requester during the regular business hours of the field office or other facility where the disclosure is made. Transfer of the copies to the individual shall be conditioned upon payment of copying costs and his presentation of at least two acceptable identifying documents such as employee identification cards, driver's license, medical cards, or other documents sufficient to verify the identity of requester. Following the receipt of the copies, the individual will acknowledge receipt in writing.

8. *Administrative appeal of initial determination refusing amendment of record.* Appellate determinations upon the initial denial, in whole or in part, of requests for amendment of records under 31 CFR, Section 1.27(e), including extensions of time on appeal, with respect to records of the Bureau will be made by the Director or his delegate. Appeals made by mail should be addressed to:

Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226.

Appeals may be delivered personally to Room 4402, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C.

9. *Statements of disagreement.* "Statements of Disagreement" pursuant to 31 CFR Section 1.27(e)(4)(i) shall be filed with the official signing the notification within 35 days of the date of such notification and should be limited to one page.

10. *Service of process.* Service of process will be received in accordance with Rule 4, Federal Rules of Civil Procedure, by delivering a copy of the summons and of the complaint to the United States Attorney for the district in which the action is brought as well as delivering a copy of the summons and complaint to the Chief Counsel, Bureau of Alcohol, Tobacco and Firearms or his delegate at the following location:

Chief Counsel, Bureau of Alcohol, Tobacco and Firearms, Room 5226, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226.

11. *Annual notice of systems of records and notice of the intended uses of the information in the systems.* The annual notice of systems of records and the notice of the intended uses of the information in the systems required by 5 U.S.C. 552a(e) (4) and (11) is set forth in the General Services Administration publication entitled "Notices of Records Systems." The intended uses of the information in each system are set forth in each system notice under the category of "Routine Uses."

Appendix F—Bureau of Engraving and Printing

1. *In general.* This appendix applies to the Bureau of Engraving and Printing as defined in 31 CFR Part 1, Subpart C § 1.20. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officer designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment, the officer designated to grant extension of time on appeal, the officer with which "Statements of Disagreement" may be filed, the officer designated to receive service of process, and the address for delivery of requests, appeals, and service of process. In addition, it references the official annual notice of systems of records and notices of intended uses of the information in the system required by 5 U.S.C. 552 a(e) (4) and (11) and published by the General Services Administration as "Notices of Records Systems."

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR § 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the Bureau of Engraving and Printing will be made by the head of the organizational unit having immediate custody of the records requested, or his delegate, as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send requests for records should be addressed to: Privacy Act Officer, Management Services Division, Bureau of Engraving and Printing, Washington, D.C. 20228. Requests may be delivered personally to the Management Services Division, Room 602–17A, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, D.C. 20228.

3. *Requests for amendment of records.* Initial determinations under 31 CFR § 1.27 (a) through (d) as to whether to grant requests to amend records for the Bureau of Engraving and Printing will be made by the head of the organizational unit having immediate custody of the records, or his delegate. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send such requests should be addressed to: Privacy Act Officer, Management Services Division, Bureau of Engraving and Printing, Washington, D.C. 20228.

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR § 1.27(e) with respect to records of the Bureau of Engraving and Printing (including extensions of time on appeal) will be made by the Director of the Bureau or his delegate, as limited by 5 USC 552a (d) (2) and (3). Appeals from the initial determinations refusing to amend records made by mail should be addressed as indicated in the letter of initial decision or to: Privacy Act Officer, Management Services Division, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, D.C. 20228. Appeals may be delivered personally to Room 602-17A of the same address.

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR § 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of Process.* Service of process will be received by the General Counsel of the Department of the Treasury or his delegate, and shall be delivered to such officer at the following location: General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 USC 552a(e)(4) with respect to records maintained by the Bureau of Engraving and Printing is set forth in the General Services Administration publication entitled "Notices of Records Systems." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in § 1.26 and § 1.27, and locations for access are indicated in the notice for the pertinent system.

APPENDIX G—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

1. *In general.* This appendix applies to the Bureau of Government Financial Operations as mentioned in 31 CFR Part 1, Subpart C, Section 1.20(g). It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officers designated to grant extensions of time on appeal, the officers with which "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published by the General Services Administration as "Notices of Records Systems".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR Section 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the Bureau of Government Financial Operations, will be made by the Special Assistant (Information and Privacy Officer), or his delegate as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send requests for records should be addressed to:

Special Assistant (Information and Privacy Officer), Bureau of Government Financial Operations, Department of the Treasury, Room 600, Treasury Annex No. 1, Washington, D.C. 20226.

Requests may be delivered personally to the Office of the Special Assistant (Information and Privacy Officer), Bureau of Government Financial Operations, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, NW., Washington, D.C.

3. *Requests for amendment of records.* Initial determinations under 31 CFR Section 1.27(a) through (d) as to whether to grant requests to amend records for the Bureau of Government Financial Operations will be made by the Special Assistant (Information and Privacy Officer) or his delegate. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send such requests should be addressed to:

Special Assistant (Information and Privacy Officer), Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, D.C. 20226.

4. *Administrative appeal of initial determination refusing to amend records.* Appellate determinations under 31 CFR Section 1.27(e) with respect to records of the Bureau of Government Financial Operations (including extensions of time on appeal) will be made by the Commissioner, Bureau of Government Financial Operations, or the delegate of such officer, as limited by 5 U.S.C. 552a(d) (2) and (3). Appeals made from initial determinations refusing to amend records made by mail should be addressed as indicated in the letter of initial decision or to:

Commissioner, Bureau of Government Financial Operations (Privacy), Department of the Treasury, Room 618, Treasury Annex No. 1, Washington, D.C. 20226.

Appeals may be delivered personally to the Commissioner, Bureau of Government Financial Operations, Department of the Treasury Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place NW., Washington, D.C.

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the Commissioner, Bureau of Government Financial Operations or his delegate and shall be delivered to such officer at the following location:

Commissioner, Bureau of Governmental Financial Operations (Privacy), Department of the Treasury, Room 618, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, Washington, D.C.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the Bureau of Government Financial Operations is set forth in the General Services Administration publication entitled "Notices of Records Systems".

Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR Section 1.26 and Section 1.27, and locations for access are indicated in the notice for the pertinent system.

APPENDIX H—BUREAU OF THE MINT

1. *In general.* This appendix sets for specific notification and access procedures with respect to particular systems of records maintained by the Bureau of the Mint, identifies the officers designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officers designated to grant extensions of time on appeal, the officer with whom "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a (e)(4) and (11) and published by the General Services Administration as "Notices of Records Systems."

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR § 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the Bureau of the Mint will be made by the head of the Mint installation having immediate custody of the records requested, or the delegated official as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send requests for records should be addressed to:

Privacy Act Request, Bureau of the Mint, Room 912, Warner Building, Washington, DC 20220.

Requests may be delivered personally to Room 912, Warner Building, 501—13th Street, NW, Washington, DC.

3. *Requests for amendment of records.* Initial determinations under 31 CFR § 1.27 (a) through (d) as to whether to grant requests to amend records for the Bureau of the Mint will be made by the head of the Mint installation having immediate custody of the records or the delegated official. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send such requests should be addressed to:

Privacy Act Amendment Request, Bureau of the Mint, Room 912, Warner Building, Washington, DC 20220.

4. *Administration appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR 1.27(e) with respect to records of the Bureau of the Mint (including extensions of time on appeal) will be made by the Director of the Mint or the delegate of the Director. Appeals made from initial determinations refusing to amend records made by mail should be addressed to:

Privacy Act Amendment Appeal, Bureau of the Mint, Room 912, Warner Building, Washington, DC 20220.

Appeals may be delivered personally to Room 912, Warner Building, 501 13th Street, NW, Washington, DC.

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the Director of the Mint and shall be delivered to such officer at the following location:

Director of the Mint, Room 2064, Main Treasury Building, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the Bureau of the Mint is set forth in General Services Administration publication entitled "Notices of Records Systems." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR § 1.26 and § 1.27, and locations for access are indicated in the notice for the pertinent system.

APPENDIX I—BUREAU OF THE PUBLIC DEBT

1. *In general.* This appendix applies to the Bureau of the Public Debt as defined in 31 CFR Part 1, Subpart C § 1.20. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officers designated to grant extensions of time on appeal, the officers with which "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a(e)(4) and (11) and published by the General Services Administration as "Notices of Records Systems".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR § 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the Bureau of the Public Debt will be made by the head of the organizational unit having immediate custody of the records requested, or his delegate as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for access to records contained within a particular Bureau system of records should be submitted to the address indicated for that system in the descriptions thereof published by the General Services Administration. Requests may be delivered personally to the Bureau of the Public Debt, Room 300, Washington Building, 15th Street and New York Avenue, N.W., Washington, D.C.

3. *Requests for amendment of records.* Initial determinations under 31 CFR § 1.27(a) through (d) as to whether to grant requests to amend records for the Bureau of the Public Debt will be made by the head of the organizational unit having immediate custody of the records or his delegate. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send such requests should be addressed to:

Privacy Act Amendment Request, Commissioner of the Public Debt, 15th Street and New York Avenue, N.W., Washington, D.C. 20226.

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR § 1.27(e) with respect to records of the Bureau of the Public Debt (including extensions of time on appeal) will be made to the Commissioner of the Public Debt or his delegate, as limited by 5 U.S.C. 552a(d)(2) and (3). Appeals made from initial determinations refusing to amend records made by mail should be addressed as indicated in the letter of initial decision or to:

Privacy Act Amendment Appeal, Commissioner of the Public Debt, 15th Street and New York Avenue, N.W., Washington, D.C. 20226.

Appeals may be delivered personally to the Bureau of the Public Debt, Room 300, Washington Building, 15th Street and New York Avenue, N.W., Washington, D.C.

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR § 1.27(e)(4)(i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the Chief Counsel of the Bureau of the Public Debt or his delegate and shall be delivered to such officer at the following location:

Chief Counsel, Bureau of the Public Debt, Room 200, Washington Building, 15th Street and New York Avenue, N.W., Washington, D.C. 20226.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the Bureau of the Public Debt is set forth in the General Services Administration publication entitled "Notices of Records Systems". Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR § 1.26 and § 1.27, and locations for access are indicated in the notice for the pertinent system.

APPENDIX J—OFFICE OF THE COMPTROLLER OF THE CURRENCY

1. *In General.* This appendix is applicable to the Office of the Comptroller of the Currency as defined at 31 CFR Part 1, Subpart A, § 1.20. This section promulgates a specific notification and access to procedure with respect to particular systems of records. Further, it identifies the persons designated to make the initial determinations regarding notification and access to records, designates officers who will make the initial and appellate determinations in connection with requests for amendment of records, designates officers who will be empowered to grant extensions of time on appeal, lists officers with which "Statements of Disagreement" may be filed, designates an office to receive service of process and provides addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the proposed uses of the information in the system required by 5 U.S.C. 552(e)(4) and (11) published by the General Services Administration as "Notices of Records Systems".

2. *Request for notification and access to records and accounting of disclosures.* Initial determination under 31 CFR 1.26, as to whether to grant requests for notification and access to records and accountings of disclosure for the Office of the Comptroller of the Currency will be made to the Director, Public Affairs. Request for information and specific guidance on where to send such request should be addressed to:

Director, Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Requests may be delivered in person at the above mentioned address.

3. *Requests for amendment of records.* Initial determination under 31 CFR 1.27 (a) through (d) as to whether to grant requests to amend records for the Office of the Comptroller of the Currency will be made by the Director, Public Affairs. Requests for information or specific guidance on where to send such requests should be addressed to:

Director, Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations subject to 31 CFR 1.27(e) with respect to records of the Comptroller of the Currency including extensions of time on appeal, will be made by the Comptroller of the Currency or Chief Counsel or delegate of such officer, as limited by 5 U.S.C. 552a (d) (2) and (3). Appeals made from the initial determinations refusing to amend records made by mail should be addressed to:

Director, Public Affairs, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

Appeals may be delivered personally to the above mentioned address.

5. *Statements of disagreement.* "Statements of Disagreement" pursuant to 31 CFR 1.27(e) (4) (i) shall be filed with Director, Public Affairs at the previously designated address within 35 days of the date of notification.

6. *Service of process.* Service of process will be received by the Office of Chief Counsel of the Comptroller of the Currency or his delegate and shall be delivered to such offices at the following location:

Office of Chief Counsel, Comptroller of the Currency, Sixth Floor, 490 E. L'Enfant Plaza, S.W., Washington, D.C. 20219.

7. *Annual Notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e) (4) with respect to records maintained by the Comptroller of the Currency is set forth in materials entitled system of records. As a general proposition the records contained in the Comptroller's systems of records may be obtained only upon proper identification. Further, a fine of $5,000 is imposed pursuant to 5 U.S.C. 552(i) for persons seeking to obtain records of the Comptroller of the Currency under false pretenses.

Appendix K—U.S. Savings Bonds Division

1. *In general.* This appendix applies to the Savings Bonds Division as defined in 31 CFR Part 1, Subpart C § 1.20. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officers designated to grant extensions of time on appeal, the officers with which "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a(e)(4) and (11) and published by the General Services Administration as "Notices of Records Systems".

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR § 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the Savings Bonds Division will be made by the head of the organizational unit having immediate custody of the records requested, or his delegate as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send requests for records should be addressed to:

Privacy Act Contact, U.S. Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW., Washington, D.C. 20226.

Requests may be delivered personally to U.S. Savings Bonds Division, Room 225A, Vanguard Building, 1111 20th Street, N.W., Washington, D.C.

3. *Requests for amendment of records.* Initial determinations under 31 CFR § 1.27(a) through (d) as to whether to grant requests to amend records for the Savings Bonds Division will be made by the head of the organizational unit having immediate custody of the records or his delegate. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send such requests should be addressed to:

Privacy Act Contact, U.S. Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW., Washington, D.C. 20226.

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR § 1.27(e) with respect to records of the Savings Bonds Division (including extensions of time on appeal) will be made by the National Director, U.S. Savings Bonds Division or the delegate of such officer, as limited by 5 U.S.C. 552a(d)(2) and (3). Appeals made from initial determinations refusing to amend records made by mail should be addressed as indicated in the letter of initial decision or to:

National Director, U.S. Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW., Washington, D.C. 20226.

Appeals may be delivered personally to the above address.

5. *Statements of Disagreement.* "Statements of Disagreement" pursuant to 31 CFR § 1.27(e) (4) (i) shall be filed with the official signing the notification of refusal to amend at the address indicated in the letter of notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the General Counsel of the Department of the Treasury or his delegate and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the Savings Bonds Division is set forth in the General Services Administration publication entitled "Notices of Records Systems." Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR § 1.26 and § 1.27, and locations for access are indicated in the notice for the pertinent system.

Appendix L—Consolidated Federal Law Enforcement Training Center

1. *In general.* This appendix applies to the Consolidated Federal Law Enforcement Training Center. It sets forth specific notification and access procedures with respect to particular systems of records, identifies the officers designated to make the initial determinations with respect to notification and access to records, the officers designated to make the initial and appellate determinations with respect to requests for amendment of records, the officers designated to grant extensions of time on appeal, the officers with which "Statements of Disagreement" may be filed, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. In addition, it references the official annual notice of systems of records and notices of the intended uses of the information in the system required by 5 U.S.C. 552a(e) (4) and (11) and published by the General Services Administration as "Notices of Records Systems."

2. *Requests for notification and access to records and accountings of disclosures.* Initial determinations under 31 CFR § 1.26, as to whether to grant requests for notification and access to records and accountings of disclosures for the Consolidated Federal Law Enforcement Training Center will be made by the head of the organizational unit having immediate custody of the records requested, or his delegate as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send requests for records should be addressed to:

Privacy Act Request, Consolidated Federal Law Enforcement Training Center, Glynco, Georgia 31520.

Requests may be delivered personally to the Library, Building 12, Consolidated Federal Law Enforcement Training Center, Glynco, Georgia.

3. *Requests for amendment of records.* Initial determinations under 31 CFR § 1.27 (a) through (d) as to whether to grant requests to amend records for the Consolidated Federal Law Enforcement Training Center will be made by the head of the organizational unit having immediate custody of the records or his delegate. Requests for amendment of records should be addressed as indicated in the appropriate system notice in "Notices of Records Systems" published by the General Services Administration. Requests for information and specific guidance on where to send such requests should be addressed to:

Privacy Act Amendment Request, Consolidated Federal Law Enforcement Training Center, Glynco, Georgia 31520.

4. *Administrative appeal of initial determination refusing to amend record.* Appellate determinations under 31 CFR § 1.27(e) with respect to records of the Consolidated Federal Law Enforcement Training Center will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, (including extensions of time on appeal) or the delegate of such officer, as limited by 5 U.S.C. 552a(d) (2) and (3). Appeals made from initial determinations refusing to amend records made by mail should be addressed as indicated in the letter of initial decision or to:

Privacy Act Amendment Appeal, CFLETC, Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 3448, Washington, D.C. 20220.

Appeals may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Room 3448, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C.

5. *Statements of disagreement.* "Statements of Disagreement" pursuant to 31 CFR § 1.27(e)(4)(i) shall be filed with the official signing the notification within 35 days of the date of such notification and should be limited to one page.

6. *Service of process.* Service of process will be received by the General Counsel of the Department of the Treasury or his delegate and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

7. *Annual notice of systems of records.* The annual notice of systems of records required by 5 U.S.C. 552a(e)(4) with respect to records maintained by the Consolidated Federal Law Enforcement Training Center is set forth in the General Services Administration publication entitled "Notices of Records Systems". Any specific requirements for access, including identification requirements, in addition to the requirements set forth in 31 CFR § 1.26 and § 1.27, and locations for access are indicated in the notice for the pertinent system.

Done at Washington, District of Columbia, this 26th day of September, 1975.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-26283 Filed 9-26-75;5:57 pm]

Title 39—Postal Service

CHAPTER 1—UNITED STATES POSTAL SERVICE

PRIVACY ACT OF 1974

Revised Policies and Procedures for Records and Information Management

The purpose of this document is to establish procedures implementing the Privacy Act of 1974, Pub. L. No. 93-579, and to adopt revised regulations governing records and information management in the Postal Service.

The new regulations, contained in Parts 261-264, 266-268, and 447 of Title 39, Code of Federal Regulations, have been the subjects of four separate notices of proposed rulemaking published in the FEDERAL REGISTER. On July 24, 1975, the Postal Service issued a proposal (40 FR 30988) to adopt new Parts 262, 266, and 267. On August 14, 1975, new Parts 261, 263, and 264 were proposed (40 FR 34167). On August 26, 1975, the Postal Service proposed (40 FR 37227) to add § 266.9(b), dealing with exemptions, to proposed Part 266. Finally, on August 27, 1975, the Postal Service filed a proposal, published August 28, 1975 (40 FR 39805) to adopt new Part 268 and to add new paragraph (jj) to § 447.91. The comment submitted with respect to the proposed regulations was given due consideration.

In the interests of clarity, the Postal Service has decided to adopt simultaneously the regulations proposed in the four notices published at 40 FR 30988, 34167, 37227, and 39805. For purposes of analysis, the new regulations, together with Part 265 of Title 39, Code of Federal Regulations, dealing with the release of information under the Freedom of Information Act (40 FR 7330), provide a comprehensive statement of Postal Service policy and procedures concerning records and information management. Part 261 states the overall records and information management policy of the Postal Service. Part 262 provides a comprehensive set of definitions of terms used in subsequent Parts. Part 263 addresses the specific policy concerning records retention and disposition. Part 264 sets the policy concerning the protection of vital records. Part 266 establishes the general Postal Service policy regarding information privacy, implementing the Privacy Act of 1974. Of special interest is § 266.9, which exempts certain systems of Postal Service records from specified provisions of the Privacy Act. Part 267 describes the general policy regarding information protection within the Postal Service. Part 268 describes the rules of conduct for employees maintaining systems of personal records. Finally, the Privacy Act of 1974 is listed as a statute applicable to postal employees in § 447.91(jj).

As a result of further consideration of the proposed text, the following changes are made:

1. In § 266.3(b), the responsibilities of Custodians have been more accurately described by deleting the proposed requirement that they be primarily responsible for the collection, use, correction, and disclosure of personal information. This responsibility will fall instead upon the Information System Executives.

2. In § 266.4(b)(1)(ii) we have deleted as impracticable the requirement that when information is disclosed with the written consent of the information subject, the recipient must have adopted rules conforming to Postal Service information protection standards.

3. In § 266.4(b)(4) the information given as part of an employee credit reference has been broadened slightly to include the exact salary of the employee, instead of merely the salary range for the employee's grade. Since postal employees are compensated out of public funds, we do not regard the release of this information as a clearly unwarranted invasion of privacy.

4. In § 266.6(a)(1) the form and content of access requests have been modified in the interests of efficiency. A request for access to personal information should be marked "Privacy Act Request", and should specify the post office at which the requester wishes to review or obtain copies of records.

5. In the interests of clarity, a new § 266.6(a)(2) dealing with third-party requests has been inserted.

6. In § 267.4, the lists of information security standards have been modified to express more precisely the functional and administrative areas covered in those standards.

7. Additional minor editorial corrections and revisions have been made where necessary.

Accordingly, in Title 39, Code of Federal Regulations, Part 263 is revoked, and new Parts 261-264 and 266-268, and new § 447.91(jj) of Part 447 are adopted with changes and corrections, as set forth below.

Since the following rules are procedural in nature and are essential to the implementation by the Postal Service of provisions of the Privacy Act of 1974 which become effective on September 27, 1975, these rules shall become effective on September 27, 1975.

BENJAMIN F. BAILAR,
Postmaster General.

1. Part 261 is added to read as follows:

PART 261—RECORDS AND INFORMATION MANAGEMENT

Sec.
261.1 Purpose and scope.
261.2 Authority.
261.3 Policy.
261.4 Responsibility.

AUTHORITY: 39 U.S.C. 401

§ 261.1 Purpose and scope.

As a result of the Postal Reorganization Act, 39 U.S.C. 410, the United States Postal Service is no longer subject to the provisions of the Federal Records Act, of 1950, or any of its supporting regulations which provide for the conduct of records management in Federal agencies. The objective of Parts 261 through 268 is to provide the basis for a Postal Service-wide records and information management program affecting all organizational components having the custody of any form of information and records.

§ 261.2 Authority.

(a) 39 U.S.C. 401(5) states that the Postal Service has the power to acquire property it deems necessary or convenient in the transaction of its business and to hold, maintain, sell, lease or otherwise dispose of such property.

(b) 39 CFR 224.3(b)(3) assigns to the Management Information Systems Department responsibility for the management of records and to the Postal Service Records Officer located within that Department responsibility for retention, security and privacy of Postal Service records and the power to authorize the disclosure of such records and their disposal by destruction or transfer. Included is the authority to issue records management policy and to delegate or take appropriate action if the policy is not adhered to or if questions of interpretation of procedure arise.

§ 261.3 Policy.

It is the policy of the Postal Service:

(a) To, as appropriate, create, preserve, protect and disclose records which contain adequate and proper documentation of the organization, functions, policies, decisions, operations, procedures, activities and transactions of the Postal Service.

(b) To reduce to an absolute minimum the records holdings of the Postal Service by strict adherence to established records retention schedules.

(c) To transfer records to appropriate storage areas as soon as they become inactive or are no longer of value to the Postal Service.

§ 261.4 Responsibility.

(a) The Records Officer administers the Postal Service Records and Information Management program through a headquarters organizational component and through contacts in each headquarters department, Postal Service region, district, data processing center, and other major Postal Service installations.

(b) Postal Service managers are responsible for administering records and information management policies and for complying with all handbooks, directives, and instructions in support of this policy.

2. Part 262 is added to read as follows:

PART 262—RECORDS AND INFORMATION MANAGEMENT DEFINITIONS

Sec.
262.1 Custodian.
262.2 Records.
262.3 Non-record material.
262.4 Information.
262.5 Information system (System of records).
262.6 Information system executive.

AUTHORITY: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

§ 262.1 Custodian.

The Postmaster or other head of a facility, such as a Postal Data Center, mailbag depository, management sectional center, district office or Regional Headquarters, or a group or department of Headquarters, who maintains USPS records.

§ 262.2 Records.

Any medium, regardless of form or characteristics (paper, film, magnetic surfaces, etc.), that contains information developed or received by the United States Postal Service in connection with the transaction of its business and retained in its custody.

(a) *Types of Records.*—(1) *Official Record*—primary copy of any record created or the original received by any Postal Service organizational component in the line of its duties or function.

(2) *Duplicate Records*—additional copies of the official record.

(3) *Historical Records*—Postal Service records which may have value beyond their scheduled destruction date or which are required to be permanently retained.

(4) *Vital Records*—Records which are necessary for the effective operation of the Postal Service or the protection of its interests, its employees, its contractors or the general public.

(b) *Categories of Records.* (1) *Records (Active)*—records for which the retention period has not yet expired and which are in regular use.

(2) *Records (Inactive)*.—records for which the retention period has not yet expired and which are not in regular use.

§ 262.3 Non-record material.

Includes blank forms and surplus publications, handbooks, circulars, bulletins, announcements, and other directives, as well as any material not directly associated with the transactions of Postal Service business.

§ 262.3 Information.

A combination of data which has the potential to serve a useful purpose.

(a) *Types of Information.* (1) *General Information.*—that information which is available to the public without restriction.

(2) *Restricted Information*—that information which because of federal statute or USPS regulation, cannot be released to the public. (Includes, but is not limited to, personal and national defense information.)

(3) *Discretionary Information*—that information which is available to the public only on a selective basis.

(4) *Critical Information*—that information for which integrity must be assured in order for the Postal Service to effectively perform its mission, or to prevent significant financial loss. (This information is contained within Vital Records.)

(5) *Sensitive Information*—that information which is either restricted, discretionary or critical in nature.

§ 262.5 Information system (system of records).

A methodology which receives, accesses and processes groups of records in an efficient manner for the purpose of producing useable output records.

§ 262.6 Information system executive.

The Postal Service Manager who prescribes the existence of and the policies for an information system.

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3. Part 263 is revised to read as follows:

PART 263—RECORDS RETENTION AND DISPOSITION

Sec.
263.1 Purpose and scope.
263.2 Policy.
263.3 Responsibility.
263.4 Records retention schedules.
263.5 Records disposal.

AUTHORITY: 39 U.S.C. 401

§ 263.1 Purpose and scope.

This part contains the policy and general regulations pertaining to the retention and disposition of records and information throughout all organizational levels and components.

§ 263.2 Policy.

It is the policy of the United States Postal Service to establish and maintain schedules specifying the retention periods required for all official and duplicate record copies. Furthermore, it is the policy that all duplicate record copies and non-record material will be disposed of as soon as they have served their purpose.

§ 263.3 Responsibility.

(a) *Records Officer.* The Records Officer has the responsibility for providing for the establishment of retention schedules and has the authority to approve them. Furthermore, he has the authority to dispose of Postal Service records by transfer or destruction.

(b) *Custodians.* Custodians are responsible for the retention and prompt disposal of records in their custody and for delegating in writing, persons to perform these duties.

§ 263.4 **Records retention schedules.**

The following retention schedules will be maintained within the Postal Service:

(a) General schedule.
(b) Headquarters schedule.
(c) Regional schedule.
(d) District schedule.
(e) Inspection service schedule.
(f) Postal data centers schedule.
(g) Automatic data processing centers schedule.
(h) Post Office schedule.
(i) Other facility schedules.

§ 263.5 **Records disposal.**

All disposals of records containing sensitive information, i.e. transfers to records storage centers, destruction, transfers external to the USPS, and maintenance of accounting records regarding such disposal, must be accomplished in accordance with procedures issued by the Records Officer.

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4. Part 264 is added to read as follows:

PART 264—VITAL RECORDS

Sec.
264.1 Purpose and scope.
264.2 Policy.
264.3 Responsibility.
264.4 Protection of vital records.

AUTHORITY: 39 U.S.C. 401.

§ 264.1 **Purpose and scope.**

The reconstruction costs of certain necessary information would be financially prohibitive and certain records are so critical to the continuity of operations of the Postal Service that their loss could paralyze operations. Therefore, to protest this information from loss, specific controls are required which affect all organizational components having the custody of information and records defined as being "vital".

§ 264.2 **Policy.**

It is the policy of the United States Postal Service to maintain duplicate record copies of all records and information considered vital to the continuity of its operations and the protection of its interests and those of its employees, contractors, and the general public. Vital record copies will be maintained at protected locations accessible to management and operating personnel in times of emergency.

§ 264.3 **Responsibility.**

(a) *Records Officer.* The Records Officer, in cooperation with the Chief Inspector, is responsible for the establishment of the vital records program, has the authority to categorize records as vital, and to ensure Postal Service-wide compliance with supportive procedures.

(b) *Custodians.* Custodians have the responsibility to ensure that vital records procedures are followed and that vital record copies are deposited at the designated emergency relocation centers.

§ 264.4 **Protection of vital records.**

Complete procedures concerning the identification, processing, protection, and transfer of vital records are provided by the Records Officer.

5. Part 266 is added to read as follows:

PART 266—PRIVACY OF INFORMATION

Sec.
266.1 Purpose and scope.
266.2 Policy.
266.3 Responsibility.
266.4 Collection and disclosure of personal information.
266.5 Notification.
266.6 Procedures for requesting inspection and copying.
266.7 Procedures for requesting amendment.
266.8 Schedule of fees.
266.9 Exemptions.

AUTHORITY: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

§ 266.1 **Purpose and scope.**

This part is intended to protect individual privacy and affects all personal information collection and usage activities of the entire U.S. Postal Service. This includes the information interface of Postal Service employees to other employees, to individuals from the public at large, and to any private organization or governmental agency.

§ 266.2 **Policy.**

It is the policy of the U.S. Postal Service to insure that any record within its custody that identifies or describes any characteristic or provides historical information about an individual or that affords a basis for inferring personal characteristics, or things done by or to such individual; and the record of any affiliation with an organization or activity, or admission to an institution, is accurate, pertinent, complete, timely, relevant, and reasonably secure from unauthorized access. Additionally, it is the policy to provide the means for individuals to know: (a) Of the existence of all Postal Service personal information systems, (b) the recipients and usage made of such information, (c) what personal information is optional or mandatory to provide to the Postal Service, (d) the procedures for individual review and update of all relevant personal information, (e) the reproduction fees for personal records, and (f) the procedures for individual legal appeal in cases of dissatisfaction.

§ 266.3 **Responsibility.**

(a) *Records Officer.* The Records Officer will insure Postal Service-wide compliance to this policy.

(b) *Custodian.* Custodians are responsible for adherence to this part within their respective units and in particular for affording individuals their rights to inspect and obtain copies of records concerning them.

(c) *Information System Executive.* These managers are responsible for reporting the existence of personal records systems, changes to the contents of those systems, and changes of routine use to the Records Officer and also for establishing the relevancy of information within those systems.

§ 266.4 **Collection and disclosure of personal information.**

(a) The following rules govern the collection of personal information throughout Postal Service operations:

(1) The Postal Service will:

(i) Collect, solicit and maintain only such personal information as is relevant and necessary to accomplish a purpose required by statute or Executive Order,

(ii) Collect information, to the greatest extent practicable, directly from the subject individual when such information may result in adverse determinations about an individual's rights, benefits or privileges,

(iii) Inform any individual requested to disclose personal information whether that disclosure is mandatory or voluntary, by what authority it is solicited, the principal purposes for which it is intended to be used, the routine uses which may be made of it, and any penalties and specific consequences for the individual, which are known to the Postal Service, which will result from nondisclosure.

(2) The Postal Service will not discriminate against any individual who fails to provide personal information unless that information is required or necessary for the conduct of the system or program in which the individual desires to participate.

(3) No information will be collected (or maintained) describing how individuals exercise rights guaranteed by the First Amendment unless the Postmaster General specifically determines that such information is relevant and necessary to carry out a statutory purpose of the Postal Service.

(4) The Postal Service will not require disclosure of any individual's Social Security account number or deny a right, privilege or benefit because of the individual's refusal to disclose the number unless disclosure is required by Federal law.

(b) *Disclosures.* (1) Disclosure: Limitations On. The Postal Service will not disseminate personal information unless reasonable efforts have been made to assure that the information is accurate, complete, timely and relevant and unless:

(i) The individual to whom the record pertains has requested in writing that the information be disseminated, or

(ii) It has obtained the prior written consent of the individual to whom the record pertains, or

(iii) The dissemination is in accordance with subsection (2) hereof.

(2) Dissemination of personal information may be made:

(i) To a person pursuant to a requirement of the Freedom of Information Act (5 U.S.C. 552);

(ii) To those officers and employees of the Postal Service who have a need for such information in the performance of their duties;

(iii) For a routine use as contained in the system notices published in the FEDERAL REGISTER;

(iv) To a recipient who has provided advance adequate written assurance that the information will be used solely as a statistical reporting or research record, and to whom the information is transferred in a form that is not individually identifiable;

(v) To the Bureau of the Census for purposes of planning or carrying out a

census or survey or related activity pursuant to the provisions of Title 13, U.S. Code;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual, if upon such disclosure notification is transmitted to the last known address of such individual;

(viii) To a federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if such activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Postal Service specifying the particular portion of the record desired and the law enforcement activity for which the record is sought;

(ix) To either House of Congress or its committees or subcommittees to the extent of matter within their jurisdiction;

(x) To the Comptroller General or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office;

(xi) Pursuant to the order of a court of competent jurisdiction.

(3) *Names and Addresses of Postal Customers.* The disclosure of lists of names or addresses of Postal customers or other persons to the public is prohibited (39 U.S.C. 412). Names or addresses will be disclosed only in those cases permitted by 39 CFR 265.6(d) relating to the Release of Information.

(4) *Employee Credit References.* A credit bureau or commercial firm from which an employee is seeking credit may be given the following information upon request: length of service, job title, and salary.

(5) *Employee Job References.* Prospective employers of a Postal employee or a former Postal employee may be furnished with the information in § 266.4 (b)(4) above, in addition to the date and reason for separation if applicable.

(c) *Correction Disclosure.* Any person or other agency to which a personal record has been or is to be disclosed shall be informed of any corrections or notations of dispute relating thereto affecting the accuracy, timeliness or relevance of that personal record.

(d) *Recording of Disclosure.* (1) An accurate accounting of each disclosure will be kept in all instances except those in which disclosure is made to Postal Service employees in the performance of their duties or is required by the Freedom of Information Act (5 U.S.C. 552).

(2) The accounting will be maintained for at least five (5) years or the life of the record, whichever is longer.

(3) The accounting will be made available to the individual named in the record upon inquiry, except for disclosures made pursuant to provision .4(b)(2)(viii) above relating to law enforcement activities.

§ 266.5 Notification.

(a) *Notification of Systems.* The following procedures permit individuals to determine the types of personal records systems maintained by the Postal Service.

(1) Upon written request, the Postal Service will notify any individual whether a specific system named by him contains a record pertaining to him. See § 266.6 for suggested form of request.

(2) The Postal Service shall publish annually in the FEDERAL REGISTER a notice of existence and character of all personal systems of records. This notice will contain the following information:

(i) Name and location of the system,

(ii) Nature and purposes of the system,

(iii) Categories of individuals on whom personal information is maintained and categories of personal information generally maintained in the system,

(iv) Confidentiality requirements and the extent to which access controls apply to such information,

(v) Postal Service policies and standards regarding the safeguarding and disclosure of information, information storage, duration of retention of information, and elimination of such information from the system,

(vi) Routine uses made by the Postal Service of the personal information contained in the system, including the categories of users and the purpose of the use,

(vii) Title and official address of the custodian,

(viii) Procedures by which an individual can be informed if a system contains personal information pertaining to him gain access to such information, and contest the accuracy, completeness, timeliness, relevance and necessity for retention of the information.

(ix) Categories of sources of such personal information,

(x) System status—either developmental or operational.

(b) *Notification of Disclosure.* The Postal Service shall make reasonable efforts to serve notice on an individual before any personal information on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record. (Also see § 266.4(b)(1)(ii) and (2)(vii).)

(c) *Notification of Amendment.* (See § 266.7 (b)(3) relating to amendment of records upon request.)

(d) *Notification of New Use.* Any newly intended use of personal information maintained by the Postal Service will be published in the FEDERAL REGISTER thirty (30) days before such use becomes operational. Public views may then be submitted to the Records Officer.

(e) *Notification of Exemptions.* The Postal Service will publish within the FEDERAL REGISTER its intent to exempt any system of records and shall specify the nature and purpose of that system.

§ 266.6 Procedures for requesting inspection and copying.

The purpose of this section is to provide procedures by which an individual may have access to personal information within a comprehensible format.

(a) *Submission of Requests for Access.* (1) Manner of Submission. Inquiries regarding the contents of records systems or access to personal information should be in writing and directed to the custodian of the official record, if known, or to the Records Officer, United States Postal Service, Washington, DC 20260. Inquiries should be clearly marked, "Privacy Act Request". Any inquiry concerning a specific system of records should provide the Postal Service with the information contained under "Notification" for that system as published in the FEDERAL REGISTER. If the information supplied is insufficient to locate or identify the record, the requester will be notified promptly and, if possible, informed of additional information required. If the requester is not a Postal Service employee, he should designate the post office at which he wishes to review or obtain copies of records.

(2) Third Party Inquiries. Anyone desiring to review or copy records pertaining to another person must have the written consent of that person.

(3) Period for Response by Custodian. Upon receipt of an inquiry, the custodian will respond with an acknowledgement of receipt within ten (10) days. If the inquiry requires the custodian to determine whether a particular record exists, the inquirer shall be informed of this determination as a part of the acknowledgement letter.

(b) *Compliance with Request for Access.* (1) Notification of Time and Place for Inspection. When a requested record has been identified and is to be disclosed, the custodian shall ensure that the record is made available promptly and shall immediately notify the requester where and when the record will be available for inspection or copying. Postal Service records will normally be available for inspection and copying during regular business hours at the postal facilities at which they are maintained. The custodian may, however, designate other reasonable locations and times for inspection and copying of some or all of the records within his custody.

(2) Identification of Requester. The requester must present personal identification sufficient to satisfy the custodian as to his identity prior to record review. Examples of sufficient identification are a valid driver's license, medicare card, and employee identification cards.

(3) Responsibilities of Requester. The requester shall assume the following responsibilities regarding the review of official personal records:

(i) Requester must agree not to leave Postal Services premises with official records unless specifically given a copy for that purpose by the custodian or his representative.

(ii) Requester must sign a statement indicating he has reviewed a specific record(s) or category of record.

(iii) Requester may be accompanied by a person he so chooses to aid in the inspection of information; however, requester must furnish the Postal Service with written authorization for such review in that person's presence.

(4) Special Rules for Medical Records. A medical record shall be disclosed to the requester to whom it pertains unless, in the judgment of the custodian, access to such record could have an adverse effect upon such individual. When the custodian, in consultation with a medical doctor, determines that the disclosure of medical information could have an adverse effect upon the individual to whom it pertains, the custodian will transmit such information to a medical doctor named by the requesting individual.

(5) Limitations on Access. Nothing in this section shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding. Other limitations on access are those specifically addressed in §§ 266.6(b)(4) above and 266.9 below.

(c) *Response When Compliance Is Not Possible.* A reply denying a written request to review a record shall be in writing signed by the custodian or other appropriate official and shall be made only if such a record does not exist or does not contain personal information relating to the requester, or is exempt from disclosure. This reply shall include a statement regarding the determining factors of denial, and the right to obtain judicial review in a district court.

§ 266.7 Procedures for requesting amendment.

(a) *Submission of Requests for Amendment.* Upon review of a personal record pertaining to an individual, that individual may submit a request to amend the record. This request will be submitted in writing to the custodian and will include a statement of the amendment requested and the reasons therefor which normally will relate to such characteristics as relevance, accuracy, timeliness or completeness.

(b) *Action to be Taken by the Custodian.* Upon receiving an amendment request, the custodian shall promptly:

(1) Acknowledge in writing receipt of the request within ten (10) working days,

(2) Make such inquiry as is necessary to determine whether the amendment is appropriate, and

(3) Correct or eliminate any information that is found to be incomplete, inaccurate, not relevant to a statutory purpose of the Postal Service, or not timely, and notify the requester when this action is complete, or

(4) Not later than thirty (30) working days after receipt of a request to amend, notify the requester of a determination not to amend and of the individual's right to appeal.

(c) *Appeal Procedure.* (1) If a request to inspect, copy, or amend a record is denied, in whole or in part, or if no determination is made within the period prescribed by this part, the requester may appeal to the Assistant Postmaster General, Management Information Systems Department, U.S. Postal Service, Washington, D.C. 20260.

(2) The requester should submit his appeal in writing within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure of the custodian to make a determination. The letter of appeal should include, as applicable:

(i) Reasonable identification of the record access to which or the amendment of which was requested.

(ii) A statement of the Postal Service action or failure to act and of the relief sought.

(iii) A copy of the request, of the notification of denial and of any other related correspondence.

(3) Any record found on appeal to be incomplete, inaccurate, not relevant, or not timely, shall within thirty (30) working days of the date of such findings be appropriately amended.

(4) The decision of the Assistant Postmaster General, MIS Department, constitutes the final decision of the Postal Service on the right of the requester to inspect, copy, change, or update a record. The decision on the appeal shall be in writing and in the event of a denial shall set forth the reasons for such denial and state the individual's right to obtain judicial review in a district court. An indexed file of decisions on appeals shall be maintained by the Records Officer.

(d) *Submission of Statement of Disagreement.* If the final decision does not satisfy the requester, any statement of reasonable length provided by that individual setting forth a position regarding the disputed information, will be accepted and included in the relevant personal record.

(e) *Availability of Assistance in Exercising Rights.* The USPS Records Officer is available to provide an individual with assistance in exercising rights pursuant this part.

§ 266.8 Schedule of fees.

(a) *Policy.* The purpose of this section is to establish fair and equitable fees to permit reproduction of records to concerned individuals while substantially covering the direct costs incurred by the Postal Service.

(b) *Reproduction.* (1) For reproducing any paper or micrographic record or publication, the fee is $.10 per page. Computer reports will be provided at $.015 per page. No charge will be made if the total fees authorized by this Part in compliance with a request or series of related requests is less than $1.00.

(2) The Postal Service may at its discretion make coin-operated copy machines available at any location. In that event, the requester will be given the opportunity to make copies at his own expense.

(3) The Postal Service will not normally furnish more than one copy of any record.

(c) *Limitations.* No fee will be charged to any individual for the process of retrieving, or amending records.

§ 266.9 Exemptions.

(a) Subsections 552a (j) and (k) of Title 5, U.S. Code, empower the Postmaster General to exempt systems of records meeting certain criteria from various other subsections of section 552a. With respect to systems of records so exempted, nothing in this part shall require compliance with provisions hereof implementing any subsections of section 552a from which those systems have been exempted.

(b) Pursuant to, and to the extent permitted by, subsection 552a (j) and (k) of title 5, United States Code, the following systems of records maintained by the Postal Service are exempted from the designated subsections of section 552a of title 5, United States Code:

(1) Postal Inspection Service Investigative Files System from 5 U.S.C. 552a (c) (3) and (4), (d)(1)–(4), (e)(1)–(3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g), and (m).

(2) Postal Inspection Service Mail Cover Program Records from 5 U.S.C. 552a (c)(3) and (4), (d)(1)–(4), (e)(1)–(3), (e)(4)(G) and (H), (e)(5), (e)(8), (f), (g) and (m).

(3) Postal Service Personnel Investigations Records from 5 U.S.C. 552a (d)(1) and (e)(1) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (k)(5) as relating to the identity of a source who furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility or qualifications of an individual for employment.

(4) Postal Service Recruiting, Examining and Placement Records from 5 U.S.C. 552a (d)(1)–(4), (e)(1), (e)(4)(G) and (H), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (k)(5) and (6) as relating to testing or examination material as to the identity of a source who has furnished information to the Government in confidence as a part of an investigation conducted solely for the purpose of determining suitability, eligibility or qualifications of an individual for employment.

(5) Postal Service Research and Test Validating Records from 5 U.S.C. 552a (d)(1)–(4), (e)(4)(G) and (H), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(6) as relating to testing and examination material.

(6) Postal Service Equal Employment Opportunity Discrimination Complaint Investigations and Counselings from 5 U.S.C. 552a (d)(1)–(4), (e)(4) (G) and (H) and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5) as material compiled for law enforcement purposes.

6. Part 267 is added to read as follows:

PART 267—PROTECTION OF INFORMATION

Sec.
267.1 Purpose and scope.
267.2 Policy.
267.3 Responsibility.
267.4 Information security standards.

AUTHORITY: 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

§ 267.1 Purpose and scope.

This Part addresses the protection of information and records in the custody of the Postal Service throughout all phases of information flow and within all organization components, and includes micromated, manual and data processing information.

§ 267.2 Policy.

Consistent with the responsibility of the Postal Service to make its official records available to the public to the maximum extent required by the public interest, and to insure the security, confidentiality, and integrity of official records containing personal information, it is the policy of the Postal Service to maintain definitive and uniform information security safeguards. These safeguards will have as their purpose:

(a) Insuring the effective operation of the Postal Service through appropriate controls over critical information, and

(b) Protecting personal privacy and the public interest by limiting unauthorized access to restricted and discretionary information.

§ 267.3 Responsibility.

(a) *Chief Postal Inspector and USPS Records Officer.* The Chief Inspector and the Records Officer will insure within their respective areas of jurisdiction:

(1) Postal Service-wide compliance with this policy and related standards and procedures, and

(2) that remedial action is taken when violations or attempted violations of these standards and procedures occur.

(b) *Custodians.* All custodians are responsible for insuring that information security standards and procedures are followed and that all relevant employees participate in the information security awareness programs.

§ 267.4 Information security standards.

(a) The Postal Service will operate under a uniform set of information security standards which address the following functional aspects of information flow and management:

(1) Information system development,
(2) Information collection,
(3) Information handling and processing,
(4) Information dissemination and disclosure,
(5) Information storage and destruction,

(b) Supplementing this list are information security standards pertaining to the following administrative areas:

(1) Personal selection and training,
(2) Physical environment protection,
(3) Contingency planning,
(4) Information processing or storage system procurement,
(5) Contractual relationships.

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7. Part 268 is added to read as follows:

PART 268—PRIVACY OF INFORMATION—EMPLOYEE RULES OF CONDUCT

Sec.
268.1 General Principles.
268.2 Consequences of Non-Compliance.

AUTHORITY: 39 USC 401; Pub. L. 93-579, 88 Stat. 1896.

§ 268.1 General Principles.

In order to conduct its business, the Postal Service has the need to collect various types of personal information pertaining to its customers and employees. Information of this nature has been entrusted to the Postal Service, and employees handling it have an ethical obligation to hold it in confidence and to actively protect it from uses other than those compatible with the purpose for which the information was collected. This obligation is legally imposed by the Privacy Act of 1974, which places specific requirements upon all Federal agencies, including the Postal Service, and their employees. In implementation of these requirements, the following rules of conduct apply:

(a) Except as specifically authorized in § 266.4(b)(2) of this chapter, no employee shall disclose, directly or indirectly, any personal record to any person or organization. Managers are to provide guidance in this regard to all employees who must handle personal information.

(b) No employee will maintain a secret system of personal records. All personal records systems must be reported to the Records Officer.

(c) All employees shall adhere strictly to the procedures established by the United States Postal Service to ensure the confidentiality and integrity of personal information collected, maintained and used for official Postal Service business. Employees shall be held responsible for any infractions and/or violation of these procedures.

§ 268.2 Consequences of Non-Compliance.

(a) The Privacy Act authorizes any individual, whether or not an employee, to bring a civil action in United States District Court to obtain judicial review of the failure of the Postal Service to comply with the requirements of the Act or its implementing regulations. In certain instances of willful or intentional non-compliance, the plaintiff may recover damages from the Postal Service in the minimum amount of $1,000 together with costs of the action and attorney fees.

(b) The Act provides criminal sanctions for individuals, including employees, who violate certain of its provisions.

(1) Any officer or employee who, by virtue of his employment or position, has possession of, or access to, official records which contain individually identifiable information and who, knowing that disclosure of the specific material is prohibited by Postal Service regulations, willfully discloses the material to a person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any officer or employee who willfully maintains a system of records without meeting the notice requirements set forth in Postal Service regulations shall be guilty of a misdemeanor and fined not more than $5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning another individual from the Postal Service under false pretense shall be guilty of a misdemeanor and fined not more than $5,000.

(c) In addition to the criminal sanctions, any employee violating any provisions of these rules of conduct is subject to disciplinary action which may result in dismissal from the Postal Service.

PART 447—CODE OF ETHICAL CONDUCT FOR POSTAL EMPLOYEES

8. In Part 447, § 447.91(jj) is added to read as follows:

§ 447.91 Statutes and Regulations Applicable to Postal Employees.

* * * * *

(jj) Privacy Act of 1974 (5 U.S.C. 552a).

[FR Doc.75-26394 Filed 9-29-75;3:07 pm]

Title 45—Public Welfare

CHAPTER VII—COMMISSION ON CIVIL RIGHTS

PART 706—MATERIALS AVAILABLE PURSUANT TO 5 U.S.C. 552a

The Requirements of the Privacy Act of 1974

On page 40,783 of the FEDERAL REGISTER of September 3, 1975, there was published a notice of proposed rulemaking to comprise a new Part 706 of Title 45 of the Code of Federal Regulations, Section 706—Materials Available pursuant to 5 U.S.C. 552a. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed rules.

As a result of comments received, the following changes are made:

1. In § 706.4(b) the zip code for the Mountain States Regional Office has been corrected to 80202 instead of 80282.

2. The definition of "Confidential Source" as it appeared in § 706.13(b) has been placed in the definition section as § 706.2(h).

3. Changes have been made in § 706.13 to reflect the specific systems of records which the Commission expects to assert exemptions for as well as a statement of exemptions as set out in the proposed rules.

4. Because of the effective operational date of the Privacy Act and the necessity for these rules to be in force, changes in the rules which represent substantial additions are hereby included

as final rules subject, however, to public comment over the next 30 days. If public comment is received and further changes required, the Commission shall publish amendments to these rules reflecting those changes. Substantial additions appear in § 706.13 entitled *Exemptions*. Language changes in subsection (a) were made to make it consistent with subsection (b) which represents a listing of systems to be exempted and the reasons therefor. Subsection (b) as presently stated, did not appear in the rules as proposed.

Accordingly, with these changes and additions, the proposed rules are hereby adopted as set forth below.

JOHN A. BUGGS,
Staff Director.

SEPTEMBER 29, 1975.

Sec.
706.1 Purpose and scope.
706.2 Definitions.
706.3 Procedures for requests pertaining to individual records in a system of records.
706.4 Times, places, and requirements for identification of individuals making requests and identification of records requested.
706.5 Disclosure of requested information to individuals.
706.6 Request for correction or amendment to record.
706.7 Agency review of request for correction or amendment of the record.
706.8 Appeal of an initial adverse agency determination.
706.9 Disclosure of records to a person other than the individual to whom the record pertains.
706.10 Fees.
706.11 Penalties.
706.12 Special procedures: information furnished by other agencies.
706.13 Exemptions.

AUTHORITY: Pub. L. 93-579; 5 U.S.C. 552a.

§ 706.1 Purpose and scope.

(a) The purpose of this part is to set forth rules to inform the public regarding information maintained by the Commission on Civil Rights about identifiable individuals and to inform those individuals how they may gain access to and correct or amend information about themselves.

(b) The rules in this part carry out the requirements of the Privacy Act of 1974 (Pub. L. 93-579) and in particular 5 U.S.C. 552a as added by that Act.

(c) The rules in this part apply only to records disclosed or requested under the Privacy Act of 1974, and not to requests for information made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

§ 706.2 Definitions.

For the purpose of this regulation:

(a) The terms "Commission" and "agency" mean the U.S. Commission on Civil Rights;

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(e) The term "system record" means a group of any records under the control of the Commission from which information may be retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to that individual;

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in section 8 of title 13; and

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) For purposes of these Rules, a "confidential source" means a source who furnished information to the Government under an express promise that the identity of the source would remain confidential, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

§ 706.3 Procedures for requests pertaining to individual records in a system of records.

(a) An individual seeking notification of whether a system of records contains a record pertaining to him or her or an individual seeking access to information or records pertaining to him or her which is available under the Privacy Act of 1974, shall present his or her request in person or in writing to the General Counsel of the Commission.

(b) In addition to meeting the requirements set forth in § 706.4(d), the individual seeking notification or access, either in person or by mail, shall describe the nature of the records sought, the approximate dates covered by the record, and the system in which it is thought to be included, as described in the "Notices of Record Systems" published in the FEDERAL REGISTER. (Citation to be supplied upon final adoption of the rules.)

§ 706.4 Times, places, and requirements for identification of individuals making requests and identification of records requested.

(a) The General Counsel is the designated Privacy Act Officer for the Commission.

(b) An individual making a request to the General Counsel in person may do so at the Commission's headquarters office, 1121 Vermont Avenue, NW., Washington, D.C. 20425, on any business day during business hours. Persons may also appear for purposes of identification only at any of the regional offices of the Commission on any business day during business hours. Regional offices are located as follows:

Central States Regional Office, U.S. Commission on Civil Rights, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374-5253 or 374-2454 (8:00-5:00).

Mid-Atlantic Regional Office, U.S. Commission on Civil Rights, 2120 L Street, N.W., (Room 510), Washington, D.C. 20037, (202) 254-6717 or 254-6670 (8:45-5:30).

Midwestern Regional Office, U.S. Commission on Civil Rights, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371 or 353-7479 (8:45-5:30).

Mountain States Regional Office, U.S. Commission on Civil Rights, Ross Building (Room 216), 1726 Champa Street, Denver, Colorado 80202, (303) 837-2211 or 837-2485 (8:00-4:30).

Northeastern Regional Office, U.S. Commission on Civil Rights, 26 Federal Plaza (Room 1639), New York, New York 10007, (212) 264-0400 or 264-0543 (9:00-5:30).

Southern Regional Office, U.S. Commission on Civil Rights, Citizens Trust Bank Bldg. (Room 362), 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 526-4391 or 526-4344 (9:00-5:30).

Southwestern Regional Office, U.S. Commission on Civil Rights, New Moore Building (Room 249), 106 Broadway, San Antonio, Texas 78205, (512) 225-4764 or 225-4810 (8:45-5:30).

Western Regional Office, U.S. Commission on Civil Rights, 312 North Spring Street (Room 1015), Los Angeles, California 90012, (213) 688-3437 or 688-5705 (8:30-5:00).

(c) An individual seeking access to records in person may establish his or her identity by the presentation of one document bearing a photograph (such as a driver's license, passport, or identification card or badge) or by the presentation of two items of identification which do not bear a photograph, but do bear both a name and address (such as a credit card). When identification is made without photographic identification the Commission will request a signature comparison to the signature appearing on the items offered for identification, whenever possible and practical.

(d) An individual seeking access to records by mail shall establish his or her identity by a signature, address, date of birth, and one other identifier, such as a driver's license or other document. The words "PRIVACY ACT REQUEST" should be placed in capital letters on the face of the envelope in order to facilitate requests by mail.

(e) An individual seeking access in person or by mail who cannot provide the required documentation of identification may provide a notarized statement, swearing or affirming to his or her identity and to the fact that he or she understands that there are criminal penalties for the making of false statements.

(f) The parent or guardian of a minor or a person judicially determined to be incompetent, in addition to establishing the identity of the minor or incompetent person he or she represents as required by paragraphs (a) through (c) of this section, shall establish his or her own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or court order establishing guardianship.

(g) An individual seeking to review information about himself or herself may be accompanied by another person of his or her own choosing. In all such cases, the individual seeking access shall be required to furnish a written statement authorizing the discussion of his or her record in the presence of the accompanying person.

§ 706.5 Disclosure of requested information to individuals.

The General Counsel, or one or more assistants designated by him or her, upon receiving a request for notification of the existence of a record, or for access to a record shall (a) determine whether such record exists; (b) determine whether access is available under the Privacy Act; (c) notify the requesting person of those determinations within 10 (ten) working days (excluding Saturdays, Sundays, and legal public holidays); and (d) provide access to information pertaining to that person which has been determined to be available.

§ 706.6 Request for correction or amendment to record.

(a) Any individual who has reviewed a record pertaining to him or her that was furnished to him or her under this part may request the agency to correct or amend all or part of that record.

(b) Each individual requesting a correction or amendment shall send the request to the General Counsel.

(c) Each request for a correction or amendment of a record shall contain the following information:

(1) The name of the individual requesting the correction or amendment.

(2) The name of the system of records in which the record sought to be amended is maintained.

(3) The location of the record system from which the record was obtained.

(4) A copy of the record sought to be amended or a description of that record.

(5) A statement of the material in the record that should be corrected or amended.

(6) A statement of the specific wording of the correction or amendment sought.

(7) A statement of the basis for the requested correction or amendment including any material that the individual can furnish to substantiate the reasons for the amendment sought.

§ 706.7 Agency review of request for correction or amendment of the record.

Within ten (10) working days (excluding Saturdays, Sundays and legal public holidays) of the receipt of the request for the correction or amendment of a record, the General Counsel shall acknowledge receipt of the request and inform the individual that his or her request has been received and inform the individual whether further information is required before the correction or amendment can be considered. Further, the General Counsel shall promptly, and, under normal circumstances, not later than thirty (30) working days after receipt of the request, make the requested correction or amendment or notify the individual of his or her refusal to do so, including in the notification the reasons for the refusal, and the procedures established by the Commission by which the individual may initiate a review of that refusal.

§ 706.8 Appeal of an initial adverse agency determination.

(a) Any individual whose request for access or for a correction or amendment which has been denied, in whole or in part, by the General Counsel may appeal that decision to the Staff Director of the Commission, 1121 Vermont Avenue, NW., Room 800, Washington, D.C. 20425, or to a designee of the Staff Director.

(b) The appeal shall be in writing and shall:

(1) Name the individual making the appeal;

(2) Identify the record sought to be amended or corrected;

(3) Name the record system in which that record is contained;

(4) Contain a short statement describing the amendment or correction sought; and

(5) State the name of the person who initially denied the correction or amendment.

(c) Not later than thirty (30) working days (excluding Saturdays, Sundays, and legal public holidays) after the date on which the agency received the appeal, the Staff Director shall complete his or her review of the appeal and make a final decision thereon, unless, for good cause shown, the Staff Director extends the appeal period beyond the initial thirty (30) day appeal period. In the event of such an extension the Staff Director shall promptly notify the individual making the appeal that the period for a final decision has been extended.

(d) After review of an appeal request, the Staff Director will send a written notice to the requester containing the following information:

(1) The decision, and if the denial is upheld, the reasons for the decision;

(2) The right of the requester to institute a civil action in a Federal District Court for judicial review of the decision, if the appeal is denied; and

(3) The right of the requester to file with the Commission a concise statement setting forth the reasons for his or her disagreement with the Commission's decision denying the request. The Commission shall make this statement available to any person to whom the record is later disclosed, together with a brief statement, if the Commission considers it appropriate, of the agency's reasons for denying the requested correction or amendment.

§ 706.9 Disclosure of records to a person other than the individual to whom the record pertains.

(a) Any individual who desires to have his or her record disclosed to or mailed to a third person may authorize that person to act as his or her agent for that specific purpose. The authorization shall be in writing, signed by the individual, and notarized. The agent shall also submit proof of his or her own identity as provided in § 706.4.

(b) The parent of any minor individual or the legal guardian of any individual who has been declared by a court to be incompetent, due to physical or mental incapacity, may act on behalf of that individual in any matter covered by this part. A parent or guardian who desires to act on behalf of such an individual shall present suitable evidence of parentage or guardianship, by birth certificate, copy of a court order or similar documents, and proof of the individual's identity as provided in § 706.4.

(c) An individual to whom a record is to be disclosed, in person, pursuant to this part may have a person of his or her own choosing accompany the individual when the record is disclosed.

§ 706.10 Fees.

If an individual requests copies of his or her records the charge shall be three (3) cents per page, provided, however, that the Commission shall not charge for copies furnished to an individual as a necessary part of the process of disclosing the record to an individual. Fees may be waived or reduced in accordance with § 704.1(e) of the Commission's regulations (45 CFR 704) because of indigency, where the cost is nominal, when it is in the public interest not to charge, or when waiver would not constitute an unreasonable expense to the Commission.

§ 706.11 Penalties.

Any person who makes a false statement in connection with any request for a record, or in any request for an amendment to a record under this part, is subject to the penalties prescribed in 18 U.S.C. 494 and 495.

§ 706.12 Special procedures: information furnished by other agencies.

When records or information sought from the Commission include information furnished by other Federal agencies, the General Counsel shall consult with the appropriate agency prior to making a decision to disclose or to refuse to disclose the record, but the decision whether or not to disclose the record shall be made by the General Counsel.

§ 706.13 Exemptions.

(a) Under the provision of 5 U.S.C. 552a(k), it has been determined by the agency that the following exemptions are necessary and proper and may be asserted by the agency:

(1) *Exemption (k)(2) of the Act.* Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of the Privacy Act: Provided, however, That if any individual is denied any right, privilege, or benefit that he or she would otherwise be eligible for, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identify of a source who

furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(2) *Exemption (k)(4) of the Act.* Statistical personnel records that are used only to generate aggregate data or for other evaluative or analytical purposes and which are not used to make decisions on the rights, benefits, or entitlements of individuals.

(3) *Exemption (k)(5) of the Act.* Investigatory material maintained solely for the purposes of determining an individual's qualifications, eligibility, or suitability for employment in the Federal civilian service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of the source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(4) Testing or examination material used solely to determine individual qualifications for promotion or appointment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(b) Following are Commission systems of records which are partially exempt under 5 U.S.C. 552a(k) (2), (4), (5), and (6) and the reasons for such exemptions:

(1) *Appeals, Grievances and Complaints (staff)—Commission Project, CRC-001.* Exempt partially under 5 U.S.C. 552a(k)(2)—The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

(2) *Complaints, CRC-003—Exempt partially under 5 U.S.C. 552a(k)(2).* The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

(3) *Commission projects, CRC-004—Partially exempt under 5 U.S.C. 552a(k)(a).* The reasons for asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

(iv) *Other Employee Programs: EEO, Troubled Employee, and Upward Mobility, CRC-006—Partially exempt under 5 U.S.C. 552a(k) (4), (5), and (6).* The reasons for asserting the exemptions are to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, to avoid endangering these sources and, primarily, to facilitate proper selection or continuance of the best applicants or persons for a given position.

(v) *State Advisory Committees Projects, CRC-009—Partially exempt under 5 U.S.C. 552a(k)(2).* The reasons for possibly asserting the exemptions are to prevent subjects of investigation from frustrating the investigatory process, to prevent disclosure of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

[FR Doc.75-26422 Filed 9-30-75;9:33 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 39]

PART 10—MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

Establishment of Part

In the August 14, 1975, issue of the FEDERAL REGISTER (40 FR 34142), the Department of Transportation published a notice of proposed rule making (OST Docket No. 39; Notice No. 75-6) that would implement the Privacy Act of 1974 (Pub. L. 93-579) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records and correction of records. On September 18, 1975, the Department published in the FEDERAL REGISTER (40 FR 43037) a supplemental notice of proposed rule making which revised the proposed rules and identified the systems of records which the Department proposed to exempt from certain provisions of the Privacy Act, in accordance with sections 3 (j)(2) and (k) of the Act (Pub. L. 93-579; 5 U.S.C. 552a (j)(2) and (k)). No comments on the proposals were received.

The following changes in the regulations are made as a result of internal comments:

1. Section 10.33(b) provides for release of records containing medical information through a physician designated by the individual when release directly to the individual to whom the record pertains may, "in the judgment of the cognizant medical office and with the concurrence of the General Counsel, have an adverse effect on the health or well-being of the individual * * *." Since some elements of the Department do not have medical offices, the regulation has been changed to require the judgment of "the cognizant medical office or a medical doctor."

2. Section 10.61, *General exemptions,* has been revised to allow the Assistant Secretary for Administration, with regard to the Investigations Division, to exempt investigatory materials which qualify under section 3(j)(2) of the Act. This section has also been revised to permit exemption of those portions of a system of records which consist of (1) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (2) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (3) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision. Those portions of such systems not consisting of such records are not exempt from the provisions of the Act.

3. In section 10.75(e), the fees for duplicate data tapes were incorrect as published; these have been corrected.

Accordingly with these changes, the proposed regulations are adopted as set forth below.

Effective date: These regulations are effective September 29, 1975.

Issued in Washington, D.C., on September 26, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

Subpart A—Applicability and Policy

Sec.
10.1 Applicability.
10.3 Policy.
10.5 Definitions.

Subpart B—General

10.11 Administration of part.
10.13 Protection of records.

Subpart C—Maintenance of Records

10.21 General.
10.23 Accounting of disclosures.
10.25 Mailing lists.
10.27 Government contractors.
10.29 Social Security numbers.

Subpart D—Availability of Records

10.31 Requests for records.
10.33 Conditions of disclosure.
10.35 Identification of individual making request.
10.37 Location of records.

Subpart E—Correction of Records

10.41 Requests for correction of records.
10.43 Time limits.
10.45 Statement of disagreement.

Subpart F—Procedures for Reconsidering Decisions Not To Disclose or Amend Records

10.51 General.

Subpart G—Exemptions

10.61 General exemptions.
10.63 Specific exemptions.

Subpart H—Fees

10.71 General.
10.73 Payment of fees.
10.75 Fee schedule.
10.77 Services performed without charge.

Subpart I—Criminal Penalties

10.81 Improper disclosure.
10.83 Improper maintenance of records.
10.85 Wrongfully obtaining records.

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Subpart A—Applicability and Policy

§ 10.1 Applicability.

(a) This part implements section 552a of Title 5, United States Code (the Privacy Act) and prescribes rules governing the availability of those records of the Department of Transportation which relate to citizens of the United States and aliens lawfully admitted for permanent residence.

(b) Appendices A through H to this part:

(1) Describe the places and times at which records will be available for inspection and copying;

(2) Indicate the systems of records located at each facility;

(3) Identify the officials having authority to deny requests for disclosure of records under this part.

(4) Describe the procedures to be followed in requesting correction of a record in accordance with §10.41 of this part.

(5) List additional personal identification requirements in accordance with § 10.35 of this part.

(c) The Assistant Secretary for Administration may amend Appendix A to this part to reflect any changes in the items covered by that appendix. The head of the operating administration concerned may amend the appendix applicable to that administration to reflect any changes in the items covered by that appendix.

(d) Appendix I to this part identifies systems of records which are exempt from some of the requirements of this part, in accordance with Subpart G and 5 U.S.C. 552 (a), (j) and (k). Appendix I may be amended by the General Counsel upon the request of the Assistant Secretary for Administration in the case of a system of records maintained by the Office of the Secretary or the Administrator in the case of a system of records maintained by an operating administration.

§ 10.3 Policy.

It is the policy of the Department of Transportation to comply with the letter and the spirit of the Privacy Act (the Act). Therefore, personal data contained in each system of records will be afforded adequate protection against unauthorized access, will be as accurate as is feasible, and will be limited to that necessary to accomplish the stated use or uses of the system. Further, no system of records will be exempted from the requirements of the Act unless it is determined that to do so is in the best interest of the government with due concern for individual rights.

§ 10.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

"Administrator" means the head of an operating administration and includes the Commandant of the Coast Guard and the Director of the Materials Transportation Bureau.

"Department" means the Department of Transportation, including the Office of the Secretary and the following operating administrations:

(a) The United States Coast Guard.

(b) The Federal Aviation Administration.

(c) The Federal Highway Administration.

(d) The Federal Railroad Administration.

(e) The National Highway Traffic Safety Administration.

(f) The Urban Mass Transportation Administration.

(g) The St. Lawrence Seaway Development Corporation.

(h) The Materials Transportation Bureau.

"He" includes she.

"Includes" means "includes but is not limited to."

"May" is used in a permissive sense to state authority or permission to do the act prescribed.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

"Individual" means a citizen of the United States or an alien lawfully admitted;

"Maintain" includes maintain, collect, use, or disseminate;

"Record" means any item, collection, or grouping of information about an individual that is maintained by the Department including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or an identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

"System of records" means a group of any records under the control of the Department from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13; and

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

Subpart B—General

§ 10.11 Administration of part.

Except as provided in Subpart F of this part, authority to administer this part in connection with the records of the Office of the Secretary is delegated to the Assistant Secretary for Administration. Authority to administer this part in connection with records in each operating administration is delegated to the head of that administration. The head of any operating administration may redelegate to officers of that administration the authority to administer this part in connection with defined systems of records. The head of an operating administration, however, may redelegate his duties under Subparts F and G of this part only to his deputy and to not more than one other officer who reports directly to the head and who is located at the headquarters of that administration or at the same location as the majority of that administration's systems of records.

§ 10.13 Protection of records.

(a) No person may, without permission, remove any record made available to him for inspection or copying under this part from the place where it is made available. In addition, no person may steal, alter, mutilate, obliterate, or destroy, in whole or in part, such a record.

(b) Section 641 of Title 18 of the United States Code provides, in pertinent part, as follows:

> Whoever * * * steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record * * * or thing of value of the United States or of any department or agency thereof * * * shall be fined not more than $10,000 or imprisoned not more than 10 years or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than one year or both * * *.

(c) Section 2071 of Title 18 of the United States Code provides, in pertinent part, as follows:

> Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited * * * in any public office, or with any * * * public officer of the United States, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both.

Subpart C—Maintenance of Records

§ 10.21 General.

Except to the extent that a system of records is exempt in accordance with Subpart G of this part, the Department shall, with respect to each system of records:

(a) Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the Department required to be accomplished by statute or by executive order of the President;

(b) Collect information to the greatest extent practicable directly from the subject individual when the information

may result in adverse determinations about an individual's rights, benefits, or privileges under Federal programs;

(c) Inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual of:

(1) The authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses, as published pursuant to (d)(4) of this subsection, which may be made of the information; and

(4) The effects, if any, on the individual of not providing all or any part of the requested information;

(d) Publish in the FEDERAL REGISTER at least annually a notice of the existence and character of the system of records, which notice shall include:

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and the purpose of such use;

(5) The policies and practices regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the official who is responsible for the system of records;

(7) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(8) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(9) The categories of sources of records in the system;

(e) Maintain all records which are used in making any determination about any individual with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(f) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to section 10.33(a)(2), make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for the Department's purposes;

(g) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless—

(1) Expressly authorized by the General Counsel; and

(2) Expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

(h) Make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record.

§ 10.23 Accounting of disclosures.

Each operating administration and the Office of the Secretary, with respect to each system of records under its control, shall:

(a) Except for disclosures made under § 10.33(a)(1) or (2) of this part, keep an accurate accounting of:

(1) The date, nature, and purpose of each disclosure of a record to any person or to another agency made under § 10.33; and

(2) the name and address of the person or agency to whom the disclosure is made;

(b) Retain the accounting made under paragraph (a) of this section for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(c) Except for disclosures made under § 10.33(a)(7) of this part, make the accounting made under paragraph (a)(1) of this section available to the individual named in the record at his request; and

(d) Inform any person or other agency about any correction or notation of dispute made by the agency in accordance with § 10.45 of any record that has been disclosed to the person or agency if an accounting of the disclosure was made.

§ 10.25 Mailing lists.

An individual's name and address shall not be sold or rented unless such action is specifically authorized by law. This provision shall not be construed to require the withholding of names and addresses otherwise permitted to be made public.

§ 10.27 Government contractors.

When the Department provides by a contract for the operation by or on behalf of the Department of a system of records to accomplish a function of the Department, the requirements of this part shall be applied to such system. For purposes of Subpart I, *Criminal Penalties*, any such contractor and any employee of the contractor, if the contract is agreed to on or after the effective date of this part, shall be considered, in accordance with section 3(m) of the Privacy Act, to be an employee of the Department.

§ 10.29 Social Security numbers.

(a) No individual shall be denied any right, benefit, or privilege provided by law because of such individual's refusal to disclose his Social Security account number.

(b) The provisions of paragraph (a) of this section shall not apply with respect to:

(1) Any disclosure which is required by Federal statute; or

(2) The disclosure of a Social Security number when such disclosure was required under statute or regulation adopted prior to January 1, 1975, to verify the identity of an individual.

(c) When an individual is requested to disclose his Social Security account number, that individual shall be informed whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, what uses will be made of it, and what detriments, including delay in the location of records, will be incurred if the number is not provided.

Subpart D—Availability of Records

§ 10.31 Requests for records.

(a) Ordinarily, each person desiring to determine whether a record pertaining to him is contained in a system of records covered by this part or desiring access to a record covered by this part, or to obtain a copy of such a record, shall make his request in writing as provided in the pertinent appendix to this part. In exceptional cases oral requests will be accepted.

(b) Each request shall specify the name of the requesting individual and the system of records in which the subject record is located or thought to be located.

§ 10.33 Conditions of disclosure.

(a) No record which is contained within a system of records within the Department shall be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:

(1) To those officers and employees of the Department who have a need for the record in the performance of their duties;

(2) Required under Part 7 of this title which implements the Freedom of Information Act;

(3) For a routine use as defined in §10.5 and described pursuant to § 10.21 (d)(4);

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, United States Code;

(5) To a recipient who has provided the Department with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal

law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of the Congress, or, to the extent of matters within its jurisdiction, any committee or subcommittee thereof, any joint committee of the Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(b) Any individual requesting access to his record or to any information pertaining to him which is contained within a system of records within the Department shall have access to that record or information unless the system of records within which the record or information is contained is exempted from disclosure in accordance with Subpart G, provided, however, that nothing in this part shall be deemed to require that an individual be given access to any information compiled in reasonable anticipation of a civil action or proceeding. No exemption contained in Subpart G of Part 7 of the Regulations of the Office of the Secretary shall be relied upon to withhold from an individual any record which is otherwise accessible to such individual under the provisions of this part. Any individual who is given access to a record or information pertaining to him shall be permitted to have a person of his own choosing accompany him and to have a copy made of all or any portion of the record or information in a form comprehensible to him. When deemed appropriate, the individual may be required to furnish a written statement authorizing discussion of his record in the accompanying person's presence. If the release of a record containing medical information (including psychological information furnished by a physician) directly to the individual to whom the record pertains may, in the judgment of the cognizant medical office or a medical doctor and with the concurrence of the General Counsel, have an adverse effect on the health or well-being of the individual, the record will be released to the individual only through a physician designated by the individual and upon a written request by that physician for that record.

(c) Any person requesting access to records or to any information pertaining to other individuals shall not be granted such access unless he can show that he has obtained permission for such access from the individual to whom the record pertains, unless the request comes within one of the exceptions of § 10.33(a).

§ 10.35 Identification of individual making request.

No record or information contained in a system of records shall be disclosed to an individual nor shall any correction of a record in accordance with Subpart E be made at the request of an individual unless that individual demonstrates that he is who he claims to be. Normally, identity can be proven for individuals who appear in person by the presentation of an identifying document issued by recognized organization (e.g., a driver's license or a credit card) and which contains a means of verification such as a photograph or a signature. For requests by mail, the unique identifier used in the system should be included if known. Responses to mail requests will normally be sent only to the name and address listed in the system of records. In the case of particularly sensitive records, additional identification requirements may be imposed. In such cases, these additional requirements shall be listed in the public notice for the system and in the appropriate appendix to this part.

§ 10.37 Location of records.

Each record made available under this subpart is available for inspection and copying during regular working hours at the place where it is located or, upon reasonable notice, at the document inspection facilities of the Office of the Secretary or each administration as set forth in the appendix applicable to that office or administration. Original records may be copied but may not be released from custody. Upon payment of the appropriate fee, copies will be mailed to the requester.

Subpart E—Correction of Records

§ 10.41 Requests for correction of records.

Any person who desires to have a record pertaining to him corrected shall submit a written request detailing the correction and the reasons the record should be so corrected. Requests for correction of records shall be submitted in accordance with the procedures set forth in Appendices A through H to this part.

§ 10.43 Time limits.

Within ten days (excluding Saturday, Sunday, and legal holidays) of the receipt in accordance with § 10.41 of a request by an individual to amend a record pertaining to him, the receipt of the request shall be acknowledged in writing. If a determination is made to correct the record as requested, the correction shall be promptly made. If a determination is made not to correct a record the individual shall be informed promptly of his right to appeal in accordance with Subpart F. If an appeal of a refusal to correct a record is in accordance with Subpart F, a determination whether to correct the record shall be made within thirty days (excluding Saturday, Sunday and legal holidays) of the receipt of the appeal unless, for good cause shown, the head of the operating administration concerned, or in the case of the Office of the Secretary, the General Counsel, extends such period.

§ 10.45 Statement of disagreement.

If a determination is made not to amend a record, the requester shall be informed that he may file a concise statement setting forth the reasons for his disagreement with the refusal to amend. In any disclosure containing information about which an individual has filed such a statement of disagreement, the portions of the record which are disputed shall be noted clearly and copies of the statement of disagreement shall be provided. If the head of the operating administration concerned or his delegee, or in the case of the Office of the Secretary, the General Counsel or his delegee, deems it appropriate, copies of a concise statement of the reasons for not making the amendments requested may be provided along with the statement of disagreement.

Subpart F—Procedures for Reconsidering Decisions Not To Grant Access to or Amend Records

§ 10.51 General.

(a) Each officer or employee of the Department who, upon a request by a member of the public for a record under this part, makes a determination that access is not to be granted or who determines not to amend a record in a requested manner, shall give a written statement of the reasons for that determination to the person making the request and indicate the name and title or position of each person responsible for the denial of such request and the procedure for appeal within the Department.

(b) Any person:

(1) Who has been given a determination pursuant to paragraph (a) of this section, that access will not be granted; or

(2) Who has been informed that an amendment to a requested record will not be made;

may apply to the head of the operating administration concerned, or in the case of the Office of the Secretary, to the General Counsel of the Department, for reconsideration of the request. A determination that access will not be granted or a record amended is not administratively final for the purposes of judicial review unless it was made by the head of the operating administration concerned or his delegee, or the General Counsel or his delegee, as the case may be. Upon a determination that an appeal will be denied, the requester shall be informed in writing of the reasons for the determination, and the names and titles or positions of each person responsible for the determination, and that the determination may be appealed to the District Court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the records are located, or in the District of Columbia.

(c) Each application for reconsideration must be made in writing within

sixty days from the date of receipt of the initial denial and must include all information and arguments relied upon by the person making the request.

(d) Upon a determination that a request for the correction of a record will be denied, the requester shall be informed that he may file a concise statement in accordance with § 10.45.

(e) Each application for reconsideration must indicate that it is an appeal from a denial of a request made under the Privacy Act. The envelope in which the application is sent should be marked prominently with the words "Privacy Act". If these requirements are not met, the time limits described in § 10.43 will not begin to run until the application has been identified by an employee of the Department as an application under the Privacy Act and has been received by the appropriate office.

(f) The head of the operating administration concerned, or the General Counsel, as the case may be, may require the person making the request to furnish additional information, or proof of factual allegations, and may order other proceedings appropriate in the circumstances. The decision of the head of the operating administration concerned, or the General Counsel, as the case may be, as to the availability of the record or whether to amend the record is administratively final.

(g) The decision by the head of the operating administration concerned, or the General Counsel, as the case may be, not to disclose a record under this part is considered a determination for the purposes of section 552a(3)(g) of Title 5, United States Code.

(h) Any final decision by the head of an operating administration on his delegee identified in Appendices B through H of this part, not to grant access to or amend a record under this part, is subject to concurrence by the General Counsel or his delegee.

Subpart G—Exemptions

§ 10.61 General exemptions.

(a) The Assistant Secretary for Administration, with regard to the Investigations Division, the Federal Aviation Administration, with regard to the police functions of the National Capital Airport Police, and the Federal Railroad Administration, with regard to the Alaska Railroad Special Agents, may exempt any system of records, or portion thereof, which it maintains from any part of the Act and this part, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6) (7), (9), (10), and (11), and (i) of the Act and implementing §§ 10.33; 10.23 (a) and (b); 10.21(d) (1) through (6); 10.21(f); 10.81; 10.83; and 10.85 of this part which consists wholly of:

(1) Information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status;

(2) Information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

(b) The requirements (including general notice) of sections 553 (b), (1), (2) and (3), and (c) and (e) of title 5, United States Code, will be met by publication in Appendix I to this part, which must, at a minimum, specify:

(1) The name of the system; and

(2) The specific provisions of the Act from which the system is to be exempted and the reasons therefor.

(c) Any decision to exempt a system of records under this section is subject to concurrence by the General Counsel.

(d) Any person may petition the Secretary in accordance with the provisions of Part 5 of this Title, to institute a rulemaking proceeding for the amendment or repeal of any exemptions established under this section.

§ 10.63 Specific exemptions.

The Secretary or his delegee, in the case of the Office of the Secretary, or the Administrator or his delegee, in the case of an operating administration, may exempt any system of records which is maintained by the Office of the Secretary or the administration, as the case may be, from subsections (c)(3), (d), (e) (1) and (4) (G), (H), and (I), and (f) of the Act and implementing §§ 10.23 (c); 10.33(b); 10.41; 10.43; 10.45; 10.21 (a) and 10.21(d) (6), (7) and (8) of this part, under the following conditions:

(a) The system of records must consist of:

(1) Records subject to the provisions of section 552(b)(1) of Title 5, United States Code;

(2) Investigatory material compiled for law enforcement purposes, other than material within the scope of paragraph (a)(2) of § 10.61: *Provided, however*, That if any individual is denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such materall would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(3) Records maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 3056 of Title 18, United States Code;

(4) Records required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(b) The requirements (including general notice) of sections 553(b) (1), (2) and (3), and (c) and (e) of title 5, United States Code, will be met by publication in Appendix I to this part, which must, at a minimum, specify:

(1) The name of the system; and

(2) The specific provisions of the Act from which the system is to be exempted and the reasons therefor.

(c) Any decision to exempt a system of records under this section is subject to the concurrence of the General Counsel

(d) Any person may petition the Secretary in accordance with the provisions of 49 CFR Part 5, to institute a rule making for the amendment or repeal of any exemptions established under this section.

Subpart H—Fees

§ 10.71 General.

This subpart prescribes fees for services performed for the public under this part by the Department.

§ 10.73 Payment of fees.

The fees prescribed in this subpart may be paid by check, draft, or postal money order payable to the Treasury of the United States.

§ 10.75 Fee schedule.

(a) Copies of documents by photocopy or similar method:

Each page not larger than 11 x 17 inches:	
First page	.25
Each additional page	.05
(b) Copies of documents by typewriter:	
Each page	2.00
(c) Certified copies of documents:	
(1) With Department of Transportation seal	3.00
(2) True copy, without seal	1.00

(d) Photographs:

(1) Black and white print (from negative)	1.25
(2) Black and white print (from print)	3.15
(3) Color print (from negative)	3.50
(4) Color print (from print)	6.25
(e) Duplicate data tapes—each real of tape or fraction thereof	36.00

The applicant must furnish the necessary number of blank magnetic tapes. The tapes must be compatible for use in the supplier's computer system, ½ inch wide and 2,400 feet long, and must be capable of recording data at a density of 556 or 800 characters per inch. Unless otherwise designated, the tapes will be recorded at 556 CPI density. The Department of Transportation is not responsible for damaged tape. However, if the applicant furnishes a replacement for a damaged tape, the duplication process is completed at no additional charge.

(f) Microreproduction fees are as follows:

(1) Microfilm copies, each 100 foot roll or less	3.75
(2) Microfiche copies, each standard size sheet (4" x 6" containing up to 65 frames)	.15
(g) Computerline printer output, each 1,000 lines or fraction thereof	1.00

§ 10.77 Services performed without charge.

(a) No fee is charged for time spent in searching for records or reviewing or preparing correspondence related to records subject to this part.

(b) No fee is charged for documents furnished in response to:

(1) A request from an employee or former employee of the Department for copies of personnel records of the employee;

(2) A request from a Member of Congress for his official use;

(3) A request from a State, territory, U.S. possession, county or municipal government, or an agency thereof;

(4) A request from a court that will serve as a substitute for the personal court appearance of an officer or employee of the Department;

(5) A request from a foreign government or an agency thereof, or an international organization.

(c) Documents will be furnished without charge or at a reduced charge, if the Assistant Secretary of Administration or the head of the operating administration concerned, as the case may be, determines that waiver or reduction of the fee is in the public interest, because furnishing the information can be considered as primarily benefiting the general public.

(d) When records are maintained in computer-readable form rather than human-readable form, one printed copy will be made available without charge.

Subpart I—Criminal Penalties

§ 10.81 Improper disclosure.

Any officer or employee of the Department who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this part and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000 in accordance with section 3(i)1 of the Privacy Act.

§ 10.83 Improper maintenance of records.

Any officer or employee of the Department who willfully maintains a system of records without meeting the notice requirements of § 10.21(d) of this part shall be guilty of a misdemeanor and fined not more than $5,000 in accordance with section 3(i)2 of the Privacy Act.

§ 10.85 Wrongfully obtaining records.

Any person who knowingly and willfully requests or obtains any record concerning an individual from the Department under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000 in accordance with section 3(i)3 of the Act.

I. *General exemptions.*

Those portions of the following systems of records that consist of (a) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (c) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision, are exempt from all parts of 5 U.S.C. 552(a) except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i):

A. The Investigations Record System maintained by the Investigations Division, Office of Investigatons and Security, Office of the Secretary.

B. Police Warrant Files and Central Files maintained by the Police Branches, Washington National and Dulles International Airports, Federal Aviation Administration.

The purpose of these exemptions is to prevent the compromise or impairment of criminal investigations conducted by the Office of Investigations and Security and the Airport Police Branches.

II. *Specific exemptions.*

A. The following systems of records are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4) (G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

1. Investigative Record System maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions; the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, FAA Headquarters, Washington, D.C.

2. FHWA Investigations Case File System, maintained by the Office of Program Review and Investigations, Federal Highway Administration.

3. FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases, maintained by the Bureau of Motor Carrier Safety, Federal Highway Administration.

The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions.

B. The following systems of records are exempt from subsections (c)(3) (Accounting of Certain Disclosures), and (d) (Access to Records) of 5 U.S.C. 552a:

1. Personnel Security Records System maintained by the Office of Investigations and Security, Office of the Secretary.

2. Alaska Railroad Security and Freight Claims Investigatory Files maintained by the Alaska Railroad, Federal Railroad Administration.

The purpose of these exemptions is to prevent the compromise or impairment of law enforcement investigations by alerting individuals that they are the subject of investigation, and to prevent the disclosure of the identity of sources of information promised confidentiality.

C. The system of records known as the Alaska Railroad Examination of Operating Personnel, maintained by the Alaska Railroad, Federal Railroad Administration, is exempt from the provisions of subsection (d) of 5 U.S.C. 552a. The release of these records would compromise their value as impartial measurement standards for appointment and promotion within the Federal Service.

[FR Doc.75-26397 Filed 9-29-75;4:32 pm]

Title 49—Transportation

CHAPTER IX—UNITED STATES RAILWAY ASSOCIATION

PART 932—USRA RULES FOR ACCESS TO SYSTEMS OF RECORDS UNDER THE PRIVACY ACT OF 1974

Privacy Act of 1974; Implementation

The following Regulations, drafted in accordance with section F of The Privacy Act of 1974, were offered for public comment by publication in the FEDERAL REGISTER on August 28, 1975. No comments were submitted and the Regulations are hereby adopted as revised herein.

Sec.

932.1	Purpose and scope.
932.2	Definitions.
932.3	Conditions of disclosure.
932.4	Accounting of disclosures.
932.5	Requests for access.
932.6	Procedure for access.
932.7	Disclosure.
932.8	Request for correction or amendment.
932.9	Procedure for correction or amendment.
932.10	Request for review of refusal to correct or amend.

Sec.
932.11 Disclosure to another person.
932.12 Exemptions.
932.13 Fees.
932.14 Penalties.

AUTHORITY: Pub. L. 93-579; 88 Stat. 1896; 5 U.S.C. 552a.

§ 932.1 Purpose and scope.

The purpose of this part is to implement provisions of 5 U.S.C. 552a with respect to the availability of records relating to individuals maintained in a system of records by the United States Railway Association, whether the records predate or postdate September 27, 1975, the effective date set forth in section 8 of the Privacy Act of 1974 (Act). USRA policy encompasses the safeguarding of individual privacy from any misuse of records maintained by the Association and the provision of access to such records by the individuals identified therein, except where such access is in conflict with the Freedom of Information Act or other statute.

§ 932.2 Definitions.

In this part:

(a) Access means the ability to obtain the information contained in a record.

(b) Amendment means modification or correction of the information contained in a record.

(c) Association means the United States Railway Association.

(d) Disclosure means providing to an individual or agency (other than those authorized access as a routine use) the content or any part of the information contained in a record, whether by word-of-mouth, hard copy, or any other form.

(e) Individuals means all persons on whom the Association keeps records, including its employees, consultants, employees of consultants, employees of railroads in reorganization, and any other individuals on whom USRA maintains information.

(f) Record means any item, collection, or grouping of information about an individual that is maintained in a system of records by USRA and that contains his name, or identifying number, symbol, or other identifying particular assigned to the individual.

(g) Routine Use means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) Statistical Record means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of Title 13.

(i) System of Records means a group of records under the control of USRA from which information is retrievable by the name of the individual, or by some identifying number, symbol, or other identifying particular assigned to the individual.

§ 932.3. Conditions of disclosure.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, USRA shall not disclose any record which is contained in a system of records, by any means of communication to any person or other agency who is not an individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, USRA may disclose any such record to any person or other agency.

(c) In the absence of a written consent from the individual to whom the record pertains, USRA may disclose any such record provided such disclosure is:

(1) To those officers and employees of USRA who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) For a routine use;

(4) To the Bureau of Census for purposes of planning for carrying out a census or survey or related activity under the provisions of Title 13 of the United States Code.

(5) To a recipient who has provided USRA with adequate advance written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity authorized by law: *Provided*, The head of the agency or instrumentality has made a prior written request to the Vice President for Administration of USRA specifying the particular record and the law enforcement activity for which it is sought;

(8) To either House of Congress, and to the extent of a matter within its jurisdiction, any committee or subcommittee or joint committee of Congress;

(9) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the GAO; or

(10) Under an order of a court of competent jurisdiction.

§ 932.4 Accounting of disclosures.

(a) The Vice President for Administration of USRA shall make an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C.A.(c) (1) and (2).

(b) Except for a disclosure made under § 932.5(c)(7), the Vice President for Administration shall make the accounting described in paragraph (a) of this section available to any individual upon written request made in accordance with § 932.5.

(c) The Vice President for Administration shall make reasonable efforts to notify an individual when any record which pertains to him is disclosed to any person under compulsory legal process when such process becomes a matter of public record.

§ 932.5 Requests for access.

Interested individuals may request that a determination be made as to whether a system of records in USRA contains a record pertaining to them and/or may request disclosure to them of the information pertaining to them in such records by sending a signed, written request, so stating, to:

United States Railway Association, Vice President for Administration, 2100 Second Street, SW., Washington, D.C. 20595.

Each request must contain the name and address of the individual and the name of the system of records, as published in the FEDERAL REGISTER or elsewhere, on which the determination is to be made. The individual may be asked to provide additional information to assist USRA in making the determination. However, making the determination will not be contingent upon the provisions of such additional information.

§ 932.6 Procedure for access.

USRA will respond to such requests within ten days, excluding Saturdays, Sundays, and holidays, and, if disclosure to the individual was requested, specify the time and place where the disclosure is to be made, the requirements for identification of the individual making the request, and the name of the individual in USRA to contact. The individual may be accompanied by another individual of his or her choosing: *Provided*, That the individual requesting the disclosure provides a written statement to USRA authorizing the accompanying individual's presence. The time and place of disclosure will normally be during regular working hours, Monday through Friday, in USRA, 2100 Second Street, SW., Washington, D.C. 20595. Requirements for identification will normally be limited to the presentation of any standard picture and signature or signature identification card, such as driver's license, so that a comparison of the signature and the signature on the original request may be made. The appearing individual will be read paragraph (3), subsection (i) to Title 5 USRA 552a which specifies the penalty for knowingly or willfully requesting or obtaining a record concerning an individual from an agency under false pretenses and asked to sign a statement attesting to the fact that he or she understands the paragraph and that he or she is, in fact, the individual who made the request (or the individual authorized to receive the disclosure by the requesting individual). This signature will be compared with the other two. If the appearing individual is other than the requesting individual, then he or she must also present a letter of introduction signed by the requesting individual so that the comparison of signature may be made.

§ 932.7 Disclosure.

USRA will, upon approving a request for disclosure, provide that individual, at the time and place agreed upon, whatever information pertaining to the individual the system of records contains. If the information in the system of records can be verified as pertaining to the individual making the request and to no other, USRA will mail a copy of such information to the individual if requested in writing to do so. The requesting individual may request that the disclosure be made to some other individual at the designated time and place by doing so in writing and providing to USRA the name, address and such other information as may be necessary to identify positively the individual to whom the disclosure is to be made at his or her appearance (See 932.4).

§ 932.8 Request for correction or amendment.

The individual to whom the record pertains may request that the record be corrected or amended by submitting a written request to this effect to the same address as given in § 923.5. The request should contain the same identifying information as was contained in the original request for determination, and indicate what information is to be corrected or amended.

§ 932.9 Procedure for correction or amendment.

USRA will respond within ten days, excluding Saturdays, Sundays, and Holidays, and promptly either make the requested correction or amendment or inform the individual of its refusal to make the requested correction or amendment, the reason for the refusal, the procedures established by USRA for the individual to request a review of that refusal by the President of USRA or an officer designated by the President of USRA and the name and business address of that official.

§ 932.10 Request for review of refusal to correct or amend.

USRA will permit the individual who disagrees with the refusal to amend his record to request a review of such refusal and not later than 30 days, excluding Saturdays, Sundays, and Holidays, from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the President of USRA extends such 30-day period; and if after his review, the reviewing official also refuses to amend the record in accordance with the request, permit the individual to file a concise statement setting forth the reasons for his disagreement. In that event, the reviewing official shall notify the individual of the provisions for judicial review of his determination under subsection (g)(1)(A) of the Privacy Act. Assistance may be obtained in preparing a request to amend a record or to appeal an initial adverse determination or to learn of the provision for judicial review from the USRA Privacy Act Coordinator, Vice President for Administration, 2100 Second Street, SW., Washington, D.C. 20595.

§ 932.11 Disclosure to another person.

Disclosure of a record to a person other than the individual to whom it pertains will be permitted according to §§ 932.6 and 932.7.

§ 932.12 Exemptions.

The regulations reserve to the President of the Association the right to create exemptions pursuant to the specific exemption provisions of the Act.

§ 932.13 Fees.

One copy of the requested information will be provided without charge. If requested, additional copies will be provided at a fee of $0.15 per page.

§ 932.14 Penalties.

Only those penalties imposed by the Privacy Act or other public law will apply.

Dated: September 26, 1975.

ALAN L. DEAN,
Acting President,
United States Railway Association.

[FR Doc.75-26277 Filed 9-26-75;5:00 pm]

RAILROAD RETIREMENT BOARD

[20 CFR Part 200]

PRIVACY ACT OF 1974

Proposed Proper Procedures Regarding Request for Medical Records

The Railroad Retirement Board proposes to amend § 200.4 of Part 200 of Title 20 of the Code of Federal Regulations by the insertion of paragraph (e) for purposes of implementation of the Privacy Act of 1974 (Pub. L. 93-579). This paragraph proposes the proper procedure to be followed with respect to the request for medical records maintained by the Board.

Interested persons may comment upon the proposed rules by submitting written data, views, and arguments to the Secretary of the Board, Room 814, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, not later than October 30, 1975.

Section 200.4(e) is inserted to read as follows:

§ 200.4 Protection of privacy of records maintained on individuals.

* * * * *

(e) *Special procedures—medical records.* (1) Upon receipt of a request made by an individual for access to medical records pertaining to him maintained by the Railroad Retirement Board, the system manager of the system of records containing the medical records in question shall, within ten working days following the date on which the request is received in his office, respond to such request as follows:

(i) If the system manager has received a written authorization from the physician or practitioner who supplied a particular medical record permitting the individual access to that record, the system manager shall grant the individual access to such record as provided under paragraph (d) of this section; or

(ii) If the system manager has not received a written authorization from the physician or practitioner who supplied a particular medical record permitting the individual access to that record, the system manager shall notify the individual that access to the record cannot be granted without such consent, and he shall further inform the individual of the name and address of the physician or practitioner who supplied the record.

(2) If the physician or practitioner who supplied a particular medical record should need to examine the record in order to determine whether disclosure of the record might be harmful to the individual, the system manager shall inform the individual that the physician or practitioner has requested the record and shall furnish the record or a copy thereof to the physician or practitioner.

(3) If the physician or practitioner who supplied a particular medical record is unavailable to give his authorization for access to that record, the system manager shall inform the individual who requested access that the record may be made available to a physician named by the individual for the purpose of making a determination as to whether disclosure of the record to the individual might be harmful to the individual and as to whether access to the record should be denied for that reason.

(4) Notwithstanding the provisions of subparagraphs (1), (2), and (3) of this paragraph and of paragraph (d) of this section, if a determination made with respect to an individual's claim for benefits under the Railroad Retirement Act or the Railroad Unemployment Insurance Act is based in whole or in part on medical records, disclosure of or access to such medical records shall be granted to such individual when such records are requested for the purpose of contesting such determination either administratively or judicially.

(5) The procedures for access to medical records set forth in this paragraph shall not apply with respect to requests for access to an individual's disability decision sheet or similar adjudicatory documents, access to which is governed solely by paragraph (d) of this section.

By authority of the Board.

Dated: September 25, 1975.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.75-26355 Filed 9-29-75;12:07 pm]

U.S. RAILROAD RETIREMENT BOARD

PRIVACY ACT OF 1975

Addendum and Correction to Systems of Records and Routine Uses

The U.S. Railroad Retirement Board hereby publishes an addendum to its notice of systems of records and their respective routine uses, originally published in the Federal Register on August 19, 1975, for public comment pursuant to the provisions of section (e)(4) of the Privacy Act of 1974. Also published below is a correction to the Routine Uses section of RRB—5, Master File of Railroad Employees' Creditable Compensation, which had been inadvertently omitted in the August 19, 1975 publication.

Those interested parties wishing to submit written data, views or arguments on the routine uses of these systems of records should send such comments to the Secretary of the Board, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, not later than October 17, 1975.

R. F. Butler,
Secretary

RRB—5

System name: MASTER FILE OF RAILROAD EMPLOYEES' CREDITABLE COMPENSATION—RRB

Correction:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transferred to the Social Security Administration in cases where the railroad employee does not acquire 120 creditable service months before death, or has no current connection with the railroad industry, to enable SSA to credit the employee with the compensation and to pay or deny benefits; to the respective employees and their employers to report cumulative and yearly creditable compensation and service months; in the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pusuant thereto.

RRB—34

System name: Employee Personnel Management Files—RRB

System location: Headquarters:

U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

Regional and District Offices:
See Appendix 1 of original publication for addresses.

Categories of individuals covered by the system: Current employees of the U.S. Railroad Retirement Board.

Categories of records in the system: Name, address and phone number of the person to notify in case of emergency and personal physician; copies of (1) pay change slip, (2) bi-weekly statement of earnings and leave, (3) SF-52, Request for Personnel Action, (4) SF-50, Personnel Action, (5) service computation date form, (6) written requests for leave, (7) performance ratings, (8) promotion appraisals, (9) incentive awards program suggestions and awards, (10) other awards and nominations for recognition, (11) supervisory informal and formal written notes, memorandums, etc., relative to admonishment, caution, warning, reprimand or similar notices, (12) within-grade increase materials, (13) SF-171, Employment Application, (14) credit or debt correspondence, (15) letters of commendation, (16) official position descriptions, (17) probationary letters, (18) task lists and performance standards, (19) information concerning training received and seminars attended, and (20) miscellaneous correspondence.

Authority for maintenance of the system: Section 7(b)(9) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(9)) and the Federal Personnel Manual 293-31—Subchapter S-8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Name of employee

Safeguards: Kept in lockable file cabinets or lockable desks in secured buildings, with access limited to authorized personnel.

Retention and disposal: The folder and its contents will be destroyed by hand- shredding within 30 days after the employee leaves the bureau or region. Specific materials in these files are disposed of in accordance with applicable Civil Service Commission and GSA instructions or regulations and/or applicable internal administrative directives.

System manager(s) and address: The system managers are listed below.

For departmental employees:
Director of Personnel
U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

For field employees:
Regional Director of region where person is employed (See Appendix 1 of original publication for addresses).

Notification procedure: Requests for information regarding an individual's record should be addressed to the System Manager identified above, including the full name and social security number of the individual. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

Record access procedures: See Notification procedure above.

Contesting record procedures: See Notification procedure above.

Record source categories: Employee, agency officials and management personnel.

RRB—35

System name: Employee Promotion Evaluation File—RRB

System location: Headquarters:

U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

Categories of individuals covered by the system: Current Railroad Retirement Board employee's excluding: (1) all employees who occupy positions at the GS-14 level and above; (2) district managers, GS-13; (3) Board appointees; and (4) medical personnel, attorneys and actuaries.

Categories of records in the system: Board seniority date; employee appraisal; supervisory appraisal; application for promotions or reassignment to supervisory field positions; and an extract from the official personnel folders showing experience, education, special skills, and a synopsis of unsatisfactory or outstanding performance rating memorandums, denials of within-grade increases, letters of commendation, work-related awards, and disciplinary action memorandums and warning notices.

Authority for maintenance of the system: Railroad Retirement Board Order 75-3, written in accordance with section 7(b)(9) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(9)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Board use only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Name of employee

Safeguards: Kept in lockable file cabinets in a secured building, with access limited to authorized personnel.

Retention and disposal: Retained until the employee terminates employment with the Board or enters into one of the positions exempted under 'Categories of individuals' above. The material is updated as new information is received. The employee appraisals and supervisory appraisals are updated every six months. Superseded materials are destroyed by hand- shredding.

System manager(s) and address: Director of Personnel
U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

Notification procedure: Requests for information regarding an individual's record should be addressed to the System Manager identified above and should include the name and social security number of the individual. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

Record access procedures: See Notification section above.

Contesting record procedures: See Notification section above.

Record source categories: The individual to whom it applies, his official personnel folder and supervisory personnel.

RRB—36

System name: Negotiated Grievance File—RRB

System location: Headquarters:

U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

Categories of individuals covered by the system: Railroad Retirement Board employees who have filed a grievance under negotiated grievance procedures.

Categories of records in the system: This system of records contains information and documents relating to the filing of a grievance under negotiated grievance procedures. It will contain a copy of the grievance memorandum submitted by the employee and a copy of the final determination made by the agency. It may contain evidence submitted by the employee and/or agency in support of or contesting the grievance.

Authority for maintenance of the system: Executive Order 11491, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal Board use only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Name of employee

Safeguards: Kept in lockable file cabinets in a secured building, with access limited to authorized personnel.

Retention and disposal: Maintained for five years, then destroyed by hand- shredding.

System manager(s) and address: Director of Personnel

U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

Notification procedure: Requests for information regarding an individual's record should be addressed to the System Manager identified above and should include the name and social security number of the individual involved. Before information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

Record access procedures: See Notification section above.

Contesting record procedures: See Notification section above.

Record source categories: The information in this system of records is obtained from the Railroad Retirement Board employee, the employee's supervisor, bureau heads, regional directors, and the chief executive officer.

RRB—37

System name: Medical Records on Railroad Retirement Board Employees—RRB

System location: U.S. Railroad Retirement Board

844 Rush Street
Chicago, Illinois 60611

Categories of individuals covered by the system: Railroad Retirement Board headquarters' employees grade GS-12 and above, age 45 and older, and any building employee involved in a medical emergency requiring further medical treatment.

Categories of records in the system: Name, date of examination, date of birth, brief narrative statement of the employee's general health and significant medical problem, chief complaint, physical findings and recommended action.

Authority for maintenance of the system: Railroad Retirement Board Order 75-6, written in accordance with section 7(b)(9) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(9)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal Board use only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Name

Safeguards: Locked filing cabinets, only authorized personnel are permitted to access.

Retention and disposal: Maintained until the employee terminates employment with the Railroad Retirement Board, then hand-shredded.

System manager(s) and address: Chief Medical Officer

U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

Notification procedure: Requests for information regarding an individual's records should be in writing addressed to the System Manager identified above, including full name and social security number of the individual. Before any information about any record will be released, the System Manager may require the individual to provide proof of identity or require the requester to furnish an authorization from the individual to permit release of information.

Record access procedures: See Notification section above.

Contesting record procedures: See Notification section above.

Record source categories: Physician, medical personnel, Railroad Retirement Board employee.

[FR Doc.75-26356 Filed 9-29-75;12:07 pm]

COMMISSION ON CIVIL RIGHTS

PRIVACY ACT OF 1974

Adoption of Notices of Systems of Records

On pages 40,786 through 40,791 of the FEDERAL REGISTER of September 3, 1975, there was published a notice of systems of records pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a. Interested persons were given 30 days in which to submit comments, suggestions, or arguments regarding the Routine Use portions of the notices.

As a result of comments received and agency review, the following changes are made:

1. Commission systems which may contain material for which specific exemptions may be asserted have this information and reasons therefor included as part of the notice: CRC Systems 001, 003, 004 and 009, may contain material partially exempt under 5 U.S.C. 552a(k)(2); CRC Systems 006 may contain material partially exempt under 5 U.S.C. 552a(k)(4), (5) and (6). The same language as contained in § 706.13(b) of The Final Rules as set out above is added to the end of each of these system notices.

2. The following changes have been made in CRC–002: In the Routine Use section, add the language "Records including Standard Forms 85, 86, 87 and 171 are also transmitted to the Civil Service Commission for investigative purposes and assistance to the Agency in selecting employees."

3. In CRC–003 and CRC–009 the "System Location" section is corrected to show the proper zip code (80202) for the Denver Office.

4. The following changes have been made in CRC–004: "and Congresspersons" has been added to the "Categories of Individuals Covered by the System"; Office of Staff Director has been named as the first of a list of offices that have compiled project files in the "Categories of records in the system" portion of the notice; In that same portion of the notice, Women's Rights Program Unit has been deleted as it is a part of the Office of Staff Director.

5. In Notice CRC–005 "Staff" has been added to the portion of the notice that covers categories of individuals covered by the system. In the portion of the notice covering "Policies and Practices * * * " the following sentence is added after the first sentence on storage: "Advisory Committee biographical and background data is stored on magnetic tapes in the Federal Data Processing Center (FDPC/GSA)." In addition the following information has been added to the list of "Systems Managers" named:

Director, Office of Information and Publications, 1121 Vermont Avenue, NW., Washington, D.C. 20425.

6. The following changes are made in CRC–008: "contractors" has been added to the "Categories of Individuals Covered" portion of the notice. Delete the list of regional offices and addresses from the "Systems Location" section; the language "all regional offices" sufficiently describes that location in light of previous specifications within the notices.

7. The following change is made in CRC–010: In the system manager(s) and address section, delete Director and add Budget and Finance Officer.

8. The notices are not reprinted here but will be reprinted in corrected forms in the forthcoming FEDERAL REGISTER Compilation of Privacy Act material. To assist the public in use of the Commission's Notices of Systems of Records, the Alphabetical Listing and Table of Contents is reprinted below with an indication of possible exemptions from designated systems.

(1) Appeals, Grievances and Complaints (Internal), CRC–001. Exemptions under 5 U.S.C. 552a(k)(2).

(2) Applications, CRC–002.

(3) Complaints, CRC–003. Exemptions under 5 U.S.. 552a(k)(2).

(4) Commission Projects, CRC–004. Exemptions under 5 U.S.C. 552a(k)(2).

(5) Information on Commissioners, Staff and State Advisory Committees, CRC–005.

(6) Other Employee Programs: EEO, Troubled Employee, and Upward Mobility, CRC–006. Exemptions under 5 U.S.C. 552a(k)(4), (5) and (6).

(7) Personnel, CRC–007.

(8) Resource and Consultant, CRC–008.

(9) State Advisory Committees Projects, CRC–009. Exemptions under 5 U.S.C. 552a(k)(2).

(10) Travel, Payroll, Time and Attendance of Commissioners, Staff, Consultants and State Advisory Committee Members, CRC–010.

Accordingly, with these changes and additions, the proposed notices are adopted.

JOHN A. BUGGS,
Staff Director.

SEPTEMBER 29, 1975.

[FR Doc.75-26423 Filed 9-30-75;9:33 am]

Commission of Fine Arts

Privacy Act of 1974

Proposed Notices of Systems of Records

Notice is hereby given that the Commission of Fine Arts proposes to adopt the following notices of the existence and character of the systems of records which it maintains which contain information about individuals. Public comment is invited on these notices on or before October 30, 1975, addressed to the Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Dated: September 26, 1975.

Charles H. Atherton,
Secretary.

CFA—1

System name: Members of the Commission of Fine Arts and the Board of Architectural Consultants for Old Georgetown—CFA

Security classification: None.

System location: Commission of Fine Arts offices, 708 Jackson Place, NW., Washington, D.C. 20006.

Categories of individuals covered by the system: Presidentially-appointed members of the Commission of Fine Arts and Commission-appointed members of the Board of Architectural Consultants for Old Georgetown.

Categories of records in the system: These records contain self-supplied biographical data; relevant newspaper and periodical clippings; appointment affidavits; appointment, acceptance, resignation, and other related correspondence.

Authority for maintenance of the system: An Act Establishing a Commission of Fine Arts, Public Law 181, 61st Congress, H. R. 19962, 40 U.S.C. 104, 36 Stat. 371; Old Georgetown Act, Public Law 808, 81st Congress, H. R. 5660, 40 U.S.C. 121, 53 Stat. 1144.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are routinely used for research and reference purposes, both in-house and for other government agencies and the general public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Current records are stored in files in the second floor offices of the Commission and past records are stored in files in the basement file room of the Commission.

Retrievability: Records are arranged alphabetically by last name under the general headings of "FAA (Fine Arts Act)-CFA (Commission of Fine Arts)-Members" and "FAA-OGB (Old Georgetown Board)-Members".

Safeguards: Access to the basement file room is limited to Commission staff members or individuals escorted by a staff member; access to second floor files is under surveillance by the Commission staff as all visitors must be individually admitted at the front door and are greeted by a staff member.

Retention and disposal: Records are maintained on the premises at 708 Jackson Place, NW. until such time as a determination is made to transfer them to the National Records Center; they are maintained there under the same retrievability system until such time as determination is made to transfer them to the National Archives or that they be destroyed.

System manager(s) and address: Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to the Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information obtained from individual to whom it pertains; newspapers, periodicals, and other publications; official correspondence to and of the Commission of Fine Arts.

Systems exempted from certain provisions of the act: Not applicable.

CFA—2

System name: Personnel Administration—CFA

Security classification: None.

System location: Commission of Fine Arts offices, 708 Jackson Place, NW., Washington, D.C. 20006.

Categories of individuals covered by the system: Employees, past and present, of the Commission of Fine Arts.

Categories of records in the system: These records may contain employee time and attendance records; annual and sick leave records; personnel grievances; EEO discrimination complaints; and other personnel administrative records which are not part of the personnel data maintained by the Civil Service Commission.

Authority for maintenance of the system: An Act Establishing a Commission of Fine Arts, Public Law 181, 61st Congress, H. R. 19962, 40 U.S.C. 104, 36 Stat. 371.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Except for disclosures to officers or employees of the Commission of Fine Arts in connection with the performance of their official duties for the agency, there are no routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in the office safe in the basement file room of the offices of the Commission.

Retrievability: Records are arranged alphabetically by last name under the subheadings Time and Attendance Records; Annual and Sick Leave Records; Personnel Grievances; EEO Discrimination Complaint Records; and, in all other cases, on the left side of the employee's Official Personnel Folder, also maintained alphabetically by last name in the office safe.

Safeguards: Access to the combination of the office safe is limited to the Secretary and the Assistant Secretary of the Commission, and all records retrieved from this record system will be retrieved by them.

Retention and disposal: Same as CFA—1 above.

System manager(s) and address: Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Notification procedure: Requests to be notified whether or not the system contains a record pertaining to an individual should be addressed to: Secretary, Commission of Fine Arts, 708 Jackson Place, NW., Washington, D.C. 20006.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Inter- and intra-office memos and correspondence from the individual to whom it pertains, the Secretary, the Chairman, the General Counsel, the Department of the Interior, the Civil Service Commission, and any other relevant source; bi-weekly time and attendance reports; and bi-weekly payroll statements to employees.

Systems exempted from certain provisions of the act: Not applicable.

[FR Doc.75-26206 Filed 9-26-75;2:47 pm]

DEPARTMENT OF STATE

(Public Notice 470)

PRIVACY ACT OF 1974

Notice of Systems of Records; Corrections; Additional Systems

On September 2, 1975, in accordance with section 3 of the Privacy Act of 1974 (5 U.S.C. 552a (e) (4) and (11)), a proposed notice of systems of records maintained by the Department of State was published in the FEDERAL REGISTER (40 FR 40460). This notice includes editorial and typographical corrections to that porposed notice and the listing of additional systems of records, numbered STATE-43 through STATE-48, which were not included in the initial notice of records.

Interested persons were given the opportunity to submit written data, views, or arguments concerning the routine use portions of this notice to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, Washington, D.C. 20520 by October 2, 1975.

No comments were received by close of business September 25. The Privacy Act enters into full effect on September 27. In these circumstances, and in the absence of other regulations to govern access to and protection of personal information, the Department finds that making these regulations effective on the same date as the Act provides a benefit to the public and to this Department which outweighs the possible benefit of waiting until October 2 for public comment. However, any comments received by October 2 will be considered in connection with possible amendments.

Effective date: This notice shall be effective September 27, 1975.

For the Secretary of State:

Lawrence S. Eagleberger,
Deputy Under Secretary for Management.

State-01

System name: Biographic Register Records.

System location: Department of State Annex 6, 1700 N. Lynn Street, Arlington, Virginia 22209.

Categories of individuals covered by the system: Personnel of the following ranges of the Department of State and other Federal Agencies in the field of foreign affairs: Ambassadors; Ministers; Chiefs of Mission; Foreign Service Staff Officers, Classes 1 through 4; Civil Service Employees, GS-12 and above; Foreign Service Information Officers; Foreign Service Reserve Officers; Foreign Service Reserve Officers Unlimited; Foreign Service Officers.

Categories of records in the system: Biographic information; personnel action changes.

Authority for maintenance of the system: 22 U.S.C. 811a

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system is used as a source data for publication of the 'Biograpnic Register'. Information is made available on need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Source data for the 'Biographic Register' is not used outside the Department of State. The 'Biographic Register' itself is distributed to other government agencies whose employees are included in it. The 'Register' is a public document and is offered for sale by the Superintendent of Documents. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retained for two years. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the 'Biographic Register' might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the 'Biographic Register' to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the 'Biographic Register' Records might have information pertaining to him.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; Personnel Office of the Department of State; U.S. Government officials.

State-02

System name: Board of Appellate Review Records

System location: Department of State Annex 6, 1700 N. Lynn Street, Arlington, Virginia 22209.

Categories of individuals covered by the system: Individuals whose appeal in cases involving loss of nationality or the revocation of a passport was decided by the Board of Appellate Review.

Categories of records in the system: Copies of decisions rendered by the Board of Appellate Review.

Authority for maintenance of the system: 22 CFR 7.1-7.3; 22 CFR 50.60-50.72; 22 CFR 51.90-51.105.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in the system of records is generally used by the Board for its value as a body of precedents and as an analysis of relevant law and regulations. Information is made available to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is the Department of Justice. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. The information may be released to members of Congress acting or writing on behalf of the individual. Copies of a Board's decision in an individual case may be made available to a member of the bar or the public under the Freedom of Information Act, unless refusal is authorized by the Privacy Act. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized personnel.

Retention and disposal: These records are retained as long as the Board of Appellate Review exists. Thereafter, they will be retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Chairman, Board of Appellate Review, Room 215, Department of State Annex 6, 1700 N. Lynn Street, Arlington, Virginia 22209.

Notification procedure: Individuals who have cause to believe that the Board of Appellate Review might have records pertaining to

them should write to the Director, Foreign Affairs Document and Reference Center; Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Board of Appellate Review to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date upon which the Board of Appellate Review decided his or her case involving loss of nationality or the revocation of a passport.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; the Passport Office; Foreign Service posts; Department of Justice; Department of Defense.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 USC 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-03

System name: Board of the Foreign Service Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Foreign Service personnel whose separation for cause, under Section 637 of the Foreign Service Act of 1946, as amended, was called for by the Director General of the Foreign Service.

Categories of records in the system: Letters of the Department of State determining that separation for cause is warranted; responses by the individuals; transcripts of the hearings on the individuals; recommendations of the hearing officers. recommendations to the Secretary by the Board

Authority for maintenance of the system: 22 U.S.C. 1007; Executive Order 11264.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information is released to the defense counsel for the individuals charged and the hearing officers in the cases. Also see 'Routine Uses' paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under a proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Records in this system are retained for approximately 3 years, at which time they will be retired in accordance with schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Executive Secretary, Board of the Foreign Service, Room 3835, Department of State, 2201 C Street NW Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Board of the Foreign Service might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Board of the Foreign Service to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date on which the Director General of the Foreign Service determined that separation for cause was warranted.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; Department of State officers who have made the charges; hearing officers; other employees or individuals having knowledge of the fact giving rise to the charges.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d); (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-04

System name: Confidential Statement of Employment and Financial Interests Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: U. S. Government employees.

Categories of records in the system: Employment and financial interests; creditors; interests in real property; actions on behalf of foreign principals

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is the Department of Justice. Information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that that he wants the records of the office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; present mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of the Legal Adviser might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual.

State05

System name: Consular Service and Assistance Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals assisted by the Office of Special Consular Services or by consular officers overseas: who are the subject of requests concerning welfare and whereabouts; who have received financial assistance; who have been repatriated; who have received emergency medical assistance; who have been detained or arrested overseas; who have required notarial and documentation services; about whom judicial assistance has been requested; who have died overseas and whose estate has had to be settled; who have claimed interests in property abroad; living overseas who receive federal benefits; American seamen.

Categories of records in the system: Arrests; vessel services (by name of vessel); crew member services; welfare and whereabouts (including repatriation); Federal agency cases (filed by post); property claims; deaths and estates; reports of death; judicial assistance, notarials and legal documents.

Authority for maintenance of the system: Services for other Federal Agencies, U.S. Courts and Congress (22 U.S.C. 846); assistance to arrested citizens (22 U.S.C. 1732); assistance in property matters (22 U.S.C. 1731); notification of next-of-kin (22 U.S.C. 1176); estates of deceased citizens (22 U.S.C. 1175 and 1177); noting Marine Protests (22 U.S.C. 1173); receive complaints re seaworthiness etc., and take action thereon (46 U.S.C. 656 thru 663); discharge crewman from U.S. vessels and require payment of their wages (46 U.S.C. 682; 22 U.S.C. 1174); retain ship's papers pending payment of crew and other debts (22 U.S.C. 1185); give approval to shipping of seamen (46 U.S.C. 570); assist distressed or destitute seamen (46 U.S.C. 593 and 46 U.S.C. 678, 679); trustee for wages when ship is sold (46 U.S.C. 684); Wages on justifiable complaint of seamen, consular responsibiltiy (46 U.S.C. 685); investigation on seaman's complaint (46 U.S.C. 685); investigation of insubordination (46 U.S.C. 703); responsibility of deceased seamen and their effects (46 U.S.C. 621, 622, and 624); notarial acts, oaths, affirmations and affidavits (22 U.S.C. 1195 and 1203); authentication of documents (28 U.S.C. 1741); judicial assistance to U.S. and foreign courts (22 U.S.C. 1781-1783); Depositions (22 U.S.C. 1195 and 1203).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the Consular Service and Assistance Records is used in the protection and assistance of individuals abroad. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Social Security Administration; Veterans Administration; Department of Health, Education, and Welfare; U.S. Public Health Service; Civil Service Commision; Railroad Retirement Board; Treasury Department; Department of Labor; Department of Justice; Drug Enforcement Administration; Civil Aeronautics Board; Selective Service; Department of Defense; Federal Aviation Administration; U.S. Maritme Administration; Department of Commerce; Foreign Claims Settlement Commission; Immigration and Naturalization Service; Internal Revenue Service; Secret Service; Airlines when the information is required for the purpose of notifying next of kin of the death or serious injury of the individual to whom it pertains, or in connection with a medical evaluation of the individual to whom it pertains; funeral homes in connection with the death abroad of citizens of the U.S.; members of Congress when the information is requested on behalf of the individual to whom it pertains, or on behalf of some other individual to whom it pertains, or on behalf of some other individual to whom access is authorized under these rules; shipping companies when the information is maintained pursuant to the Department's responsibility under Title 46 of the U.S. Code; immediate families when the information is required by the individual's immediate family; attorneys when the individual to whom the information pertains is the client of the attorney making the request, or when the attorney is acting on behalf of some other individual to whom access is authorized under these rules; Red Cross; State Law Enforcement Agencies, including State Prosecutors; Foreign Embassies and Consulates when the request for information is made pursuant to customary international practice; private citizens whenever the individual to whom the information pertains has authorized the Department in writing to release such information. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE

Storage: Hard copy; magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from 1 to 20 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520.

System manager(s) and address: Director, Special Consular Services, Room 1803, Department of State, 2201 C Street NW, Washington, D.C. 20520.

Notification procedure: Individuals who have reason to believe that the Office of Special Consular Services might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW Washington, D.C. 20520. The individual must specify that he wishes the records of the Office of Special Consular Services to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the location (city and country), and the approximate dates, which gave the individual cause to believe that the Office of Special Consular Services have records pertaining to him.

Record access procedures: Individiuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; consular officers; family members; federal state, and local agencies who have an interest in the case.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-06

System name: Coordinator for the Combatting of Terrorism Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: American citizens involved in terrorist incidents.

Categories of records in the system: Case files.

Authority for maintenance of the system: Presidential Memorandum of September 25, 1972 establishing a Cabinet Committee to Combat Terrorism and under it a Working Group.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained to (1) help maintain an effective response to the international terrorism problem; (2) use as guidelines in cases of future terrorist incidents; and (3) answer correspondence. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The Office of the Coordinator of Combatting Terrorism has contracted with the Rand Corporation a study of hostage situations involving American and other officials. In the course of the study, records were made available to Rand. The records may also be used by other outside research contractors having the necessary clearance for studies related to aspects of international terrorism. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see ' Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained, in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records is indefinite. They are retired or desroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Special Assistant to the Secretary and Coordinator for Combatting Terrorism Room 5243A, Department of State, 2201 C Street NW, Washington DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of the Coordinator for Combatting Terrorism might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20250. The individual must specify that he wishes the records of the Office of the Coordinator for Combatting Terrorism to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of the Coordinator for the Combatting of Terrorism might have records pertaining to him.

Record access procedures: Individuals who wish to gain access to or ammend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: Departmental personnel and medical records; family, friends, colleagues of the individual; intelligence agencies.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-07

System name: Cryptographic Clearance Records

System location: Office of Coomunications, Room 6442, Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Employees of the Department of State, Agency for International Development, U.S. Information Agency, and the U.S. Arms Control and Disarmament Agency who are eligible for cryptographic clearances as well as those who have actually received crytographic clearance.

Categories of records in the system: Correspondence with the Office of Security; position held by employee; date clearance granted.

Authority for maintenance of the system: Executive Order 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records is used to protect the Office of Communication's crytographic duties and to protect sensitive information from unauthorized disclosure. Information relating to an employee's eligibility for crytographic clearance is used only by the Office of Communications and is not released outside the Department. Information concerning an individual's crytographic clearance is maintained to protect the Office of Communications' cryptographic duties. This information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. In addition, it is released to personnel of the Agency for International Development, the U.S. Information Agency, and the U.S. Arms Control and Disarmament Agency on a need to know basis only. Any other release of information to other government agencies who have a statutory or other lawful authority to maintain such information is made through the Office of Security. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE

Storage: Hard copy; magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retained indefinitely. They are retired in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Chief, Communications Security Division, Office of Communications, Room 6442, Department of State, 2201 C Street NW, Washinton DC 20250.

Notification procedure: Individuals who have cause to believe that the Communications Security Division might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20250. The individual must specify that he wishes the records of the Communications Security Division to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate dates of employment with the Department of State and the nature of such employment.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; Office of Security of the Department of State.

State-08

System name: Educational and Cultural Exchange Program Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520; Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209; Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037; Scientific Time Sharing Corporation, 7316 Wisconsin Avenue, Bethesda, Maryland.

Categories of individuals covered by the system: Applicants, recipients, and prospective recipients of Educational and Cultural exchange grants; Members of the Board of Foreign Scholarships; American Executive Secretaries of Fulbright Foundations and Commissions; Members of the U.S. Advisory Commission on International Educational and Cultural Affairs; Members of the Government Advisory Committee on International Book and Library Programs; Members of the former National Review Board of the East-West Center; faculty members of U.S. educational institutions participating in student counselling workshops conducted in various countries.

Categories of records in the system: Biographic information; project descriptions; forms relating to the individual's security clearance; evaluations on the performance of former grantees; evaluations of performing artists who may be potential grantees; copies of press releases; news clippings; information related to the grant; related correspondence; records dealing with the waivering of the foreign residence requirements contain applications for waivers and extensions; Academic Transcripts; Letters of reference.

Authority for maintenance of the system: Mutual Educational and Cultural Exchange Act of 1961 22 U.S.C. 2451-58; 22 U.S.C. 2054-57; 22 U.S.C. 1431.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary function of the Educational and Cultural Exchange Program Records is the aiding in the selection of individuals for educational and cultural exchange grants and for the administration of such grants. Information from these records is also used to develop statistics for use in the operation of the exchange program. Information is made availa-

ble on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Civil Service Commission; United States Information Agency; Central Intelligence Agency; Immigration and Naturalization Service; Department of Justice; Smithsonian Institution; Congress; the news media; relatives of the grantee trying to reach the individual for bona fide personal reasons; the grantee. In connection with the selection process, information may be released to: binational commissions; the Board of Foreign Scholarships; foreign host institutions; contract agencies; Excerpts from the files may be used by non-governmental panels of experts in rating candidates. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from three years to an indefinite period of time, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Executive Director, Bureau of Educational and Cultural Affairs, Room 4811A, Department of State, 2201 C Street NW, Washington, DC 20250.

Notification procedure: Individuals who have cause to believe that the Bureau of Educational and Cultural Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of Educational and Cultural Affairs to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; his signature; If the individual is or was a grantee or an applicant for a grant, he must specify the type of grant and the dates of the grant which he received or for which he applied

Record access procedures: Individuals who wish to gain success to or amend records pertaining to them should write to Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; public references; other offices within the Department; other government agencies; other public and professional institutions possessing relevant information.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-09

System name: Equal Employment Opportunity Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Employees who have filed formal or informal complaints alleging discrimination; minority and women applicants for employment.

Categories of records in the system: Investigative reports; employment applications; biographic information; employment histories.

Authority for maintenance of the system: 42 U.S.C. 2000C; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information on formal and informal complaints is made available only to personnel of the Office of Equal Employment Opportunity and Departmental Counsel to that office. Information on minority and women applicants for employment is made available on a need-to-know basis to personnel of the Department of State as may be be required in the performance of their official duties. Information on informal complaints and minority and women applicants for employment is not made avaiable to anyone outside the Department of State. The principal users of the information on formal complaints outside the Department of State are: Civil Service Commission Complaints Examiner; Appeals Review Board; U.S. District Court. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20250.

System manager(s) and address: Deputy Assistant Secretary for Equal Employment Opportunity, Room 4427, Department of State, 2201 C Street NW, Washington, DC 20250.

Notification procedure: Individuals who have cause to believe that the Office of Equal Employment Opportunity might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20250. The individual must specify that he wishes the records of the Office of Equal Employment Opportunity to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date upon which the individual filed a formal or informal complaint alleging discrimination or requested other services from the Office of Equal Employment Opportunity.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; supervisors of the individual; EEO counselors; EEO personnel; other employees or individuals having knowledge of the facts involved in a complaint.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-10

System name: External Research Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Former and current Bureau of Intelligence and Research consultants/experts; individuals nominated to be Bureau of Intelligence and Research consultants/experts; consultants/experts to other bureaus who have been employed by the Bureau of Intelligence and Research; Principal investigators and action officers of government supported research on foreign affairs.

Categories of records in the system: Administrative materials; Career history; research papers by consultants/experts; information on contract research projects carried out under government contracts and grants; copies of form letters sent to authors requesting copies of their research papers and their responses.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system is maintained in order to manage the consultant program and other external research related activities. Information in this system is used in the preparation of reports on work performed by consultants/experts and in the preparation of periodic summaries of financial commitments for approved projects. This information is also used to insure that a consultant does not work more than the statutory number of days allowed each service year. Information is made avaiable on a need-to-know basis to personnel of the the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: academic institutions; other Bureau of Intelligence and Research consultants/experts. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. The inventory of '———————— ———————— —— ———————— A———————— is published annually in five unclassified volumes and one classifed volume. The unclassified volumes are widely distributed throughout the United States Government and to overseas posts. They are also available to private individuals through the National information Service, U.S. Department of Commerce. The classified volume is distributed to U.S. Government officials. '———————— ———————— ———————— A———————— is distributed throughout the U.S. Government and is available to private individuals through the U.S. Government Printing Office. '———————— —— ————————————; — ———————————— —— ———————————————— ———————— is an annual cumulative listing of classified and unclassified studies resulting from government-sponsored research. It is given limited distribution on a complimentary basis throughout the U.S. government. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; magnetic computer media.

Retrievability: By individual name

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from one to 5 years, depending upon the specific kind of record involved. They are retired or destroyed on accordance with published scehdules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Bureau of Intelligence and Research, Room 6531, Department of State, 2201 C Street NW, Washington DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of External Research might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of External Research to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of External Research might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; Office of External Research of the Department of State; Office of Personnel of the Department of State; educational institutions; office which employs the consultant; payroll office of the Department of State.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d),(e)(1),(e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-11

System name: Extradition Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520;. Department of Justice, Washington, DC 20530, and its ancillary U.S. Attorneys' offices; Copies of documents may be obtained at our embassies overseas and the Foreign Ministries of the countries from which extraditions are requested, and vice versa.

Categories of individuals covered by the system: Individuals charged with or convicted of an extraditable crime who have fled to or from the U.S. and whose return is sought by State or Federal law enforcement agencies or by a foreign country; individuals whose return in sought by deportation when they are in another country illegally.

Categories of records in the system: Internal memoranda; copies of indictments and charges; criminal records; supporting documentation for a case against an individual; fingerprints; physical descriptions; related correspondence.

Authority for maintenance of the system: Article 6 paragraph 2 of the Constitution; 22 U.S.C. 846; 18 U.S.C. 3181-3195.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Extradition requests are sent to the U.S. embassies in the appropriate countries for transmission to the foreign government. Extradition requests made by a foreign government are transmitted to the U.S. Department of Justice. The purpose of releasing the information is to obtain the return of the fugitive. The information may also may be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access, to which is limited to authorized employees.

Retention and disposal: Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the record of the Office of the Legal Adviser to be checked. At a minimum, the individual must include; name; date and place of birth; current mailing address and zip code; signature; the countries to and from which he was extradited and the approximate date.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foriegn Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; state and local government agencies; other government agencies, particularly the Department of Justice; previous employers; neighbors; law enforcement agencies; doctors and lab scientists.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-12

System name: Foreign Service Employee Locator/Notification Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Foreign Service Employees.

Categories of records in the system: Employee's name; current post of assignment; Washington area address and telephone number; other address in the U.S.; instructions for forwarding mail; names of dependents; names of contacts for employees for emergency purposes.

Authority for maintenance of the system: 22 U.S.C. 811a, 821.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these files is used for the forwarding of employee's mail and for the notification of next of kin in the event of an emergency or death of an employee. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The information may also be released to other government agencies and the general public on a need-to-know basis. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: The card is maintained until the employee updates it because of a change in address or assignment. The card is destroyed 2 years after the employee retires or resigns.

System manager(s) and address: Chief, Foreign Service Lounge, Room 1252, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Employees Service Center might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the records of the Employees Services Center to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: the indivdual.

STATE-13

System name: Foreign Service Grievance Board Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Foreign Service personnel of the Department of State, the Agency for International Development (AID) and the U.S. Information Agency (USIA) who have filed a formal grievance with the Foreign Service Grievance Board.

Categories of records in the system: Case files.

Authority for maintenance of the system: 3 FAM 660.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is maintained in order to settle grievances presented by employees against the agencies which employ them. No other than the individual grievant, his representative(s), if any, the representative(s), of the Agency against whom the grievance has been filed, and the Foreign Service Grievance Board may have access to the records of proceedings. However, when the Secretary of State, the Administrator of AID, or the Director of USIA are acting in a recommendation by the Board concerning promotion, assignment, or disciplinary action submitted under 3 FAM 667.3 only, the Record will be made available to them alone upon request. A copy of the official record is provided to the appropriate court whenever a grievant files a court suit over his or her grievance. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name; by log numbers.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retained indefinitely. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520.

System manager(s) and address: Executive Secretary, Foreign Service Grievance Board, Room 3418A, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Foreign Service Grievance Board might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, NW, Washington DC 20520. The individual must specify that he wishes the records of the Foreign Service Grievance Board to be checked. At a minimum, the indivdiual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date upon which the individual filed a formal grievance with the Foreign Service Grievance Board.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above).

Record source categories: The individual; the agency which employs the individual.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER

State-14

System name: Foreign Service Institute Records.

System location: The Foreign Service Institute, 1400 Key Boulevard, Arlington, Virginia, 22209; Department of State Annex 15, 1800 N. Kent Street, Arlington, Virgina 22209.

Categories of individuals covered by the system: Individuals who have requested and/or have received training from the Foreign Service Institute; individuals who have studied at universities through the Institute; indivdiuals who have served as Diplomats in Residence at universities or colleges; indviduals who provide professional services; applicants for employment with the Foreign Service Institute.

Categories of records in the system: biographic information; employment and educational history; security clearance data; general correspondence; travel vouchers;

Authority for maintenance of the system: Requests for training. 22 U.S.C. 1041-1047.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is maintained to ensure efficient operation of the Institute and to enable Foreign Service and Civil Service employees to further their formal education. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Universities who, with the consent of the individual, receive copies of transcripts contained in the files; new students who read former students' comments on housing, living conditions, and courses at universities. Data may be sent to other government agencies whose employees are receiving training from the Foreign Service Institute. Information may also be released to other government agencies which have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; Magnetic computer media.

Retrievability: By individual name; by social security number.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from 3 to 35 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: The Director, Foreign Service Institute, Room 1200, Department of State Annex 03, 1400 Key Boulevard, Arlington, Virginia 22209.

Notification procedure: Individuals who have cause to believe that the Foreign Service Institute might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20250. The individual must specify that he wishes the records of the Foreign Service Institute to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Foreign Service Institute might have records pertaining to him.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; Personnel Office of the agency which employs the individual; educational institutions; Office of Security of the Department of State.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H),and (I), and (f), See Department of State rules published on this same date in the FEDERAL REGISTER.

State-15

System name: Intelligence and Research Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Employees, contractors, consultants, and persons detailed to the Department of State, the Arms Control and Disarmament Agency, and Agency for International Development who have or have had any special intelligence clearance.

Categories of records in the system: Clearances held by the individual; Information relevant to special intelligence clearances.

Authority for maintenance of the system: 18 U.S.C. 798; 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used to control access to several highly sensitive categories of intelligence materials. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Central Intelligence Agency; National Security Agency; Defense Intelligence Agency; Department of Defense; Energy Resources Development Agency; Federal Bureau of Investigation; Department of the Treasury; Arms Control and Disarmament Agency; Agency for International Development. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; Magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its anexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retained permanently. They are retired in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Bureau of Intelligence and Research, Room 6531, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Bureau of Intelligence and Research might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the records of the Bureau of Intelligence and Research to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Bureau of Intelligence and Research might have records pertaining to them.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (Address above.)

Contesting record procedures: (See above.)

Record source categories: the individual; Office of Security of the Department of State.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-16

System name: International Conference Delegates Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals serving as members or staff of a U.S. delegation to an international conference.

Categories of records in the system: Delegation reports; delegation lists; credentials; temporary hire contracts and vouchers; funding information; copies of travel orders; certifications of security clearances.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information provides material for reference research regarding credentials and support

requirements of particular delegations. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Department of Justice; Civil Service Commission; Congress; the individual. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ice

Storage: Hard copy.

Retrievability: By individual name only if the travel was funded by ICC Appropriation; by name, site, and date of conference.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records is indefinite. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Office of International Conferences, Room 1517, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Office of International Conferences might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of International Conferences to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the name, location, and approximate date of conference to which the individual was a member of the staff or delegation.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individuals; public media sources; former employers; Members of Congress; Federal agencies.

STATE-17

System name: International Organizations Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520; Department of State Annex 02, 515 22nd Street NW, Washinton, DC 20037.

Categories of individuals covered by the system: Individuals employed by or seeking employment with international organizations; members of Congress who have written to the Department of State in connection with international organization employment matters; applicants for employment with international organizations processed under Executive Order 10422; members of the U.S. National Commssion for UNESCO, past, present, and prospective.

Categories of records in the system: Biographic information; resumes and/or employment application forms; letters of recommendation and reference checks; letters of referral; related communications and notes, including copies of letters from members of Congress; letters from individuals; requests for EO-10422 processing and results.

Authority for maintenance of the system: Executive Order 10422 (Loyalty Clearance Program), entitled 'Prescribing Procedures for Making Available to the Secretary General of the United Nations Certain Information Concerning United States Citizens Employed or Being Considered for Employment on the Secretariat of the United Nations;' 5 U.S.C. 3343 and 3581-3582; Executive Order 11552 entitled 'Providing for Details and Transfers of Federal Employees to International Organizations.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records of individuals employed by or seeking employment with international organizations are used to determine qualifications of candidates for specific jobs with international organizations, to correspond with Missions and Embassies concerning candidates, to correspond with the individual candidates, or to respond to a Congressional inquiry. Records on applicants for employment with international organizations processed under Executive Order 10422 are used to process the Loyalty Clearance request and to maintain a record of the clearance status. Information from this system is used to notify international organizations of the status and results of EO-10422 processing. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Copies of resumes or applications are referred to international organizations, private foundations, and Federal agencies involved in the recruitment of candidates. In addition, information contained in these records is released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ice

Storage: Magnetic computer media; Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from zero to 10 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Executive Director, Bureau of International Organization Affairs, Room 6327, Department of State, 2201 C Street NW, Washington DC 20520.

Notification procedure: Individuals who have cause to believe that the Bureau of International Organization Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of International Organization Affairs to be checked. At a minimum, the individual must include: name. date and place of birth; current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; public media sources; previous employers; professional associations and educational institutions; international and nongovernmental organizations; other federal agencies.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published in this same date in the FEDERAL REGISTER.

STATE-18

System name: Labor Attaches Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Labor attaches; applicants to be labor attaches; former labor attaches.

Categories of records in the system: Personnel audit reports; applications; resumes; correspondence related to appointment, training, assignment, or transfer of labor attaches.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is is the Department of Labor. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized personnel.

Retention and disposal: Retention of these records varies from 2 to 5 years, depending upon the specific kind of record involved. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Special Assistant to the Secretary and Coordinator International Labor Affairs, Room 4232, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Office of International Labor Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of International Labor to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate dates during which he or she was a labor attache or applied to be a labor attache.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; officers within the Department of State; Department of Labor.

STATE-19

System name: Law of the Sea Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Members of Congress; members of the Advisory Committee on the Law of the Sea.

Categories of records in the system: Correspondence to and from members of Congress relating to the Law of the Sea and their participation in the Executive Branch's Law of the Sea program; information pertaining to security clearances for members of the Advisory Committee on the Law of the Sea; articles written by members of the Advisory Committee; correspondence received from members of the Advisory Committee; administrative papers regarding travel expenses and funding for members of the Advisory Committee.

Authority for maintenance of the system: The records have been maintained by the Office of the Law of the Sea Negotiations since its establishment in 1973, under the authority granted to the Deputy Secretary of State by the National Security Council as Chairman of the National Security Council Interagency Task Force on the Law of the Sea.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are maintained for the efficient handling of matters dealing with the Law of the Sea. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also See 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: tice

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Deputy Special Representative of the President to the Law of the Sea Conference and Chairman of the International Task Force on the Law of the Sea, Room 4321, Department of State, 2201 C Street, NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Office of Law of the Sea might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Law of the Sea to be checked. At a minimum, the individual must include: name; place and date of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of the Law of the Sea might have records pertaining to him.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; offices within the Department of State.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)((G), (H), and (I), and (f). See Department of Stae rules published on this same date in the FEDERAL REGISTER.

STATE-20

System name: Legal Adviser Personnel Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Past, present and prospective employees of the Office of the Legal Adviser.

Categories of records in the system: Employment histories; interview forms; copies of personnel actions and payroll actions; letters of recommendation and commendation; training forms; travel messages; miscellaneous administrative correspondence.

Authority for maintenance of the system: 5 U.S.C 301; 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used for recruitment and hiring, approving periodic step increases, initiating and approving training requests, preparing performance ratings, requesting employment processing, and other activities of an administrative nature. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information is occasionally used to verify employment to financial institutions when employees apply for loans in connection with purchasing a home. Information is released to the National Conference of Bar Examiners concerning admission to the bar of current and former employees. Information is also released to various legal directories such as Martindale-Hubbell. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: tice

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building, and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the dates in which he was an employee of the Office of the Legal Adviser or the approximate date on which he applied for employment with the Office of the Legal Adviser.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; the Office of Personnel; educational institutions; Office of the Legal Adviser; other offices within the Department.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-21.

System name: Legal Case Management Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520; Department of Justice, Washington, DC 20530, and its ancillary U.S. Attorneys' offices.

Categories of individuals covered by the system: Individuals who have filed administrative grievances and Equal Employment Opportunity complaints; individuals involved in disciplinary proceedings; individuals involved in alleged criminal activity or activity in violation of regulations; individuals who have sued the Department of State or any officials, or who have raised administrative and management questions which require legal analysis.

Categories of records in the system: Employment histories; summaries of circumstances surrounding grievances, Equal Employment Opportunity complaints, litigation, or disciplinary proceedings; internal memoranda; copies of indictments and charges; criminal records and reports of investigations; Supporting documentation for a case against an individual; related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 22 U.S.C. 811a, 842, 846.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the Legal Adviser's Name Case Management Records is used to provide legal advice and opinion to the offices of the Department of State. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties.

The principal users of this information outside the Department of State are: Department of Justice; General Accounting Office.

The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies depending upon the the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Executive Officer, Office of the Legal Adviser, Room 6421, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; present mailing address and zip code; signature; brief description of the circumstances, including the approximate dates, which give the individual cause to believe that the Office of the Legal Adviser might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; Offices of the Department of State which are clients of the Office of the Legal Adviser; other government agencies, particularly the Department of Justice; previous employers; neighbors; security investigation reports; other employees or individuals having knowledge of the issue about which a legal opinion is requested.

STATE-22.

System name: Media Correspondents Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Media correspondents accredited to the Department of State.

Categories of records in the system: Correspondence; applications for accredidation; memorandums.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records serve as reference records and lists of correspondents accredited to the Department of State. The information is used to reconfirm renewed applications, to verify previous employment, and to facilitate the granting of temporary clearance for a former correspondent. The information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The prinicipal users of this information outside the Department of State are: the Executive Office of the President; Congress; Media Organizations. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: tice

Storage: Magnetic computer media; Hard copy; Microfilm.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are maintained indefinitely because of a need to refer to former requests and applications in order to reconfirm a renewed application, verify previous employment, and/or facilitate a former correspondent's request for temporary clearance.

System manager(s) and address: Director, Office of Press Relations, Room 2109, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Office of Press Relations might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Press Relations to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; media organization with which he or she was accredited and the approximate dates of this association with the Department of State.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; employers; members of Congress; members of other government agencies corresponding with the Department; private citizens.

STATE-23.

System name: Media Personnel Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520

Categories of individuals covered by the system: Radio and television station managers and news directors; newspaper and magazine publishers; editors and editorial writers.

Categories of records in the system: Name, title, address, and telephone number of individual.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system is used for compiling invitation lists to national media conferences and seminars sponsored by the Department of State and invitation lists for regional media representatives to meet with the Secretary of State and/or to attend regional press conferences given by the Secretary.

The information is also used to contact radio and television station news directors to determine if they wish to participate in direct-line (telephone) interviews with Department of State personnel.

Information in the system is also used as a mailing list for television and radio stations who have asked to receive the Department's audio-visual materials.

Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties.

Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Chief, Media Liaison Division, Bureau of Public Affairs, Room 4827-A, Department of State, 2201C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Bureau of Public Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of Public Affairs to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate dates during which the individual was employed as a radio or television station manager or news director, newspaper or magazine publisher, or editor or editorial writer.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; 'Broadcasting Yearbook;' 'Editor and Publisher International Yearbook;' Radio Television News Directors Association; National Association of Educational Broadcasters; National Association of Broadcasters; American Society of Newspaper Editors; National Conference of Editorial Writers.

STATE-24.

System name: Medical Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Employees and dependents of the Department of State, the Agency for International Development, the U.S. Information Agency, ACTION, and other agencies under the Medical Program.

Categories of records in the system: Reports of physical examinations and related documents; reports of treatments and other health services rendered to individuals; Narrative summaries of hospital treatments; personal medical histories; reports of on-the-job injuries or illnesses.

Authority for maintenance of the system: 22 U.S.C 911, 912; 22 U.S.C. 1156-1159; 42 U.S.C. 4561; 21 U.S.C. 1180; 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records is used to effectively administer the employee medical program.

These records are used by the medical and administrative personnel of the Office of Medical Services on a need-to-know basis in normal day-to- day operations. The Medical Files are not available to other offices in the Department of State, the Agency for International Development, the U.S. Information Agency, ACTION, or other participating agencies. Records are released only with the written permission of the individual to private physicians, hospitals, legal representatives, congressional representatives, and others under the premise of the 'Prudent Physician Rule.' Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microfiche.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Depart-

ment of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System **manager(s) and address:** Executive Officer, Medical Services, Room 2909, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Office of Medical Services might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Medical Services to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the agency served by the medical program with which the individual was or is an employee or a dependent, and the approximate dates of such employment or dependency.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them whould write to the Director, Foreign Affairs Document and Refernece Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; hospitals; clinics; private physicians. --------- t

STATE-25

System **name:** Overseas Records (and U.S. Missions to International Organizations)

System **location:** The Symbols E, CG, C, CA, and M correspond to Embassy, Consulate General Consulate, Consular Agency, and Mission, respectively.

Abidjan, Ivory Coast (E)
Abu Dhabi, United Arab Emirates (E)
Accra, Ghana (E)
Adana, Turkey (C)
Addis Ababa, Ethiopia (E)
Adelaide, South Australia, Australia (CA)
Alexandria, Egypt (CG)
Algiers, Algeria (E)
Amman, Jordan (E)
Amsterdam, Netherlands (CG)
Ankara, Turkey (E)
Antwerp, Belgium (CG)
Asmara, Ethiopia (CG)
Asuncion, Paraguay (E)
Athens, Greece (E)
Auckland, New Zealand (CG)
Baghdad (US Interests Section), Iraq
Bamako, Mali (E)
Bangkok, Thailand (E)
Bangui, Central African Republic (E)
Barcelona, Spain (CG)
Banjul, The Gambia (E)
Beirut, Lebanon (E)
Belem, Para, Brazil (C)
Belfast, Northern Ireland (CG)
Belgrade, Yugoslavia (E)
Belize City, Belize (CG)
Berlin, Germany (East) (E)
Berlin, Germany (West) (M)
Bern, Switzerland (E)
Bilbao, Spain (C)
Blantyre, Malawi (E)
Bogota, Colombia (E)
Bombay, India (CG)
Bonn, Germany (E)
Bordeaux, France (CG)
Brasilia, Brazil (E)
Bremen, Germany (CG)
Bridgetown, Barbados (E)
Brisbane, Queensland, Australia (C)
Brussels, Belgium (E)
Brussels, Belgium (USEC)
Brussels, Belgium (USNATO)
Bucharest, Romania (E)
Budapest, Hungary (E)
Buenos Aires, Argentia (E)
Bujumbura, Burundi (E)
Bukavu, Zaire (C) Cairo, Egypt (E)
Calcutta, India (CG)
Calgary, Alberta, Canada (CG)
Cali, Colombia (C)
Canberra, Australia (E)
Cape Town, Cape Province, South Africa (CG)
Caracas, Venezuela (E)
Casablanca, Morocco (CG)
Cebu, Philippines (C)
Chiang Mai, Thailand (C)
Ciudad Juarez, Chihuahua, Mexico (C)
Colombo, Sri Lanka (E)
Conakry, Guinea (E)
Copenhagen, Denmark (E)
Cotonou, Dahomey (E)
Curacao, Netherlands Antilles (CG)
Dacca, Bangladesh (E)
Dakar, Senegal (E)
Damascus, Syria (E)
Dar es Salaam, Tanzania (E)
Dhahran, Saudi Arabia (CG)
Doha, Qatar (E)
Douala, Cameroon (C)
Dublin, Ireland (E)
Durban, Natal, South Africa (CG)
Dusseldorf, Germany (CG)
Edinburgh, Scotland (CG)
Florence, Italy (C)
Frankfurt am Main, Germany (CG)
Freetown, Sierra Leone (E)
Fukuoka, Japan (C)
Funchal, Madeira, Portugal (CA)
Gaborone, Botswana (E)
Geneva, Switzerland (U.S. Mission to European Office of UN and other Int. Orgs.)
Genoa, Italy
Georgetown, Guyana (E)
Guadalajara, Jalisco, Mexico (CG)
Guatemala, Guatemala (E)
Guayaquil, Ecuador (CG)
Hague, The, Netherlands (E)
Haifa, Israel (CA)
Halifax, Nova Scotia, Canada (CG)
Hamburg, Germany (CG)
Hamilton, Bermuda (CG)
Helsinki, Finland (E)
Hermosillo, Mexico (CG)
Hong Kong (CG)
Ibadan, Nigeria (C)
Islamabad, Pakistan (E)
Istanbul, Turkey (CG)
Izmir, Turkey (CG)
Jakarta, Indonesia (E)
Jerusalem (CG)
Jidda, Saudi Arabia (E)
Johannesburg, Transvaal, South Africa (CG)
Kabul, Afghanistan (E)
Kaduna, Nigeria (C)
Karachi, Pakistan (CG)
Kathmandu, Nepal (E)
Khartoum, Sudan (E)
Khorramshahr, Iran (C)
Kigali, Rwanda (E)
Kingston, Jamaica (E)
Kinshasa, Zaire (E)
Krakow, Poland (C)
Kuala Lumpur, Malaysia (E)
Kuwait, Kuwait (E)
Lagos, Nigeria (E)
Lahore, Pakistan (CG)
La Paz, Bolivia (E)
Las Palmas, Canary Islands, Spain (CA)
Leningrad, Union of Soviet Socialist Republics (CG)
Libreville, Gabon (E)
Lima, Peru (E)
Lisbon, Portugal (E)
Liverpool, England (CG)
Lome, Togo (E)
London, England (E)
Lourenco Marques, Mozambique (CG)
Luanda, Angola (CG)

Lubumbashi, Zaire (C)
Lusaka, Zambia (E)
Lexembourg, Luxembourg (E)
Lyon, France (CG)
Madras, India (CG)
Madrid, Spain (E)
Malaga, Spain (CA)
Managua, Nicaragua (E)
Mandalay, Burma (C)
Manila, Philippines (E)
Maracaibo, Venezuela (C)
Marseille, France (CG)
Martinique, French West Indies (C)
Maseru, Lesotho (E)
Matamoros, Tamaulipas,
Mexico (C)
Mazatlan, Sinaloa,
Mexico (C) Mbabane, Swaziland (E)
Medan, Indonesia (C)
Medellin, Colombia (C)
Melbourne, Victoria, Australia (CG)
Merida, Yucatan,Mexico (C)
Mexico, D.F.,Mexico (E)
Milan, Italy (CG)
Mogadiscio, Somalia (E)
Monrovia, Liberia (E)
Monterrey, Nuevo Leon, Mexico (CG)
Montevideo, Uruguay (E)
Montreal, Quebec, Canada (CG)
Montreal, Quebec, Canada (ICAO)
Moscow, Union of Soviet Socialist Republics (E)
Munich, Germany (CG)
Musct Oman (E)
Naha, Japan (CG)
Nairobi, Kenya (E)
Naples, Italy (CG)
Nassau, Bahamas (E)
N'Djamena, Chad (E)
New Delhi, India (E)
Niamey, Niger (E)
Nice, France (C)
Nicosia, Cyprus (E)
Nouakchott, Mauritania (E)
Nuevo Laredo, Tamaulipas, Mexico (C)
Oporto, Portugal (C)
Oran, Algeria (C)
Osaka-Kobe, Japan (CG)
Oslo, Norway (E)
Ottawa, Ontario, Canada (E)
Ouagadougou, Upper Volta (E)
Palermo, Italy (CG)
Palma de Mallorca, Spain (CA)
Panama, Panama (E)
Paramaribo, Surinam (CG)
Paris, France (E)
Paris, France (UNESCO)
Paris, France (USOECD)
Peking Office, People's Republic of China (USLO)
Permanent Mission of the United States of America to the Organization of American States (OAS), Washington, DC
Perth, Western Australia, Australia (C)
Peshawar, Pakistan (C)
Phnom Penh, Khmer Republic (E)
Piura, Peru (CA)
Ponta Delgada, Sao Miguel, Azores (C)
Port-au-Prince, Haiti (E)
Port Louis, Mauritius (E)
Port Moresby, Papua New Guinea (CG)
Porto Alegre, Rio Grande do Sul, Brazil (C)
Port-of-Spain, Trinidad and Tobago (E)
Poznan, Poland (C)
Prague, Czechoslovakia (E)
Pretoria, Transvaal, South Africa (E)
Quebec, Quebec, Canada (CG)
Quito, Ecuador (E)
Rabat, Morocco (E)
Rangoon, Burma (E)
Recife, Pernambuco, Brazil (C)
Reykjavik, Iceland (E)
Rio de Janeiro, Brazil (CG)
Rome, Italy (E)
Rome, Italy (FAO)
Rotterdam, Netherlands (CG)
St. John's, Newfoundland, Canada (CG)
Salvador, Brazil (C)
Salzburg, Austria (C)
San Jose, Costa Rica (E)
San Salvador, El Salvador (E)
San'a, Yemen Arab Republic (E)
Santiago, Chile (E)
SAnto Domingo, Dominican Republic (E)
Sao Paulo, Sao Paulo, Brazil (CG)
Sapporo, Japan (C)
Seoul, Korea (E)
Seville, Spain (CG)
Singapore, Singapore (E)
Sofia, Bulgaria (E)
Songkhla, Thailand (C)
Stockholm, Sweden (E)
Strasbourg, France (CG)
Stuttgart, Germany (CG)
Surabaya, Indonesia (C)
Suva, Fiji (E)
Sydney, New South Wales, Australia (CG)
TAbriz, Iran (C)
Taipei,Taiwan (E)
TAnanarive, Madagascar (E)
TAngier, Morocco (CG)
Tegucigalpa, Honduras (E)
Tehran, Iran (E)
Tel Aviv, Israel (E)
Thessaloniki, Greece (CG)
Tijuana, Baja California, Mexico (CG)
Tokyo, Japan (E)
Toronto, Ontario, Canada (CG)
Trieste, Italy (C)
Tripoli, Libya (E)
Tunis, Tunisia (E)
Turin, Italy (C)
Udorn, Thailand (C)
U.S. Mission to the European Communities (USEC), Brussels
U. S. Mission to the European Office of United Nations and Other International Organizations, Geneva.
U.S. Mission to the International Atomic Energy Agency (IAEA), Vienna.
U.S. Mission to the International Civil Aviation Organization (ICAO), Montreal.
U.S. Mission to the North Atlantic Treaty Organization (USNATO), Brussels.
U.S. Mission to the Organization for Economic Cooperation and Development (USOECD), Paris
U.S. Mission to the United Nations (USUN), New York, N.Y.
U.S. Mission to the UN Industrial Development Organization (UNIDO), Vienna
U.S. Representative to Food and Agriculture Organization (FAO), Office of Rome.
Valencia Spain (CA)
Valletta, Malta (E)
Vancouver, British Columbia, Canada (CG)
Vienna, Austria (E)
Vienna, Austria (IAEA)
Vienna, Austria (UNIDO)
Vientiane, Laos (E)
Warsaw, Poland (E)
Wellington, New Zealand (E)
Winnipeg, Manitoba, Canada (CG)
Yaounde, Cameroon (E)
Zagreb, Yugoslavia (CG)
Zanzibar, Tanzania (C)
Zurich, Switzerland (CG)

Categories of individuals covered by the system: U.S. Government employees assigned to the post; Individuals seeking or obtaining consular or passport services; Individuals living or visiting abroad who have registered their place of residence at the embassy or consulate; Businessmen who have had official contacts with embassy economic and commerical sections; Seamen; Persons who are overseas on U.S. cultural or educational grants; Individuals working overseas under U.S. government contracts; Officials of federal, state, or local governments, members of their staff or delegation, travelling overseas on official business; Individuals involved in the

discussion, establishment, execution, or definition of United States foreign policy; Military personnel; Refugees; Members of legislative or judicial branches of government; individuals employed by or seeking employment with international organizations.

Categories of records in the system: The categories of records maintained in the overseas records system are primarily information or working copies of records already on file at the Department of State and are described in the other system notices published in this issue of the FEDERAL RESISTER.

Among those categories of records maintained at the Department's overseas establishments which may not be on file in the Department of State are:

1. Address registration lists of U.S. citizens visiting or residing overseas;
2. Visa applications;
3. Administrative records;
a. travel records;
b. shipment, importation, licensing, registration and sale of property records;
c. customs duties records;
d. Change of address records;
e. blood donor lists;
f. Bad check records;
g. Accomodations Exchange records;
h. Personnel Locator records;
i. Individual Work Order Requests;
j. Time and attendance cards;
k. W-2 forms;
4. Employment applications and related data;
5. Post Diplomatic Personnel Lists;
6. Post Administrators and Technical Personnel List;
7. 'Visual Identification' Records;
8. Marriage Records;
9. Allowance Records;
10. Procurement/Contract Records;
11. General Properties Inventory Records;
12. Congressional Delegation and Important Visitor Records;
13. Registration Lists of U.S. Businessmen;
14. Trade Promotion Records;
15. Trade Complaint Records;
16. Lists of American Attorneys Abroad;
17. Registration Cards for refugees and migration programs;
18. Host government requests for jurisdiction in legal matters involving U.S. military personnel;
19. Records involving other legal matters (deportation, letters, rogatory, subpoenas);
20. Educational and Cultural Grantee Records;
21. Trust fund records;
22. Commissary records;
23. Selective Service Registration Records;
24. Clemency Records;
25. Protection of Property Files (complaints regarding damage to and seizure of property);
26. Assistance to Americans records;
27. Restitution Claims records;
28. Headstone Records;
29. Mutual Security Records.

Authority for maintenance of the system: The authorities for maintaining the overseas records systems are described below referring by number to the Category of Record listed:

1. 22 USC 811a
2. 8 USC 1101-1503
3. 22 USC 811a
4. 22 USC 811a
5. 22 USC 811a
6. 22 USC 811a
7. 22 USC 811a
8. 22 USC 811a
9. 22 USC 1131-1159
10. 22 USC 811a
11. 22 USC 811a
12. 22 USC 811a
13. 22 USC 811a
14. 22 USC 811a
15. 22 USC 811a
16. 22 USC 811a
17. 22 USC 2601-2605
18. Status of Forces Agreements
19. 22 USC 811a; 28 USC 1781-1784
20. 22 USC 501, 1431, 2054-57, 2451-58,
21. 22 USC 811a
22. 22 USC 1139
23. 50 App. USC 453
24. Presidential Proclamation 4313, September 16, 1974
25. 22 USC 811a
26. 22 USC 811a
27. 22 USC 1621-1643
28. 22 USC 811a
29. 22 USC 811a

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These correspond to the 'Routine Uses' appearing in the other system notices appearing in this issue of the Federal Register. Also See 'Routine Uses' paragraphs in the prefatory statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microform; magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State and of overseas posts have undergone a background security investigation. All records containing personal information are maintained in secured files cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: The ambassador, principal officer, deputy principal officer, or consular officer at each overseas post.

Notification procedure: Individuals who have cause to believe that an Overseas Record System might have information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify which embassy, consulate, or mission, he wishes to be checked. Or, the individual may contact the overseas post(s) directly. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; suignature; the specific post which the individual believes might have a record of him; the approximate dates when the record might have been created; a brief description of the circumstances which would have led to the creation of a record.

Examples of the kinds of information which would assist the Department of State in determining whether or not an overseas record system contains a record on an individual are: the individual's approximate dates of travel or residency in a foreign country or the approximate dates and nature of an individual's contact with a U.S. diplomic or consular post.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the specific overseas post or to the Director, Foreigh Affairs Document and Reference Center, (address above). Access to routine unclassified administrative records may be granted at the overseas establishment. Requests involving other records will be referred to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above)

Record source categories: These correspond to the 'Sources' described in the other system notices appearing in this issue of the FEDERAL REGISTER.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e) (1), (e)(4)(G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-26

System name: Passport Records

System location: The Passport Office, Department of State Annex 017, 1425 K Street NW, Washington, DC 20524.

Categories of individuals covered by the system:

Individuals who have applied for the issuance, amendment, extension or renewal of U.S. passports; individuals who have

been issued U.S. passports or had passports amended, extended, renewed, limited, revoked or denied.

Individuals who have applied to have births overseas reported as births overseas of U.S. citizens; individuals for whom Consular Reports of Birth Abroad of U.S. citizens or Certifications of Birth have been issued.

Individuals who have applied at American Diplomatic or Consular posts for registration as U.S. citizens; individuals who have been so registered; and individuals who have been issued Certificates or Cards of Registration and Identity as U. S. citizens.

Individuals for whom the Department of State has issued Certificates of Loss of Nationality of the United States.

Individuals who have applied at American Diplomatic or Consular Posts for issuance of Certificates of Witness to Marriage; and, individuals who have been issued Certificates of Witness to Marriage.

Individuals who are not or may not be entitled under passport laws and regulations to issuance or possession of U.S. passports or other documentation or service.

Categories of records in the system: Application files including applications for passports, or applications for amendment, extension or renewal of passports; and applications for registration at American Diplomatic and Consular Posts as U.S. citizens or for issuance of Certificates or Cards of Identity and Registration as U.S. citizens;

Vital records files including Consular Reports of Birth Abroad of United States citizens, Certificates of Witness to Marriage, Certificates of Loss of United States Nationality, Certificates of Expatriation, and Oaths of Repatriation;

Master Index File which consists of the names of persons who have applied for, been issued passports or related facilities; and, to the extent not included in the Application Vital Records or other category of record maintained by this agency, the names of persons who have been issued Consular Reports of Birth, Certificates of Birth, Consular Certificates of Repatriation, Certificates of Witness to Marriage, Certificates of loss of United States Nationality, or been registered or issued Certificates or Cards of Identity and Registration as U.S. citizens; Lookout Files which identify those persons whose cases require other than routine examination or action;

Miscellaneous Materials - maintained separately, if not in the application, vital records or master index files, including but not limited to: investigatory reports compiled in connection with granting or denying passport and related facilities or prosecution of violations of passport criminal statutes; transcripts and opinions on adminstrative hearings and appeals; legal briefs, memoranda, judicial orders and opinions arising from administrative determinations with regard to passports and citizenship; birth and baptismal certificates; court orders; arrest warrants; medical, personal and financial records; affidavits; inter-agency and intra-agency memoranda, telegrams, cables, letters, and other miscellanous correspondence.

Authority for maintenance of the system: 8 U.S.C. 1101-1503; 18 U.S.C. 371, 911, 1001, 1541-1543, 1545 and 1546; 22 U.S.C. 211a, 212-214, 214a, 216, 217a, 1172, 2658, and 2662; Executive Order 11295 of August 5, 1966; Presidential Proclamation 3004, January 17, 1953.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The primary purpose for maintaining Passport Files is to establish citizenship, identity and entitlement to issuance of United States passports and related facilities.

The information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties; the information is made available pursuant to a subpoena or court order directing the production of passport records; the information also may be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of the Prefatory Statement.

Routine Use -- National or Internal Security:

Pursuant to the provisions of 8 U.S.C. 1105, the information maintained by this agency in its system of records is made available as a 'routine use' on a need- to-know basis to personnel of executive departments or their subordinate elements, or other agency of the Federal Government having statutory or other lawful authority to maintain such information in performing their statutory or other lawful functions. A record from this system of records may be disclosed as a 'routine use' to a federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting on an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; magnetic computer media; microfilm.

Retrievability: By individual name, date and place of birth.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individual under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees. Access to information maintained in the computerized 'Lookout Files' system of records is limited to authorized employees of the Passport Office and of the Department of State responsible for the maintenance of the system of records.

Retention and disposal: Retention of these records varies depending upon the specific record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director of the Passport Office, Room 600, Department of State Annex 17, 1425 K Street NW, Washington, DC 20524.

Notification procedure: Individuals who have reason to believe that the Passport Office might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, D.C. 20520. The individual must specify that he wishes the records of the Passport Office to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; references; miscellaneous communications; law enforcement agencies; investigative intelligence sources; investigative security sources; foreign governments.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-27.

System name: Personal Property Claims.

System location: Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037.

Categories of individuals covered by the system: Employees of the Department of State, the Agency for International Development, and the United States Information Agency, who have filed claims for loss of personal property.

Categories of records in the system: Claims; determination of the claim.

Authority for maintenance of the system: 31 U.S.C. 240-242.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is used to settle claims for loss of personal property.

Information is made available to personnel of the Department of State as may be required in the performance of their official duties.

The principal users of this information outside the Department of State are: Agency for International Development; United States Information Agency.

Information is released to these agencies when the individual who makes the claim is employed by such agency.

This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information.

Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Generally these records are retained for 2 years. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Chief, Evacuation and Relocation Staff, Room 1890, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Office of Personal Property Claims might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washingotn, DC 20520. The individual must specify that he wishes the records of the Office of Personal Property Claims to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date of the claim.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above)

Record source categories: individual; personnel of the Department of State; insurance companies.

STATE-28.

System name: Personality Cross-Reference Index to the Secretariat Automated Data Index

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Government officials; members of Congress; business, academic, and public persons.

Categories of records in the system: political-military information; intelligence; medical information; legal information; personnel matters connected with the Secretary's legal responsibilities.

Authority for maintenance of the system: 22 U.S.C. 811a; 44 U.S.C. 3101-3107; Executive Order 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as working or reference files by principal officers of the Department of State in making decisions. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The prinicipal users of this information outside the Department of State are: White House; National Security Council. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic computer media; hard copy; microform.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification or individuals under proper escort. All records containing personal information are maintained in secure files or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from 1 to 20 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Information Management Section, Room 7241, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Personality Cross-Reference Index to the Secretariat Automated Data Index might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Personality Cross-Reference Index to the Secretariat Automated Data Index to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief discription of the circsumstances, including the approximate dates, which give the individual cause to believe that the Personality Cross-Reference Index to the Secretariat Automated Data Index might have records pertaining to him.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: Individual; Government agencies; private citizens; private industry; International agencies; foreign leaders.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-29.

System name: Personality Index to the Central Foreign Policy Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals who are involved in the establishment, discussion, or definition of foreign policy; individuals who utilize the services of the Department of State.

Categories of records in the system: Official record copies of incoming and outcoming communications; correspondence with the White House, members of Congress, and other federal agencies; Significant correSpondence with international, national, local, and private organizations and individuals; management studies and surveys; memorandums of conversation; instructions to U.S. representatives to international conferences and organizations.

Authority for maintenance of the system: 22 U.S.C. 811a; 22 U.S.C. 2658; 44 U.S.C. 3301-3314; 44 U.S.C. 3101-3107.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records is maintained to ensure the effective administration of the Department of State's foreign policy requirements. It is to serve as a centralized index to those individuals involved in all phases of foreign policy establishment, discussion, and definition. This information also serves as an accurate record of individuals utilizing the Department's services, including those overseas.

The purpose of maintaining this information is to: implement the foreign policy of the United States; formulate foreign policy recommendations; evaluate foreign policy performance; conduct diplomatic and consular activities; administer the Department of State Foreign Service, etc.

Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Agency for Interna-

tional Development; United States Information Agency; Arms Control and Disarmament Agency; Central Intelligence Agency; Department of Defense; National Security Council; Congress; Department of Treasury; Department of Commerce; Department of Justice; White House. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microform; hard copy; magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retired or destroyed in accordance with published schedules of the Department of State. For historical purposes, many of the records of the Central Foreign Policy Files are transferred to the National Archives, where they are preserved indefinitely. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who wish to find out if the Personality Index to the Central Foreign Policy Records has information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; Department of State employees; employees of foreign affairs agencies; members of Congress; officials of foreign governments; U.S. and foreign publications.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this dame date in the FEDERAL REGISTER.

STATE-30

System name: Personnel Payroll Records

System location: Department of State Annex 015, 1800 N. Kent Street, Arlington, Virginia 22209.

Categories of individuals covered by the system: Employees of the Department of State.

Categories of records in the system: Personnel actions; allotment requests; Tax forms; death claims; bond requests; leave records; time and attendance cards; payroll name listings; income tax witholding statements; pay cards; health insurance forms; fiscal documentation; travel authorizations; Travel vouchers; Foreign Service annuitants; related correspondence.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used to prepare an accurate and complete biweekly payroll and related reports which include: entering change data into computerized personnel/payroll system; producing variety of machine reports for use by allotment accountants; issuing biweekly pay checks; computing and issuing lump-sum pay checks for personnel separating; issuing terminal leave payments; confirming time and attendance and leave date to assist in documenting claims for restored annual leave; providing leave data for the personnel office to facilitate computing retirement cases. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Federal, State, and city governments are issued tax reports; Internal Revenue Service is sent tax witholding data and W-2 forms; Civil Service Commission receives the total record of deductions; Other government agencies for which the Washington Finance Center provides payroll services are sent payroll data: Department of Agriculture; Department of Commerce; Library of Congress; Department of Defense; Department of Treasury; Federal Aviation Administration; ACTION; United States Information Agency; Department of Health, Education, and Welfare; United States Battle Monuments. Information relating to GAO Direct Settlement Travel/Transportation cases is available to GAO. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microfiche; magnetic computer media.

Retrievability: By indivdual name; by social security number.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from 3 to 55 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State, More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Financial Services Division, Room 6604D, Department of State Annex 015, 1800 N. Kent Street, Arlington, Virginia 22209.

Notification procedure: Individuals who have reason to believe that the Office of Financial Services might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Financial Services to be checked. At a a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate dates of employment with the Department of State. Because the Personnel Payroll Records are systematically arranged according to Social Security Number, it is requested that the individual include his social security number to facilitate a thorough search of the system.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-31

System name: Personnel Records.

System location: Department of State, 2201 C St. NW, Washington, DC 20520; Department of State Annex 06, 1700 N. Lynn St., Arlington, Va. 22209; Department of State Annex 012, 1975 Florida Ave., NW, Washington, DC.; Department of State Annex 015, 1800 Kent St., Arlington, Va. 22209; U.S. Mission to United Nations, 799 UN Plaza, New York, N.Y. 10017; Washington National Records Center, Suitland, MD.; National Personnel Records Center, 111 Winnebago St. St. Louis, Mo. 63118; Various offices within the Department maintain records on personnel employed by them. This information generally consists of working copies of per-

sonnel actions and assignments, the record copy of which is in the Personnel office.

Categories of individuals covered by the system: Department of State employees (current and former; domestic and Foreign Service); applicants for employment with Department of State; prospective alien spouses of Department of State employees; employees of other Federal Agencies on detail to Department of State; employees of U.S. Mission to United Nations, UN specialized agencies, and other international organizations (including Department of State employees detailed or seconded to such organizations.)

Categories of records in the system: Official personnel files (including Civil Service, Foreign Service and USUN employees); performance records (Foreign Service ratings, development appraisal reports, score cards, and related correspondence); career development and counseling records (including training and assignment records); technician file (travel, tour of duty, home leave eligibility, etc.); informal grievances files (Civil Service and Foreign Service); suitability files (Civil Service and Foreign Service); recruitment and employment files (including unsuccesful applicants, BEX and Junior Officer Trainee candidates, outside hires, reappointments, processing records and card files); promotion, upward mobility, and conversion files (Civil Service merit promotion, Threshold, Mustang, lateral entry, and FAS programs); retirement, annuitant, and external placement files (Civil Service and Foreign Service); title and rank, Presidential commission records; marriage to foreign nationals (applications/notices of intent of Foreign Service employees); service record cards (Civil Service and Foreign Service); employee awards, blood donor records; computer printouts from automated personnel system (alphabetical list, staffing patterns, Personnel Audit Reports and abstracts, panel books, etc.);

Authority for maintenance of the system: 5 U.S.C. 301-302; 22 U.S.C. 811a, 986-996; E.O. 11264, January 1, 1966; E.O. 11434, August 29, 1968; E.O. 10651, September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel within the Department of State as may be required in the performance of their official duties, such as reveiw in connection with appointments, transfers, details, promotions, training, reassignments, disciplinary or adverse actions, grievances, operations of the automated personnel/payroll and Foreign Service Anniutant systems, and the preparation of the statistical reports, analyses, and other by-products of these systems. The principal users of this information outside the Department of State are: The Civil Service Commission in connection with periodic reviews or audits of Civil Service employee files and programs, examination of Civil Service employee complaints regarding the validity of specific documents in an individual's personnel record, providing data for the automated Central Personnel Data File (CPDF) or to update the Federal Automated Career System (FACS) or Executive Inventory File, or other purposes under E.O. 10561. Personnel offices in other Federal agencies as the result of the actual or potential transfer or detail of Department of State employees to such agencies; adminstrative or personnel offices in international organizations as the result of secondment or consideration of secondment of Department of State employees to such organizations. Academic institutions to which Department of State employees may be assigned for long-term training (profiles only.) Attorneys, EEO investigators/counselors or union representatives designated by employees to represent them in grievance, appeal, or litigation cases. Accredited investigative agents of other Federal agencies. National Personnel Records Center and Washington National Records Center Staffs upon retirement of inactive personnel records to these centers. Other government agencies (including State and local), and private organizations, institutions or indivduals to verify employment and to request record or credit checks. Representatives of medical organizations to review qualifications of technicians in connection with accrediting the Department's medical laboratory. Current and former Department of State employees to review their own personnel records. The President of the United States, the Executive Office of the President and legislative and appropriations committees of the U.S. Congress charged with consideration of legislation and appropriations for the Foreign Service, or representatives duly authorized by such committees. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microform; magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building, its annexes, and the U.S. Mission to the United Nations, is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in lockable metal file cabinets or secured rooms, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director of Personnel, Room 7331, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who wish to find out if the Department of State has personnel records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. At a minimum, an individual should include: name; date and place of birth; approximate dates of employment with the Department; current mailing address and zip code; signature. It may be necessary to request additional information to make certain that the record pertains to the individual. In the case of former Department of State employees whose official personnel folders have been retired to the National Personnel Records Center in St. Louis, the individual's social security number is the key identifier for retrieving the folders.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center (address above).

Contesting record procedures: (See above.)

Record source categories: The individual employee or former employee; previous employers; employee supervisors; Foreign Service inspectors; employee counselors, placement officers, personnel technicians; Administrative/executive officers; pesonnel and payroll offices. Operating Systems Division (PER/MGT/OS), and Information Systems Office (O/ISO); Employment Division , Board of Examiners for the Foreign Service, Office of Security, Medical Division, Legal Adviser's Office, Foreign Service Institute; colleges and universities, Armed ForCes academic institutions, Educational Testing Service; U.S. Employment Service and other authorized agencies administering pre-employment clerical tests; U.S. Civil Service Commission and other Federal agencies; Prospective alien spouses of Foreign Service employees; Hearing examiners, grievance staff, grievance and appeals boards, affidavits, testimony of witnesses, etc.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

State-32.

System name: Personnel Travel Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Employees of the Department of State.

Categories of records in the system: Personnel action and authorization of official travel; correspondence relating to shipment and storage of effects; related correspondence.

Authority for maintenance of the system: 22 U.S.C. 811a; 22 U.S.C. 1136-1159.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of maintaining this system of records is to keep accurate accounting of personnel travel. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of thier official duties. The principal user of this infor-

mation outside the Department of State is the General Accounting Office. The information may also released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ice

Storage: Hard copy; magnetic computer media.

Retrievability: By indivdual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retained approximately 7 years depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Office of the Budget, Room 1332, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of the Budget might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of the Budget to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate date of the individual's travel with the Department of State.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

Contesting record procedures: (See above.)

Record source categories: The individual; Personnel Office of the Department of State; Central Accounting Office of the Department of State; employment and recruiting officers of the Department of State.

State-33.

System name: Protocol Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals receiving gifts/decorations from foreign governments; individuals invited to official state functions.

Categories of records in the system: Description of gifts/decorations received from foreign governments; donors; guest lists; type of function; address and occupation of the individual; sample invitations.

Authority for maintenance of the system: 22 U.S.C. 2621-2625.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records is used as an accounting of those U.S. government officials receiving gifts/decorations from foreign governments and to record for historical purposes the names of those individuals invited to and attending official state functions. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Executive Office of the President; Congress; Media organizations; general public. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microfilm.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid indentification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authoried employees.

Retention and disposal: These records are retained permanently. They are retired in accordance with published schedules of the Department of state. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Assistant Chief of Protocol for Administration, Room 1238, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of Protocol might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Protocol to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature. a brief description of the circumstances, including the approximate dates which give the individual cause to believe that the Office of Protocol might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; employers; Public references; Other officials in the Department of State; Other government agencies; Other public and professional institutions possessing relevant information.

State33.

System name: Protocol Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals receiving gifts/decorations from foreign governments; individuals invited to official state functions.

Categories of records in the system: Description of gifts/decorations received from foreign governments; donors; guest lists; type of function; address and occupation of the individual; sample invitations.

Authority for maintenance of the system: 22 U.S.C. 2621-2625.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records is used as an accounting of those U.S. government officials receiving gifts/decorations from foreign governments and to record for historical purposes the names of those individuals invited to and attending official state functions. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Executive Office of the President; Congress; Media organizations; general public. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microfilm.

Retrievability: by individual name

Safeguards: All employees of the Department of State have undergone a thorough background investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid indentification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authoried employees.

Retention and disposal: These records are retained permanently. They are retired in accordance with published schedules of the Department of state. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Assistant Cheif of Protocol for Administration, Room 1238, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Office of Protocol might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Protocol to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature signature; a brief description of the circumstances, including the approximate dates which give the individual cause to believe that the Office of Protocol might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; employers; Public references; Other officials in the Department of State; Other government agencies; Other public and professional institutions possessing relevant information.

STATE-34

System name: Public Affairs Applicants Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals who have participated or applied for participation in Scholar/Executive-Diplomat Seminar Program; individuals who have participated or applied for participation in the Department's Work-Study Program.

Categories of records in the system: individual's name, address, and telephone number; biographic information; recommendations; evaluations of internship.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is maintained to select individuals for participation in the Scholar/Executive-Diplomat Seminar Program and the Work-Study Program. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. A participant in the Work-Study Program may request that the Department forward a copy of his or her evaluation to a potential employer. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are retained for approximately 3 years. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Chief, Conferences & Seminars Division, Room 5829, Bureau of Public Affairs, Department of State, 2201 C Street NW, Washington, D.C. 20520.

Notification procedure: Individuals who has reason to believe that the Bureau of Public Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street, NW, Washington, DC 20520. The individual must specify that he wishes the records of the Bureau of Public Affairs to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate dates on which the individual applied for participation or participated in the Scholar/Executive-Diplomat Seminar Program or the Work Study Program.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; faculty members; academic institutions;

STATE-35.

System name: Public Affairs Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520; Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037.

Categories of individuals covered by the system: Individuals receiving correspondence drafted by the Bureau of Public Affairs; Indviduals requesting access to Department of State records or to information derived from these records; individuals requesting information under the Freedom of Information Act.

Categories of records in the system: Correspondence between the Department of State and the individual; correspondence between the Department of State and other federal agencies concerning requests for information; Correspondence between the Bureau of Public Affairs and other bureaus within the Department concerning requests for information; Correspondence between the Bureau of Public Affairs and other offices within the Department or other federal agencies regarding required security clearances of individual researchers or concerning the clearance of classified and restricted material which these researchers consulted.

Authority for maintenance of the system: 5 U.S.C. 552; 22 U.S.C 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information concerning individuals receiving letters drafted by the Bureau of Public Affairs is used for reference in further correspondence with the same individual on the same subjects. Information concerning individuals requesting access to Department of State records is used in dealing with requests for access to classified or restricted material and in making appropriate arrangements for such access. This information may also be used to coordinate decisions on access to records with other Federal agencies which have custody of Department of State records or which share with the Department responsibility for deciding on access to certain categories of records. Information concerning individuals requesting information under the Freedom of Information Act is used to provide information on such requests as required by Congress, to keep account of cases as they circulate through the Department, and to write reports to Congress and the Interagency Classification Review Committee. These records may also be requested by the public. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Congress; Interagency Classification Review Committee. This information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; Magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies depending upon the specific kind of record involved. They are retired or

destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Historical Office, Room 619 Bureau of Public Affairs, Department of State Annex 02, 515 22nd St. NW, Washington, D.C. 20037; Director, Freedom of Information Staff, Room 5835, Department of State, 2201 C Street NW, Washington D.C. 20520.

Notification procedure: Individuals who have reason to believe that the Bureau of Public Affairs might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520. The individual must specify that he wishes the records of the Bureau of Public Affairs to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate dates on which the individual requested information under the Freedom of Information Act, requested access to Department of State records or to information derived from these records, received correspondence from the Department of State.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The indivdual; offices within the Department of State; other federal agencies; individuals writing letters of reference.

State-36

System name: Security Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Employees and former employees of the Department of State; applicants for Department employment who have been or are presently being investigated; contractors working for the Department; recipients of Cultural Grants; individuals requiring access to the official Department of State premises who have undergone or are undergoing security clearance; indivdiuals involved in matters of passport and visa fraud, munitions control, unauthorized access to classifed information, and alien prospective spouses of American personnel of the Department of State; individuals whose activities have a potential bearing on the security of Departmental or Foreign Service operations. In addition, security files contain information needed to provide protective services for the Secretary of State and visiting foreign dignitaries and heads of state, and to protect the Department's official premises. There are also information copies of investigations of individuals conducted abroad at the request of Federal agencies. Finally, security files contain documents and reports furnished to the Department by other agencies concerning individuals whose activities the other agencies believe may have a bearing on U.S. foreign policy interests.

Categories of records in the system: Investagtory material relating to any category of individual described above; applications for employment; intelligence reports; fingerprints; photographs; internal memorandums.

Authority for maintenance of the system: 5 U.S.C. 7311 and 7531-33; 8 U.S.C. 1104; 18 U.S.C. 111, 112, 201, 202, 1114, 1116, 1117, 1541, 1542, 1543, 1544, 1545, 1546; 22 U.S.C. 211a, 846, 911, 2454, and 2667; Executive Order 10450; Executive Order 11652; Executive Order 10865; 22 CFR Subchapter M.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Department of Treasury; Civil Service Commission; Agency for International Development; U.S. Information Agency; Arms Control and Disarmament Agency; U.S. Secret Service; Immigration and Naturalization Service; Department of Defense; Central Intelligence Agency; Department of Justice; National Security Agency; Drug Enforecment Adminstration; any other Federal agency inquiring pursuant to law or Executive Order in order to make a determination of general suitability for employment or retention in employment, for granting a contract or issuing a license or grant, or for issuance of a security clearance; any other Federal, state, or municipal law enforcement agency for law enforcement purposes; any other agency or Department of the Federal government pursuant to statutory intelligence responsibilities or other lawful purposes; any other agency or Department of the Executive Branch having oversight or review authority with regard to its investigative responsibilites; to the extent necessary to identify the individual adequately, to any other record custodian in order to obtain information relevant to a legitimate investigative or intelligence interest of the Department of State. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microfilm; microfiche;

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individual possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information, may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Deputy Assistant Secretary for Security, Room 2513, Department of State, 2201 C Street, NW, Washington, DC 20520.

Notification procedure: Individuals who wish to find out if the the Department of State, Office of Security, has records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individual; persons having knowledge of the indivdual; persons having knowledge of incidents or other matters of investigative interest to the Department; pertinent records of other federal state, or local agencies or foreign governments; Pertinent records of private firms or organizations; public sources.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C 552a (c) (3), (d), (e)(1), (e) (4) (G), and (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER. Pursuant to Section (j)(2) of the Act, records compiled by the Passport and Visa Fraud Branch of the Office of Security may be exempted from the requirements of any part of the Act except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the exient necessary to assure the effective completion of the investigative and judicial processes.

State-37

System name: Translators and Interpreters Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals who have contracted with the Department of State to provide various linguistic and other services.

Categories of records in the system: Contract itself; biographical sketches of the contractors; other information relating to contract award and performance.

Authority for maintenance of the system: 22 U.S.C. 811a

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is maintained to facilitate the procurement and effective performance of translators and interpreters who serve a vital function in the Department's foreign policy requirements. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are potential employers, credit institutions, rental offices, etc.; requesting verification of employment and/or earnings. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from 5 to 6 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Deputy Assistant Secretary for Operations, Room 1417, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Language Services Division might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Language Services Division to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances, including the approximate dates, which give the individual cause to believe that Language Services Division might have records pertaining to him.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above.)

Contesting record procedures: (See above.)

Record source categories: The individual; end-users of the contracted services; various employees of the contracting office.

State-38

System name: Vendor Records

System location: Supply and Transportation Division, Room 532, Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

Categories of individuals covered by the system: Individuals who have contracted with the Department of State to provide various supplies and other services.

Categories of records in the system: The contract itself; biographical sketches of the contractors; requisitions; invitations to bid; specifications; bids; Bid abstracts; contract provisions; award documents; other information relating to contract award and performance.

Authority for maintenance of the system: 31 U.S.C. 67(b); 41 U.S.C. 257

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records is used primarily for auditing and budgetary purposes. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: General Accounting Office; Armed Services Board of Contract Appeals. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; Magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from 3 to 8 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Deputy Assistant for Operations, Room 1417, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Supply and Transportation Division might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Supply and Transportation Division to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the type of supply/service contracted to the Department of State and the approximate dates during which contractual arrangement was effective.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (Address above).

Contesting record procedures: (See above.)

Record source categories: The individual; end-users of the contracted services; various employees of the contracting office.

State-39

System name: Visa Records

System location: The Visa Office, Department of State Annex 02, Room 713, 515 22nd Street NW, Washington, DC 20037; Department of State, 2201 C Street NW, Washington, DC 20520; overseas posts.

Categories of individuals covered by the system: Individuals who have applied for visas; aliens who may be ineligible to receive visas.

Categories of records in the system: visa applications; letters from interested parties; communications between the Visa Office and consulates, other U.S. Government agencies, international organizations, and foreign missions regarding the eligibility, issuance, revalidation, and extension of visas.

Authority for maintenance of the system: 8 U.S.C. 1101-1503

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in this system is used to assist consular officers overseas in dealing with problems of a legal, technical or procedural nature that may arise in considering an application of a U.S. visa. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are: Immigration and Naturalization Service to coordinate the issuance of visas; Department of Justice; Department of Labor; Central Intelligence Agency; National Aeronautics and Space Administration; Department of Defense; Congress. Unclassified information is released to interested persons inquiring as to the status of a particular visa case. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; magnetic computer media.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records varies from one year to an indefinite period of time, depending upon the specific kind of record involved. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Visa Office, Room 800, Department of State Annex 02, 515 22nd Street NW, Washington, DC 20037.

Notification procedure: Individuals who have cause to believe that the Visa Office might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Visa Office to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; the approximate date on which the individual applied for a visa, and if this application was made overseas, the U.S. embassy or consulate at which the application was made.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above.)

Record source categories: The individuals; members of Congress; the public interested in the visa applicant's case; U.S. Government agencies; foreign missions; international organizations; local sources at overseas posts.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-40

System name: Privacy Act Requests Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Individuals who have requested personal information from the record systems of the Department of State.

Categories of records in the system: Request from the individual; related correspondence; related memoranda.

Authority for maintenance of the system: 5 U.S.C. 552a, sec. 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system of records is maintained in order to efficiently process requests made under the Privacy Act of 1974. Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. Information is released to other government agencies who have statutory or other lawful authority to maintain such information. Also see 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Rentention of these records is indefinite. They will be retired or destroyed in accordance with schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Privacy Act Requests Records might have information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Privacy Act Requests to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; approximate date on which the individual requested information under the Privacy Act of 1974.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Security classification: (See above.)

Record source categories: The individual; officials of the Department of State; officials of other government agencies who may be involved in the request.

STATE-41

System name: Berlin Document Center Records

System location: U.S. Mission Berlin, 170 Clayallee, APO New York 09742.

Categories of individuals covered by the system: Individuals associated with former government, organization, or party apparatus, of the Third Reich, who are now U.S. citizens or lawfully admitted resident aliens.

Categories of records in the system: Original documents of Third Reich, NSDAP, SS, and affiliated institutions and organizations; biographic documents; NSDAP membership records.

Authority for maintenance of the system: Executive Order 10608; Allied Control Council Directives (1946).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records may be released to any U.S. government agency having statutory or other lawful authority to maintain such information. Information may also be made available to foreign governments, scholars, and others in response to lawful and verified requests. Also see 'Routine Uses' paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; magnetic computer media.

Retrievability: By individual name.

Safeguards: The Berlin Document Center is an enclosed compound with a 24-hour military guard. Access and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. Records are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Retention of these records is permanent. More specific information may be obtained by writing the Director, Foreign Affairs Docuemt and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington DC 20520.

System manager(s) and address: Director, Berlin Document Center, c/o U.S. Mission Berlin, 170 Clayalles, APO New York 09742.

Notification procedure: Individuals who have reason to believe that the Berlin Document Center might have records pertaining to them should contact the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State 2201 C Street,

NW Washington, DC 20520. or the Director, Berlin Document Center (see LOCATION above). At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances and the approximate dates which gave the individual cause to believe that the Berlin Document Center might have records pertaining to him.

Record access procedures: Individuals who wish to gain access to records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (see address above). Proof of citizenship or resident alien status will be required at the time access is granted.

Contesting record procedures: (See above.)

Record source categories: (see CATEGORIES OF RECORDS)

Systems exempted from certain provisions of the act: Certain records contained within the system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER.

STATE-42

System name: Munitions Control Records

System location: Department of State Annex 06, 1701 N. Ft. Myer Drive, Arlington, Virginia.

Categories of individuals covered by the system: Persons of interest to the Office of Munitions Control in connection with its responsibilities under the International Traffic in Arms Regulations.

Categories of records in the system: Information of activities related to the export of Munitions List Items.

Authority for maintenance of the system: 22 U.S.C. 1934

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in these records is used to make determinations relative to the export of Munitions List items. Information may be released to other federal intelligence and law enforcement agencies. See also 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: e

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled, and admission is limited to those individuals prossessing a valid identification card or those under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Active records are retained in the Office of Munitions Control. Inactive records are retired to the Federal Records Center and destroyed 17 years after such retirement.

System manager(s) and address: Director, Room 800, Office of Munitions Control, Department of State, Washington, D.C. 20520.

Notification procedure: Individuals who have cause to believe that the Munitions Control Records system might contain information on them should write to the Director, Foreign Affairs Document and Reference Center, 2001 C Street NW, Washington, D.C. 20520. The individual should include his full name, date and place of birth, and current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or to amend records pertaining to them should contact the Director, Foreign Affairs Document and Reference Center, (See address above).

Contesting record procedures: (See above.)

Record source categories: Other Intelligence & Law Enforcement agencies.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). See Department of Stateules published on this same date in the FEDERAL REGISTER. 37;r;Cert

STATE-43

System name: Congressional Correspondence Records.

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: Copies of correspondence to and from Members of Congress, which may include inquiries on behalf of constituents and letters to Congressional committees.

Authority for maintenance of the system: 22 USC 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available to personnel of the Department of State as may be required in the performance of their official duties. The principal user of this information outside the Department of State is the individual member of Congress. See also 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy, microfilm.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are destroyed after having been retained for one year.

System manager(s) and address: Congressional Review Officer, Office of Congressional Relations, Room 7249A, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Congressional Correspondence Records might have information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the Congressional Correspondence Records to be checked. At a minimum, the individual must include: name, date and place of birth; current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center (address above).

Contesting record procedures: (See above).

Record source categories: The individual; the Office of the Department which drafted the reply.

STATE-44

System name: Congressional Travel Records.

System location: Department of State, 2201 C Street NW, Washington DC 20520.

Categories of individuals covered by the system: Members of Congress and Staff members who travel.

Categories of records in the system: Correspondence between the Department of State and the overseas post pertaining to the logistics of the individual's trip; letters of authorization from the chairman authorizing funds for the trip.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are the travelers themselves when they express need or desire for any information on a specific correspondence. See also 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name; in the case of several travelers on the same trip, filed under the name of the most senior member of the delegation.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals pos-

sessing a valid identification card or to those individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are destroyed as soon as possible after the trip has been completed.

System manager(s) and address: Director, Congressional Services, Room 7249, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Congressional Travel Records might have information pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the Congressional Travel Records to be checked. At a minimum, the individual must include: name, date and place of birth, current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: See Record Access Procedure

Record source categories: The individual; overseas posts; Office of Congressional Relations.

STATE-45

System name: Contractors Records.

System location: Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

Categories of individuals covered by the system: Architects, engineers, construction contractors, landscape architects, real estate appraisers.

Categories of records in the system: Architect, Engineer, and Related Services Questionnaire; brochures from firms on recently completed projects, routine correspondence with the firm.

Authority for maintenance of the system: Foreign Service Buildings Act 1926, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are Architectural Advisory Consultants who are under contract to the Office of Foreign Buildings for limited periods of time. See also 'Routine Uses' paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By name of business firm.

Safeguards: None, the Office of Foreign Buildings and the individual contractors involved have determined that the information submitted by firms is public knowledge, and is in no need of special security.

Retention and disposal: These records are retained for approximately ten years. They are then destroyed or returned to the individual firm, if they so wish and request.

System manager(s) and address: Deputy Assistant Secretary for Foreign Buildings, Room 335, Department of State Annex 06, 1700 N. Lynn Street, Arlington, Virginia 22209.

Notification procedure: Individuals who have cause to believe that the Office of Foreign Buildings might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Office of Foreign Buildings to be checked. At a minimum, the individual must include: name, date and place of birth, current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (Same as above).

Record source categories: The individual firm.

STATE-46

System name: Fine Arts Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Donors, lenders, contributors and possible contributors to Fine Arts projects; and museum curators and dealers with whom the Fine Arts Office corresponds.

Categories of records in the system: Correspondence between donors and lenders; research material on objects.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. See also 'Routine Uses' paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a vaild identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: These records are continuously maintained and never destroyed, as they do not go out of date.

System manager(s) and address: Curator, Diplomatic Receptions, Room 8213, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the Fine Arts Office might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of the Fine Arts Office to be checked. At a minimum, the individual must include: name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances which give the individual cause to believe that the fine Arts Office might have records on him.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above).

Record source categories: The individual.

STATE-47

System name: Senior Personnel Appointments Records

System location: Department of State, 2201 C Street NW, Washington, DC 20520.

Categories of individuals covered by the system: Applicants for Presidential appointments and other positions.

Categories of records in the system: Applications, recommendations, referrals, resumes, and accompanying correspondence.

Authority for maintenance of the system: 22 U.S.C. 811a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is made available on a need-to-know basis to personnel of the Department of State as may be required in the performance of their official duties. The principal users of this information outside the Department of State are the White House and the National Security Council. Information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. See also 'Routine Uses' paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard Copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a through background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained

in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Most of these records are retained for no longer than two years after the last action has been taken on them. Some records are destroyed earlier, and a few significant records are retained indefinitely. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Special Assistant, Office of the Deputy Under Secretary for Management, Room 7509, Department of State, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have reason to believe that the records of Senior Personnel Appointments might have records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520. The individual must specify that he wishes the records of Senior Personnel Appointments to be checked. At a minimum, the individual must include: name, date and place of birth; current mailing address and zip code; signature.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, (address above).

Contesting record procedures: (See above).

Record source categories: The individual; private individuals and officials interested in his appointment.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 USC 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the Federal Register.

STATE-48

System name: Foreign Assistance Inspection Records.

System location: Department of State, 2201 C Street N.W., Washington, D.C. 20520.

Categories of individuals covered by the system: Members of Congress who have corresponded with the Office of the Inspector General of Foreign Assistance (IGA) or received reports or memoranda from IGA; present and former employees or contractors of the Agency for International Development, Overseas Private Investment Corporation, Inter-American Foundation, Peace Corps, Department of State, Department of Defense, or the Department of Agriculture alleged to have violated laws or agency regulations in connection with programs for which IGA has oversight responsibility.

Categories of records in the system: Routine correspondence with individuals in categories named above; correspondence, working papers and reports of investigation concerning alleged violations of laws and agency regulations in connection with programs for which IGA has oversight responsibility.

Authority for maintenance of the system: Subsection 624(d) of the Foreign Assistance Act of 1961 (Public Law 97-195, as amended).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Correspondence with Members of Congress constitutes working files for IGA management and is made available to officials of the Department of State and of other governmental agencies when it is considered to be in furtherance of IGA's mission. Records concerning individuals alleged to have violated laws or agency regulations in connection with programs for which IGA has oversight responsibility may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing, the statute or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: ICE

Storage: Hard copy.

Retrievability: By individual name.

Safeguards: All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in a restricted area, access to which is limited to authorized employees.

Retention and disposal: Records are retained one year after last entry in file. They are retired or destroyed in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street NW, Washington, DC 20520.

System manager(s) and address: Director, Office of Reports and Management, Office of the Inspector General of Foreign Assistance, Room 6825, 2201 C Street NW, Washington, DC 20520.

Notification procedure: Individuals who have cause to believe that the Office of the Inspector General of Foreign Assistance might have records pertaining to them should write to Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street N.W., Washington, D.C. 20520. The individual must specify that he wishes the records of the Office of the Inspector General of Foreign Assistance to be checked. At a minimum the individual must include: name, date and place of birth, current mailing address and zip code; signature; a brief description of circumstances, including approximate dates, which give the individual cause to believe that the Office of the Inspector General of Foreign Assistance might have records pertaining to him.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write to the Director, Foreign Affairs Document and Reference Center, Room 1239, Department of State, 2201 C Street N.W., Washington, D.C. 20520.

Contesting record procedures: (See above).

Record source categories: The individual; federal agencies; Members of Congress; international, state, and local governmental organizations; nongovernmental organizations; and individuals.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 USC 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See Department of State rules published on this same date in the FEDERAL REGISTER. /*

[FR Doc.75-26280 Filed 9-26-75;5:07 pm]

AGENCY FOR INTERNATIONAL DEVELOPMENT

PRIVACY ACT OF 1974

Notice of Systems of Records

The Agency for International Development published in the Federal Register on August 27, 1975, a proposed Notice of Systems of Records and of intended uses of information in the Systems (40 Fed. Reg. 39463 (1975)), in accordance with Sec. 3(e), (4) and (11) of the Privacy Act of 1974 (P.L. 93-579), (5 U.S.C. 552a, "Act"). Interested persons were invited to comment on the Notice before September 26, 1975.

The Notice described the procedures and criteria used in establishing systems of records under the Act, in determining categories of individuals to be covered, and in establishing routine uses which are applicable to disclosures outside the Agency as distinguished from disclosures within the Agency under Sec. b(1) and (2) of the Act. That explanatory material, except as modified below, is hereby incorporated by reference into this Notice of Systems of Records.

Comments received were given full and fair consideration and resulted in the principal revisions summarized below.

1. The following additional routine uses are intended to be made of information in the Systems of Records listed below, effective November 1, 1975.

a. System AID-10: Employee Relations Records

"To hospitals, clinics, and other medical treatment facilities upon their request in order to provide information about health insurance under the Federal Employees Group Health Insurance Program."

b. System AID-13: Orientation and Training Records

"To colleges, universities, and other formal training institutions, for the purpose of nominating or recommending employees of the Agency for academic studies or training at such institutions."

Interested persons may submit such written views, arguments, or data related to these intended uses of information as they may desire. Comments should be submitted to the Director, Office of Personnel and Manpower (SER/PM); Attn: Privacy Liaison Officer; Agency for International Development; 320 21st Street, N.W., Washington, D.C. 20523. All written comments received before October 29, 1975, will be given consideration by the Agency.

2. The proposed Notice of Systems of Records published on August 27, 1975, discussed accounting of disclosures to the Department of State. This Agency has included in its publication of routine uses not only disclosures outside the Agency but also those to the Department of State, of which the Agency is a part. The Agency was established within the Department of State under the authority of Executive Order 10973 (issued November 3, 1961), as amended, and by State Department Delegation of Authority No. 104 (issued November 3, 1961). Disclosures within the Agency and the Department of State are made only to officers and employees who have a need for the record in the performance of their duties, in accordance with Section (b)(1) of the Act. No accounting of disclosures to the Department of State will be kept, as provided for in Section (c)(1) of the Act.

3. Certain comments were made to the effect that the systems of records of personal information maintained by the Agency were unduly widely dispersed. Given the decentralized nature of the Agency's operations abroad, it is clearly necessary to maintain a minimum of personnel records at widely dispersed posts. The Agency, nevertheless, took into account the comment and has instructed the Director of Personnel and Manpower to undertake a careful study of the present procedures for maintaining personal records, so as to consolidate them to the maximum extent feasible.

4. Certain changes were introduced in the description of systems of records in order to clarify or more fully set forth the categories of individuals covered by the system, the categories of records in the system, and retention and disposal procedures applying to records. The material changes made in certain systems of records are listed below.

a. System AID-1: Foreign Service Employee Personnel Records

System location is amended to add: "Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A."

b.System AID-10: Employee Relations Records

Categories of individuals covered by the system is amended to read: "Any A.I.D. employee or employee of another Federal Agency assigned to A.I.D. under a Participating Agency Service Agreement who has filed a complaint, grievance or appeal; has been the subject of an alimony or child support claim; has been listed as a prisoner of war or missing in action (POW/MIA); or has a medical problem affecting his employment."

Categories of records in the system is amended to read: "Correspondence and indexes covering complaints, grievances, appeals, life insurance, health insurance, occupational health, workers' compensation, but not including those records belonging to the Department of Labor; alimony and child support, employee medical problems (but not including medical records maintained by the Office of the Medical Director, Department of State) and material relating to POW/MIA's."

Retention and Disposal is amended to read: "Workers' compensation files are retired to Federal Records Center, St. Louis, Missouri, for permanent retention after resolution of case. Alcohol and drug abuse files are destroyed by burning one to three years after separation of employee. POW/MIA files are retained indefinitely. All other records are destroyed by burning one or two years after resolution of a problem or final decision on a pending matter."

c. System AID-11: Conduct and Discipline Records

Categories of Records in the System is amended to read: "Investigations of alleged misconduct, statements of outside employment, insubordination, claims for indebtedness, prohibited political activity, medical problems affecting employment, and relevant disciplinary actions affecting all of the above."

Retention and Disposal is amended to read: "Misconduct and discipline records are destroyed by burning twenty years after last entry in file or ten years after separation whichever is earlier. All other records are destroyed by burning one to two years after resolution of a problem or final decision on a pending matter."

d. System AID-13: Orientation and Training Records

Categories of individuals covered by the system is amended to read: "Employees of A.I.D., employees of other U.S. agencies assigned to A.I.D., A.I.D. contractor personnel and dependents of the foregoing; personnel from voluntary organizations, foreign governments; and international organizations who apply for participating agency training programs."

Categories of records in the system is amended to read: "In addition to central records in custody of A.I.D., but officially "maintained" by the Civil Service Commission, the Agency maintains biographical information, training applications, evaluations of employees in training, college transcripts, thesis papers, language aptitude and proficiency scores, miscellaneous test scores and correspondence."

Retention and Disposal is amended to read: "Selected records disposed of after one to five years by shredding or burning; records of more permanent value disposed of in same manner after retirement, transfer or resignation of employee to which they pertain."

e. System AID-15: Payroll Records

Categories of individuals covered by the system is amended to read: "A.I.D. employees including: Direct-hire employees assigned to positions in the United States, U.S. citizen direct-hire employees assigned to positions overseas, personal services contractors, other contract employees; and employees of Federal, State or local government agencies assigned to A.I.D."

f. System AID-17: Employee-owned or -leased Property Records

Retention and disposal is amended to read: "After employee leaves post, records on owned property are retained for four years and on leased property for two years, then destroyed."

g. System AID-18: Employee use of U.S. Government owned or leased Property Records

Retention and disposal is amended to read: "Records on the issuance of U.S. Government property are destroyed three years after the property is turned in or otherwise accounted for. Individual trip tickets reflecting official and unofficial use of vehicles are destroyed six months after the end of the fiscal year. Maintenance and repair records and related papers pertaining to the maintenance and repair of individual residential units occupied by individuals at overseas posts are destroyed at the end of four years. Destruction is by shredding or burning."

h. AID-20: Claims Records

System location is amended to add: "Office of Management Operations, Agency for International Development, 320 21st Street, N.W., Washington, D.C., for claims involving private personal property."

System Manager(s) and address is amended to add: "For private personal property claims: Office of Management Operations, Agency for International Development, 320 21st Street, N.W., Washington, D.C."

i. System AID-22: Congressional Relations, Inquiries, and Travel Records

System location is amended to read:

"a. Principal files are maintained in the Office of Legislative Affairs, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

"b. Records of Congressional inquiries concerning employees and applications for employment with the Office of the General Counsel are maintained in the Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523."

j. System AID-24: Emergency Case File

Categories of records in the system is amended to read: "Material and claims connected with employee death, employee emergency locator cards, blood donor records and emergency visitation travel."

Retention and disposal is amended to read: "Cases related to employee death are retained for three years and then retired to Washington National Records Center for permanent retention. Emergency locator cards and blood donor records are destroyed when obsolete. Emergency visitation records are filed in Official Personnel folder upon completion of travel."

5. Other changes represent only correction of typographical errors and minor language clarifications.

For convenience of reference the general routine uses, which apply to all systems of records, have been brought together in one place in the statement below.

Effective Date: This Notice shall be effective on September 27, 1975.

Dated: September 26, 1975.

John E. Murphy,
Acting Administrator.

The Agency adopts the following Notice of Systems of Records:

Statement of General Routine Uses

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below to the extent therein applicable:

1. In the event of an idication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or particular program pursuant thereto, a record in this system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the approval of a grant or other benefits.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, approval of a grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed, as a routine use, to the Department of State and its posts abroad for the purpose of transmission of information between organizational units of the Agency, or for purposes related to the responsibilities of the Department of State in conducting United States foreign policy or protecting United States citizens, such as the assignment of employees to positions abroad, the reporting of accidents abroad, evacuation of employees and dependents, and other purposes for which officers and employees of the Department of State have a need for the records in the performance of their official duties.

6. A record form this system of records may be disclosed, as a routine use, to a foreign government or international agency in response to its request for information to facilitate the conduct of U.S. relations with that government or agency through the issuance of such documents as visas, country clearances, identification cards, drivers' licenses, diplomatic lists, licenses to import or export personal effects, and other official documents and permits routinely required in connection with the official service or travel abroad of the individual and his or her dependents.

7. A record from this system of records may be disclosed, as routine use, to Federal agencies with which the Agency has entered into an agreement to provide services to assist the Agency in carrying out its functions under the Foreign Assistance Act of 1961, as amended. Such disclosures would be for the purpose of transmission of information between organizational units of the Agency; of providing to the original employing agency information concerning the services of its employee while under the supervision of the Agency, including performance evaluations, reports of conduct, awards and commendations, and information normally obtained in the course of personnel administration and employee supervision; or of providing other information directly related to the purposes of the inter-agency agreement as set forth therein, and necessary and relevant to its implementation.

8. A record from this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving the individual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

9. A record in those systems of records which contains medical information may be disclosed, as a routine use, to the medical adviser of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Agency, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

10. A record contained in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Alphabetical Listing of Systems of Records

SYSTEM OF RECORD

Attendance and Leave Reporting Records—AID-16
Awards and Incentives Records—AID-14
Civil Service Employee Office Personnel Records—AID-2
Claims Records—AID-20
Congressional Relations, Inquiries, and Travel Records—AID-22
Criminal Law Enforcement Records—AID-9
Emergency Case File—AID-24
Employees Automated Record—AID-3
Employee Conduct and Discipline Records—AID-11
Employees' Equal Employment Opportunity Complaint Investigative Records—AID-23
Employee-Owned or -Leased Property Records—AID-17
Employees Payroll Records—AID-15
Employee Relations Records—AID-10
Employee Use of Property Owned or Leased by the U.S. Government-Records—AID-18
Executive Assignment Records—AID-12
Foreign Service Employee Personnel Records—AID-1
Foreign Service Personnel Evaluation Records—AID-7
Litigation Records—AID-26
Medical Clearance and Health Records—AID-5
Orientation and Training Records—AID-13
Personnel Security and Suitability Investigative Records—AID-8
Position Clasification Records—AID-4
Privacy Act Implementation Records—AID-25
Public Information Records—AID-21
Recruiting, Examining, and Placement Records—AID-6
Travel and Transportation Records—AID-19

(Appendix A to 22 CFR, Part 215—Regulations, Agency for International development Addresses and Locations of Offices Referenced in the Regulations and Notices, appearing immediately preceding this Notice in this issue of the Federal Register is hereby incorporated by reference into this Notice as Appendix A hereto.)

A.I.D. - 1

System name: Foreign Service Employee Personnel Records

System location: Washington offices and offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Foreign Service employees and employees of other U.S. Agencies detailed to A.I.D.

Categories of records in the system: This system includes (a) central records consisting of official personnel folders and (b) decentralized records consisting of office copies of official documents

and papers. Records are comprised of documents in the following categories: Biographic Data; assignment and reassignment orders; notification of personnel actions; arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances, position descriptions; staffing and workload information; home, family, and emergency location information, records of language proficiency; records of security clearances; performance evaluations; individual assignment rating sheets; earnings statements; compensations, awards, and leave information; copies of power of attorney granted by the individual; education and training information; delegations of authority; reports of accomplishments; commendations; health and medical record abstracts; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; foreign office notes and official correspondence; permits and authorizations of foreign governments; retirement records and correspondence pertaining to the individual.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 625, 626, 627, 628, and 636 (b); Foreign Service Act of 1946 as amended, U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Foreign Governments, international organizations, and U.S. and Foreign Firms for employment or employee exchange.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and review.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To the recognized labor union for the purposes of meeting the requirements of the negotiated agreement.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Maintained in the Agency for two years after separation of employee, then destroyed by shredding or burning.

System manager(s) and address: Director, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties, by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D. - 2

System name: Civil Service Employee Office Personnel Records

System location: Washington offices and, when a Civil Service employee is assigned overseas, at offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Civil Service employees, consultants, experts; persons under contract to A.I.D.; other U.S. Government Agency personnel employed by A.I.D.; advisers to A.I.D.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission the Agency maintains personnel records which may be comprised of any of the following categories of documents: biographic data; assignments and reassignment orders; notification of personnel actions; arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances; position descriptions; contracts when individuals are employed under a contract; staffing and workload information; home, family, and emergency location information; records of language proficiency; performance evaluations; earnings statements; compensation awards, and leave information; copies of power of attorney granted by individual; education and training information; delegations of authority; reports of accomplishments; commendations; health and medical record abstracts; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; retirement records and correspondence pertaining to the individual.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 625, 626, 627, 628 and 636 (d); Foreign Service Act of 1946, as amended, Sec. 911; 5 U.S.C. 301, 1301, 1302, Authority to establish and maintain files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Foreign Governments and U.S. and Foreign firms for employment purposes.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and review.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To the recognized labor union for the purposes of meeting requirements of the negotiated agreement.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder.

Retrievability: By name of employee, consultant, expert, contractor, and adviser.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Maintained in the office for two years after departure of employee, then destroyed by shredding or burning.

System manager(s) and address: Director, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties, by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D. - 3

System name: Employee Automated Records

System location: Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

Categories of individuals covered by the system: a. A.I.D. Employees including: Direct-hire employees assigned positions in the United States; United States citizen direct-hire employees assigned to positions overseas; and employees of Federal, state, or local government agencies detailed or assigned to A.I.D.; and

b. Applicants for employment

Categories of records in the system: This automated system consists of eight files of computerized records maintained on magnetic discs and magnetic tapes. These files are described below. The first seven (a through g) pertain to the category of individuals defined in a. above; the eighth (h) pertains only to the category of individuals defined in b. above.

a. Master Data File - This file contains information about the organizational structure of the Agency, and the location within that structure of all employees. Individual records, in addition to containing data describing the position incumbered by the employee, contain the following types of information on the employee: basic data such as name, Social Security Account Number (SSAN), birth date, veteran preference, tenure group, service computation date, reportable handicap, retirement system, and participation in Federal Employee' Government Life Insurance; pay data such as pay plan, grade or class, step within grade, date appointed to present grade, and work schedule; personal data supplied by the employee such as sex, marital status, state of legal residence, and academic education level; data on retirement from a uniformed service, if applicable; a wide variety of dates including those that indicate suspense actions which are due at the future date, and others used for other purposes by personnel managers such as date assigned overseas and date returned from overseas; for Civil Service and Foreign Service employees their evaluation rating and the date of their last evaluation; qualifications and skills data such as college degrees, special prior experience, training courses completed, proficiency in foreign languages, and skills of use to the Agency.

b. A Chronological Data Record is maintained on each employee and contains up to ten entries reflecting the most recent 'personnel actions' on that individual, such as appointment, conversion, reassignment, transfer, promotion, extension, and separation. Included for each entry is the type of action code and title, effective date, position assigned to, including position title, and employee's pay plan and grade at the time.

c. Separated Employee File - For employees who have been separated, a record is maintained, made up of the employee data in the Master Data Record and the Chronological Data Record as described in a. and b. above. This record is maintained for three years after date of separation.

d. Index File - This file contains a record for each employee, but contains only the SSAN and the Position Sequence Number of the position to which the employee is assigned. It is used to find the employee's Master Data Record when only the SSAN is known.

e. Turnaround File - This file contains only records generated by the computer and is used by the computer to update the Master Data and Chronological Record files on future effective personnel actions. It is also used by the process that prints the Standard Form 50, Report of Personnel Actions.

f. SF-50 File - This file contains data that was used in printing the Standard Form 50 and is retained for 90 days in the event the Standard Form 50 requires correction or cancellation. It contains basic data on the employee and personnel action being effected by the Standard Form 50.

g. Transaction History File - This file contains a record on each file maintenance transaction input into the computer that passed computer program edits and is used in maintaining system files.

h. Applicant Data File - This file contains name, SSAN, veteran preference, and qualification data supplied by the applicant.

Authority for maintenance of the system: Title 5 U.S.C., Sec. 301, 1302, 2951, 4118, 4308; Foreign Assistance Act of 1961, as amended, Sec. 621, 621A, 625, 626, 627, 628; Foreign Service Act of 1946, as amended, Sec. 911.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To the Chesapeake and Potomac Telephone Co. (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminals.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of the record of the personnel management system.

To the recognized labor union for the purposes of meeting the requirements of the negotiated agreement.

To representatives of the Department of Health, Education and Welfare for the purpose of producing microfiche and microfilm outputs.

To the Department of State for the purposes of producing microfiche and microfilm outputs.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic disc and/or magnetic tape.

Retrievability: The eight files described above are indexed in the following manner and may be retrieved as indicated; however, personal data in all files are readily retrieved through the Index File. (a) Master Data File: by Position Sequence Number. (POSNO) within A.I.D.;

(b) Chronological Data File: by Social Security Account Number (SSAN)

(c) Separated Employee File: by SSAN;

(d) Index File: by SSAN:

(e) Turnaround File: by effective date

(f) SF-50 File: by effective date;

(g) Transaction History File: by date of input to the system or effective date, whichever is later; and

(h) Applicant Data File: by SSAN.

Safeguards: A 'password' is assigned to A.I.D. employees who, in the performance of their official duties, must have access to these files. The password is checked by the computer prior to granting access to the files. The computer facility, including the time library, is located in secured premises with combination-lock door, and access is limited to persons of verified identity who require access.

Retention and disposal: The computerized records are deleted from the files when no longer needed by the system. A copy of the content of all files is made the end of June and December and is retained for five years, then destroyed.

System manager(s) and address: Chief, Systems Design Branch, Policy Development Division, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities in approving personnel actions and verifying information.

A.I.D. - 4

System name: Position Classification Records

System location: Office of Personnel and Manpower, Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Categories of individuals covered by the system: Employees of A.I.D.

Categories of records in the system: Position descriptions, appeals, correspondence relating to position classification, reviews of classifications and the determinations made thereon, and Notifications of Personnel Actions (SF-50's) relating to the position.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended Sec. 621 and the Foreign Service Act of 1946 as amended; 5 U.S.C., Sec. 301, 1302, 2951, 4118, 4308, and Executive Orders 10561 and 10987.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies in file folders.

Retrievability: Name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained by A.I.D. as long as five years (in case of appeals against position classification actions), then destroyed by shredding.

System manager(s) and address: Director, Office of Personnel and Manpower, Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 5

System name: Medical Clearance and Health Records.

System location: Records are maintained in various offices in Washington and abroad having responsibilities pertaining to physical well-being of Foreign Service Employees. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: A.I.D. employees and their dependents, individuals whose employment is sponsored or paid for by A.I.D.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission, and medical records of Foreign Service personnel maintained by the Department of State, the Agency maintains medical clearances pertaining to proposed assignment to a specific overseas geographical location, records of inoculations, important illnesses, medical consultations, and health claims.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, Foreign Service Act of 1946 as amended.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders; and index cards.

Retrievability: By name of individual.

Safeguards: Records of important illnesses, medical consultations and health insurance claims are kept in metal cabinets with three-way combination lock. Other records are kept in areas with access limited to those whose official duties require access.

Retention and disposal: Retained until employee leaves Agency.

System manager(s) and address: The Chief, Foreign Service Personnel Division (PM/PO) Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Additional records are maintained by Administrative and Executive offices in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities, the individual's medical adviser, and the Office of the Medical Director of the Department of State.

A.I.D. - 6

System name: Recruiting, Examining and Placement Records.

System location: Records are maintained in various offices in Washington and abroad that have responsibility for recruiting candidates for employment. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Individuals who have applied to the Agency for employment or employees who have requested outplacement assistance.

Categories of records in the system: In addition to central records maintained by A.I.D. but under the control of the Civil Service Commission, the Agency also maintains information relating to the education and training; employment history and earnings; appraisal of past performance; convictions of offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference; birthplace; birth date; Social Security Account Number; and home address.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended; the Foreign Service Act of 1946; 5 U.S.C., Sec. 301,1302,3301,3302,3304,3306,3307, 3309, 3313, 3317, 3318, 3319, 3349, 4103, 5532, 5533, 5723; and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To prospective employers (Universities, State, and Local Governments, private enterprises, United Nations and other international organizations, foreign governments, and governments of the territories of the U.S.) for purposes of proposing A.I.D. employees who have requested placement assistance for positions outside the Agency.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments, international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Kept from 6 months to 5 years depending upon need; disposed of by shredding or burning.

System manager(s) and address: Chief, Personnel Services Division, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number, dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities; previous employers, personal references provided by the individual; and educational institutions.

A.I.D. - 7

System name: Foreign Service Personnel Evaluation Records

System location: Evaluation files are kept in the Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia.

Categories of individuals covered by the system: Foreign Service Reserve Officers and Staff of A.I.D.

Categories of records in the system: Employee's name , date of birth, entry on duty in Foreign Service, Social Security Account Number, name of evaluation panel, employee backstop code, panel determination and comments, relative ranking of employee, employee data record print, and personal evaluation reports.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 625(d) and (c); Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, and other matters under the jurisdiction of the Commission.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To the recognized labor union for the purpose of meeting the requirements of the negotiated agreement.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy filed in folders.

Retrievability: By name of individual.

Safeguards: Located in metal cabinets with three-way combination lock in a secured area. Access is to those whose official duties require access.

Retention and disposal: Destroyed by burning five years after employee separates.

System manager(s) and address: Chief, Personnel Information Center (PM/PO/PIC), Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 8

System name: Personnel Security and Suitability Investigatory Records.

Security classification: Secret.

System location: a. Central file: Office of Security, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in various offices in Agency Washington Headquarters and in missions abroad. See Appendix A for actual locations.

c. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Present and former employees, including full and part-time, 'When Actually Employed' (WAE), 'Without Compensation' (WOC), intermittent, experts and consultants; current and former applicants for employment; Americans currently or formerly employed under contract; applicants for contract; certain contractors and contractor personnel; individual names not included in the above categories are also cross-indexed in security files when significantly involved in security-related investigations; and individuals currently and formerly employed under Participating Agency Service Agreements (PASA) or Interagency Personnel Act (IPA) or other authority.

Categories of records in the system: Employee identification cards and photographs; reports of investigations conducted by A.I.D. and by other government agencies; interoffice correspondence, memoranda and reports; correspondence and memoranda originated by other elements of A.I.D., Federal agencies and other governmental entities (i.e., state and local), corporate and private entities, and by individuals. Additionally, records are maintained of security violations and consequent recommendations for disciplinary action. The system contains reports of briefings and debriefings of employees.

Authority for maintenance of the system: Foreign Assistance Act of 1961e as amended, Sec. 635(b), 5 U.S.C. Sec. 7531 and 7532; Act of August 26, 1950, 64 Stat. 476; and Executive Order 10450 of April 27, 1953 (as amended by Executive Orders 10491 of October 13, 1953; 10531 of May 27, 1954; 10548 of August 2, 1954; 10550 of August 5, 1954, 11785 of April 6, 1974; and 11652 of March 8, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and photographic film in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in containers with three-way combination locks or areas with intrusion alarms and accessible only to authorized personnel for their information in the performance of their duties.

Retention and disposal: Security violation records and investigative reports are normally retained for 30 years following separation of employee but may be destroyed earlier upon determination that material has no value; identification cards are destroyed upon termination of employment.

System manager(s) and address: Director, Office of Security, 1621 North Kent Street Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(l), (k)(2), (k)(3), and (k) (5) all investigatory material in the record which meets the criteria of all these subsections is exempted from the notice, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e) (l), (e)(4)(G), (H), (I) and (f) in order to accomplish this law enforcement function of the Agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information and sources, and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of Federal Register.

A.I.D. - 9

System name: Criminal Law Enforcement Records.

Security classification: Top Secret

System location: a. Central files are maintained in the Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in the Office of the General Counsel, 320 21st Street, N.W., Washington, D.C. and in the overseas offices of the Auditor General, Office of Inspections and Investigations located in Panama, Karachi, Bangkok, Rabat and Manila. (See Appendix A for acutal location of these offices).

c. Retired files are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: In furtherance of an investigation for suspected violation of criminal laws - present and former employees of the Agency and of the Overseas Private Investment Corporation; present and former employees of contractors used by the Agency and individuals involved or associated with such employees; individuals investigated at the request of another Federal agency.

Categories of records in the system: Reports of investigations concerning violations of Federal civil and criminal statutes and other violations of Title 18, U.S.C., and violations of Agency regulations; personal identification data and details of activities; related correspondence with individuals, with other organizational units of the Agency, and with federal, state, and local government agencies; records of disciplinary or other actions deriving from investigations; and copies of reports of investigations conducted by the Agency on the behalf of other federal agencies. Executive Order 10973 of November 3, 1961, and State Department Delegation of Authority 104 of November 3, 1961.

Authority for maintenance of the system: attorney General's memorandum re: P.L. 725 (28 U.S.C. 535); Foreign assistance Act of 1961, as amended; Title 18 U.S.C.;

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Files in Washington are stored in combination locked containers or in intrusion-alarmed areas. Files in field offices abroad are stored in secured areas with access by combination lock doors, in combination locked containers, and/or in areas secured by U.S. Marine guards. Access to records is limited to authorized screened personnel with an official need to know.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after last entry in file. Copies of reports furnished by other agencies are returned to the originating agency when so requested; otherwise such records are retained until cases are closed and then retired to the National Washington Records Center for the periods stated above.

System manager(s) and address: Director, Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2) all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access, and contest requirements of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). If the 5 U.S.C. 552a(j) (2) exemption is held to be invalid, then this system is determined to be exempt, under 5 U.S.C. 552(a) (k) (1) and (2) of the Act, from the provisions of 5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The reasons for asserting the exemptions are to protect the materials required by Executive Order to be kept secret in the interest of the national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosures of investigatiory techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 10

System name: Employee Relations Records

Security classification: Confidential.

System location: a. For active records: Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

b. For retired records: Federal Records Center, St. Louis, Mo.

Categories of individuals covered by the system: Any A.I.D. employee or employee of another Federal Agency assigned to A.I.D. under a Participating Agency Service Agreement who has filed a complaint, grievance or appeal; has been subject of an alimony or child support claim; has been listed as a prisoner of war or missing in action; or has a medical problem affecting his or her employment.

Categories of records in the system: Correspondence and indexes covering complaints, grievances, appeals, life insurance, health insurance, occupational health, workers' compensation, but not including those records belonging to the Department of Labor; alimony and child support, employee medical problems (but not including medical records maintained by the office of the Medical Director, Department of State) and material relating to prisoners of war and missing in action (POW/MIA).

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, especially Secs. 621 and 625; Foreign Service Act of 1946, as as amended; 5 U.S.C. 301, 7301, 7531, 7532, 7533; Sec. 914 of P.L. 92-255; and Sec. 201 of P.L. 91-616.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To a duly appointed Hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's appeal involving a grievance.

To a union representative for the purpose of representing an employee in order to protect employee rights negotiated under the union agreement.

To the Civil Service Commission for the purpose of determining if the Agency's course of action is correct.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By employee name.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Workers compensation files are retired to Federal Records Center, St. Louis, Mo. for permanent retention after resolution of case. Alcohol and drug abuse files are destroyed by burning one to three years after separation of employee. POW/MIA files are retained indefinitely. All other records are destroyed by burning one or two years after resolution of a problem or final decision on pending matter.

System manager(s) and address: Chief, Employee Relations Branch, at the location shown in the Systems Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice, access and contest requirements of Sections (c)(3), (d) (e)(1), (e)(4)(G), (H) and (I) and (f) 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 11

System name: Employee Conduct and Discipline Records.

Security classification: Secret.

System location: a. For active records: Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia and Office of General Counsel, Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523

b. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees and personal services contract personnel.

Categories of records in the system: Categories of records in system: Investigations of alleged misconduct, prohibited political activity, medical problems affecting employment, and relevant disciplinary actions affecting all of the above.

Authority for maintenance of the system: 18 U.S.C. 201 through 209, Executive Order 11222 of May, 1965; F.R. Doc. 68-14888, filed Dec. 12, 1968.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Stored in fire-insulated combination vault or in three-way combination locked containers accessible only to authorized personnel with an official need to know.

Retention and disposal: Misconduct and discipline records are destroyed by burning twenty years after last entry in file or ten years after separation, whichever is earlier. All other records are destroyed by burning one to two years after resolution of a problem or final decision on a pending matter.

System manager(s) and address: a. For records at Location (a); Chief, Employee Relations Branch, Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia.

b. For records at Location (b): Management Assistant, Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523

Record source categories: The individual concerned, creditors, and A.I.D. employees acting in their official capacities.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice, access and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G) (H) and (I) and (f) of U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency regulations published in this issue of the Federal Register.

A.I.D. - 12

System name: Executive Assignment Records.

Security classification: Confidential.

System location: Agency for International Development Office of the Deputy Administrator, 320 21st Street, N.W. Washinton, D.C. 20523

Categories of individuals covered by the system: Applicants for employment and present A.I.D. employees

Categories of records in the system: Biographical data, education, nominating documents, and recommendations.

Authority for maintenance of the system: Foreign Assistance Act of 196l as amended, Sections 631 (b) and (c) and 625 (b), (c), (d); 5 U.S.C. 2103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Members of Congress for Congressional clearance; the White House for clearance; Department of Justice, Federal Bureau of Investigations for security clearance; Civil Service Commission for security clearance, and other U.S. Government Departments and Agencies for executive placement opportunities.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of applicant or employee.

Safeguards: Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.

Retention and disposal: Applicant's file kept for one year and then reviewed for status. Employee's file kept until employee retires, transfers, or resigns. Files destroyed by shredding or burning.

System manager(s) and address: Special Assistant for Executive Assignments, Agency for International Development, Office of the Deputy Administrator, 320 21st Street, N.W. Washington, D.C. 20523

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: Information provided by the applicant or employee, educational institutions, and documents originated by A.I.D., the White House other U.S. Government Departments and Agencies, Members of Congress, organizations and persons.

A.I.D. - 13

System name: Orientation and Training Records

System location: Records are maintained in various offices in Washington and abroad that have responsibilities in processing applications. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Employees of A.I.D., employees of other U.S. Agencies assigned to A.I.D., A.I.D. contractor personnel and dependents of the foregoing; personnel from voluntary organizations, foreign governments and international organizations who apply for participating agency training programs.

Categories of records in the system: In addition to central records in custody of A.I.D., but officially 'maintained' by the Civil Service Commission, the Agency maintains biographical information, training applications, college transcripts, thesis papers, language aptitude and proficiency scores, miscellaneous test scores and correspondence, and evaluations of employees in training. The Foreign Assistance Act of 1961, as amended (P.L. 87-195), Sec 621; and the Foreign Service Act of 1946 amended Title 5, U.S.C. Sec 301, 1302, 2951, 4118, 4308, and Executive Order 10561, Sept 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To colleges, universities, and other formal training institutions, for the purpose of nominating or recommending employees of the Agency for academic studies or training at such institutions, law enforcement agencies, U.S. Government agencies, A.I.D. contractors, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual or other personal identifier.

Safeguards: Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.

Retention and disposal: Selected records disposed of after one to five years by shredding or burning; records of more permanent value disposed of in same manner after retirement, transfer or resignation of employee to which they pertain.

System manager(s) and address: The Chief, Manpower and Development Division(PM/MD), Agency for International Development, 1601 N. Kent Street, Arlington, Virginia. Additional records are maintained by Administrative and Executive officers and office supervisors in A.I.D. Washington and offices located abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 14

System name: Awards and Incentives Records

System location: a. Central File: Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

b. Decentralized files are maintained in various Washington offices and offices abroad having responsibility for initiating and/or implementing incentive award activities or programs. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Foreign Service and Civil Service Employees of A.I.D. and employees of other government agencies.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission, the agency maintains forms recording employee suggestions, supervisor's recommendations, award citations, and agency decisions.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Section 621 (a); Foreign Service Act of 1946 as amended, 5 U.S.C. Chapter 45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those persons whose official duties require access.

Retention and disposal: Destroyed one year following completion of program or granting of award; or when obsolete.

System manager(s) and address: a. Central File: Chief, Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development at the location stated above.

b. Executive Officer or Principal Administrative Officer in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 15

System name: Employees Payroll Records

System location: a. For automated files - Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. For employee case file - Employee Services Division, Office of the Controller, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

c. For alimony and child support garnishment file - Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

d. For retired files - Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees including: Direct-hire employees assigned to positions in the United States, U.S. citizen direct-hire employees assigned to positions overseas, personal services contractors, other contract employees, and employees of Federal, state, or local government agencies assigned to A.I.D.

Categories of records in the system: This system consists of five files, three of which are computerized records maintained on magnetic discs and magnetic tapes. The other two are manual files maintained in filing cabinets. These files are described below.

a. Empoyee Case File - this manual file contains copies of SF-50's, withholding statements, bond allotment slips, health benefit forms, life insurance forms, retirement forms and other papers concerning payroll matters.

b. New American Payroll System Automated Master Employee File this is an automated file. Individual records contain the following types of information; name, Social Security Account Number, country post, union indicator, timekeeper code, W-2 mail indicator, retirement system, federal government life insurance, health benefits, birth date, a wide variety of dates including those that indicate suspense actions which are due at a future date, and other dates for the use of financial managers such as limited appointment expiration date, effective date of pay change; allowances, deductions, hours worked, leave severance pay, and federal and state income tax.

c. Payroll History File- this file is an automated file. Individual records contain Social Security Account Number, current pay, year to date pay, tax status, allotments, bonds, time and attendance, retirement, insurance and other pay data.

d. Address File - this is an automated file. Individual records contain address records for bonds, allotment, paychecks; W-2 mailing address, agency, Social Security Account Number, bond number, checkline code and financial organization.

e. Alimony and Child Support Garnishment File - this is a manual file which contains court judgment and writ and other legal orders concerning alimony and/or child support payments.

Authority for maintenance of the system: Foreign Assistance Act of 1961 (as amended) 621(a), 625, 636(b), (c); Chapter 51 title 5 U.S.C.; Executive Order 10927; P.L. 93-647; Foreign Service Act of 1946, as amended; and Social Security Act (42 U.S.C. 659).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Treasury Department for payroll purposes.

To Treasury Department for issuance of savings bonds.

To Civil Service Commission for retirement, health and life insurance purposes.

To the Social Security Administration for Federal Insurance Compensation Act purposes.

To the Internal Revenue Service for taxable earnings and withholding purposes.

To the Combined Federal Campaign for charitable contribution purposes.

To American Federation of Government Employees for union dues.

To American Foreign Service Association for union dues.

To the States of California, New York, Pennsylvania, Maryland, Virginia and the District of Columbia for state income tax purposes and to other States and other tax jurisdictions as may become necessary.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the Executive Branch agencies.

To the Internal Revenue Service for audit and inspection and investigation purposes.

To the Department of Health, Education and Welfare for microfilming and producing microfiche.

To the Chesapeake and Potomac Telephone Company (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminal.

To the Department of State for retirement and microfilming purposes.

To judgment holder for the purposes of garnishment for the payment of alimony.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D. financial systems.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the financial management system.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Automated records are stored on magnetic disc and/or magnetic tape. The manual files contain microfilm, microfiche, printed forms, punched cards, and correspondence.

Retrievability: The five files described above are indexed in the following manner; a. Employee Case File - By name of employee.

b. New American Payroll System Automated Master Employee File - by Social Security Account Number.

c. Payroll History File - by Agency (A.I.D. and O.P.I.C.) and Social Security Account Number.

d.4. Address File - by Social Security Account Number.

e. Alimony and Child Support Garnishment File - by name.

Safeguards: For the automated system, a 'password' is assigned to A.I.D. employees who in the performance of their official duties, must have access to these files. For the manual files they are located in metal file cabinets with three-way combination locks or in secured premises with access limited to those whose official duties require access. The computer facility, including the tape library, is located in secured premises with combination-lock door and, access is limited to persons of verified identity who require access.

Retention and disposal: a. The Employee Case Files are maintained for ten years after the date of an employee's separation. The file is transferred to the Washington National Records Center one year after audit.

b. The New American Payroll System Automated Master Employee File is maintained for a two-week period; then it is updated by writing over the old record. This automated record duplicates the information in the employee case file.

c. The Payroll History File is maintained for five years; then it is written over.

d. The Address File is updated periodically as needed and the old version is written over.

e. The Alimony and Child Support Garnishment File is maintained in the office for a period of seven years after an employee is transferred or separated.

System manager(s) and address: For Alimony and Child Support Garnishment File: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For all other files: Assistant Controller, Employee Services Division, Financial Management, Agency for International Development 1975 Florida Avenue, Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 16

System name: Attendance and Leave Reporting Records

System location: Central records located in Office of Financial Management, Agency for International Development, 1975 Florida Avenue, N.W., Washington D.C. Timekeeper's records are kept by the employing Washington office and offices abroad. See Appendix A for a listing of these locations.

Categories of individuals covered by the system: Employees of A.I.D. and Personal Service Contractors.

Categories of records in the system: Central Records (Employee Payroll File) and Timekeepers Records contain various combinations of the following: time and attendance cards, leave requests forms, correspondence and memorandums on leave, payroll deductions for savings bonds and allotments to various institutions and correspondence on reimbursements.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308 and sections 112 (a) and 113 of the Budget and Accounting Procedures Act of 1950, and Title 6, GAO Policies and Procedures Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual and Social Security Account Number.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Destroyed after 5 years by burning or shredding.

System manager(s) and address: Assistant Controller, Employees Services Division, at the location shown in System Location Section above.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 17

System name: Employee-Owned or Leased Property Records

System location: Records are located at various overseas offices listed in Appendix A.

Categories of individuals covered by the system: U.S. government employees and contract employees of A.I.D.

Categories of records in the system: Records on leasing living quarters whose rent and utility costs are reimbursed wholly or in part by A.I.D. and personally-owned vehicles and other property at post. Records contain a description of such property, and how property is disposed of at post.

Authority for maintenance of the system: Foreign Assistance Act of 1961r as amended, Sec. 636; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of State for the issuance of licenses and establishing of duty free status of A.I.D. personnel.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisors for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: After employee leaves post, records on owned property are retained for 4 years and on leased property for 2 years, then destroyed.

System manager(s) and address: Director, Office of Management Operations, 320 21st Street N.W., Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D. and American Embassy personnel.

A.I.D. - 18

System name: Employee Use of U.S. Government Owned or Leased Property Records

System location: Records are located at Agency Washington headquarters and offices abroad. See Appendix A for actual location of those offices.

Categories of individuals covered by the system: U.S. Government employees, contract employees of A.I.D., and guests at A.I.D.-operated staff or guest houses.

Categories of records in the system: Records pertaining to the occupancy or use of property owned or leased by the U.S. Government, and to facilities and/or services provided such as: government-leased housing; government-owned furniture, appliances and furnishings; U.S. Government property in custody used for official purposes; government-owned vehicles used for official or unofficial purposes; parking permits; government-purchased publications; long-distance telephone calls made from A.I.D. facilities; U.S. Government vehicle repair facilities; commissary, liquor, and post exchange purchases; gasoline purchased from or through post exchanges or through an A.I.D. overseas post; government-furnished housing maintenance and repair services; and A.I.D. staff or guest house facilities.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 635; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, and card index file.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records on the issuance of U.S. Government property are destroyed 3 years after the property is turned in or otherwise accounted for. Individual trip tickets reflecting official and unofficial use of vehicles are destroyed 6 months after the end of the fiscal year. Maintenance and repair records and related papers pertaining to the maintenance and repair of individual residential units occupied by individuals at overseas posts are destroyed at the end of 4 years. Destruction is by shredding or burning.

System manager(s) and address: Director, Office of Management Operations, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D., and personnel of the Department of State.

A.I.D. - 19

System name: Travel and Transportation Records

System location: Central Records located in A.I.D. Washington Headquarters. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests for travel or transportation of things. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: A.I.D. employees and their dependents, individuals whose travel is sponsored or paid for by A.I.D., and visitors to A.I.D. offices abroad.

Categories of records in the system: a. Central Records: travel authorizations; itineraries; government bills of lading; government transportation requests; card file pertaining to passports, travel and shipment of effects; and correspondence.

b. Decentralized Records: copies of documents maintained in the central records; export/import permits; baggage declarations; customs declarations; passports and records of applications for visas; travel advance requests; arrival and departure notices; record of clearances prior to departure from post abroad; packing lists and information on meetings abroad including meeting schedules and biographical sketch of attendees.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, esp. Sec. 621, 636 (a) and (b); Foreign Service Act of 1946 as amended, Sec. 911; and Chapter 57, 5 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To commercial travel, transportation and shipping companies and agents for making travel, transportation and shipping arrangements.

To U.S. Treasury for payment of bills and vouchers.

To U.S. Dispatch Agents to arrange shipment and clearance of effects.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder

Retrievability: Individual's name or other personal identifier.

Safeguards: Biographic information and passports kept in metal cabinets with three way combination lock. Other records kept in areas with access limited to those whose official duties require access.

Retention and disposal: Retained for four years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records: Chief, Travel Divison (SER/MO), Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 20

System name: Claims Records

System location: a. Central Records:

Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia for allowance claims and health benefit claims.

Office of the General Counsel, Agency for International Development, 320 21 st Street, N.W., Washington, D.C. 20523 for tort claims.

Office of Management Operations, Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523 for claims involving loss of private personal property.

Office of Financial Management, Agency for International Development, 1975 Florida Avenue, N.W., Washington, D.C. for all other claims.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests. Requests for claims activity. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Employees who have filed claims against the Agency and employees against whom the Agency has filed a claim.

Categories of records in the system: a. Central Records: Documentation of claims, voucher disallowances, duplicate payment, and bills for collection.

b. Decentralized Records: Copies of documents maintained in the central records, legal reviews and opinions, and referrals to G.A.O.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec, 621; Foreign Service Act of 1946. as amended; Federal Tort Claims Act and G.A.O. Policy and Procedures Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To U.S. Treasury for payment.

To U.S. Despatch Agents to verify movement of persons and things and costs thereof.

To Office of Operations, Department of State, for review and initial adjudication of private personal property claims.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the State - A.I.D. - U.S.I.A. Joint Survey Board for review of claims arising from evacuation.

To commercial travel, transportation, and shipping companies and agents to verify actual costs of services;

To the Office of the Director of Medical Services, Department of State of determine validity of medical claims and to provide necessary information to the individual's medical adviser.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Storage: Paper copy in file folders.

Retrievability: By name of individual or other personal identifier.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for seven years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records:

For allowance Claims, Chief, Position Management and Allowances Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Health Benefit Claims: Chief, Employee Relations Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Tort Claims: Deputy General Counsel, Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523

for private personal property claims, Office of Management Operations, Agency for International Development, 320 21st Street, N.W., Washington, D.C.

For uncollectable claims: Assistant Controller, Central Accounting Division, Office of Financial Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. Decentralized Records: Administrative and Executive Officers in A.I.D. Washington and offices abroad. See Appendix A for actual location of office.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 21

System name: Public Information Records.

Security classification: Secret.

System location: Office of Public Affairs, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523.

Categories of individuals covered by the system: Employees of A.I.D., Members of Congress, individuals associated with foreign economic assistance, and individuals requesting information under the Freedom of Information Act.

Categories of records in the system: Biographical information on employees who serve as public speakers, press releases, news clippings, photographs, requests for access to A.I.D. records under the Freedom of Information Act, and related correspondence.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, Sec 621, 634(b); PL93-502; 5 U.S.C. 301; and the Freedom of Information Act (5 U.S.C. 552).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Persons or organizations requesting A.I.D. to make available an employee to speak in public on A.I.D. activities are provided a biographical sketch of the speaker in order to select and introduce the speaker.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of Generel Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies and photographs in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combinatiion lock in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Destroyed after five years by burning.

System manager(s) and address: Director, Office of Public Affairs, Agency for International Development, 320 21st Street, N.W., Washington D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: Employees, public media information, A.I.D. records, and individuals requesting access to records under the Freedom of Information Act.

A.I.D. - 22

System name: Congressional Relations, Inquiries, and Travel Records.

System location: a. Principal files are maintained in the Office of Legislative Affairs, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

b. Records of Congressional inquiries concerning employees of and applicants for employment with the Office of the General Counsel are maintained in the Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

c. Related files are maintained in certain areas of the field offices listed at Appendix A.

d. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Members of Congress, members of their personal staffs and of Congressional Committee staffs; employees of A.I.D. or applicants for employment who are or have been the subject of Congressional inquiries and recommendations.

Categories of records in the system: Congressional correspondence and memoranda of Congressional telephone calls covering (1) requests for information and assistance on matters related to foreign assistance; (2) requests for assistance from the Agency in arranging official travel overseas by Members of Congress, their staffs or committee staffs to inspect and observe foreign assistance programs abroad, and (3) inquiries about A.I.D. employees and recommendations concerning employees or applicants for employ-

ment. Also includes information about individual members of Congress derived from public media sources, including biographic records, and extracts from the Congressional Record.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, especially Section 634(b); 5 U.S.C. 301; 44 U.S.C., Chapters 31 and 33.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Except for material completely in the public domain, located in a secure space or secured premises with access limited to those whose official duties require the information.

Retention and disposal: Except for correspondence involving matters of policy, records are destroyed by burning after no more than 15 years; files related to individual Congressmen are retired at the end of each session of Congress. Records involving policy matters are retained permanently in archival files.

System manager(s) and address: a. For records maintained at Location (a): Assistant Administrator for Legislative Affairs, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

b. For records maintained at Location (b): Office of the General Counsel, A.I.D., 320 21st Street, N.W. Washington, D.C. 20523.

c. For records maintained at Location (c): Executive Officer of the appropriate A.I.D. office listed at Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name. For records of Congressional correspondence, include name of Congressman and appropriate session of Congress. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: Members of Congress and their staffs; Congressional Committee Staff Members; A.I.D. employees; Congressional Directory, Congressional Quarterly, and Congressional Record; newspapers, magazines, and other public media.

A.I.D. - 23

System name: Employees Equal Employment Opportunity Complaint Investigative Records.

Security classification: Confidential.

System location: Files are maintained in the Office of Equal Opportunity, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523

Retired Files, Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Employees of A.I.D. who have filed a discrimination complaint.

Categories of records in the system: Employee's name, hearing transcripts, depositions, witness statements, salary, grade, supervisor's evaluation, biographic data.

Authority for maintenance of the system: Executive Order 11478 of Aug 8, 1969; and Federal Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Civil Service Commission for the purposes of compiling statistics on employees.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after termination of employee or 20 years after last entry in file.

System manager(s) and address: Director, Equal Opportunity Programs at the location shown in System Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552 a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a (k)(5) is exempted from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 24

System name: Emergency Case File.

System location: a. Central records located in A.I.D. Washington Headquarters.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for administrative processing. See Appendix A for office locations.

c. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees and employees of other U.S. Government Agencies assigned to A.I.D.

Categories of records in the system: Material and claims connected with employee deaths, employee emergency locator cards, blood donor records and emergency visitation travel.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended; and Title 5, Sub-chapter VIII.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To survivors of employees for the purpose of settling claims and to families of employees for emergency visitation travel arrangements and arrival notifications.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Safeguarded in metal file cabinets with three-way combination locks.

Retention and disposal: Cases related to employee death are retained for three years and then retired to Washington National Records Center for permanent retention. Emergency locator cards and blood donor records are destroyed when obsolete. Emergency visitation records are filed in Offical Personnel Folder upon completion of travel.

System manager(s) and address: a. Central Records: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, Washington, D.C.

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 25

System name: Privacy Act Implementation Records

System location: Office of Personnel and Manpower, Personnel Services Division, 1601 North Kent Street, Arlington, Virginia

Categories of individuals covered by the system: Persons, individuals, U.S. Federal and local governments, and Members and Committees of Congress.

Categories of records in the system: Correspondence and other documents related to requests for information about the existence of records, requests for access to information, requests for amendments to records, and requests for review of refusals to amend records.

Authority for maintenance of the system: Privacy Act of 1974(P.L.93-579) Sec. 552 (c), (e), (f), and (p); and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in metal containers with three-way combination locks and accessible only to authorized personnel with a need for the information in the performance of their offical duties.

Retention and disposal: Records are retained for one year and then retired to the Washington National Records Center for ten years before destruction.

System manager(s) and address: Chief, Personnel Services Division, Office of Personnel and Manpower, 1601 North Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security Account Number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: Individuals and Agency employees acting in their offical capacities.

A.I.D. - 26

System name: Litigation Records.

Security classification: Secret.

System location: a. Active files are maintained at the Office of the General Counsel, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523.

b. Retired records are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Foreign Service employees, Civil Service employees, and personal services contractors.

Categories of records in the system: Correspondence and other documents relating to disputed contracts and tort claims against the Agency.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended; Tort Claims Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee and calendar year.

Safeguards: Maintained in combination vault insulated against fire and located in secure premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for two years following settlement of case and then retired to Washington National Records Center for five years prior to destruction.

System manager(s) and address: Assistant General Counsel for Management and Administration, Office of the General Counsel, Agency for International Development 320 21st Street, Washington, D.C. 20523.

Systems exempted from certain provisions of the act: This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a. These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, and to avoid endangering these sources. See Agency Regulations published in this issue of the Federal Register.

[FR Doc.75-26292 Filed 9-26-75;5:00 pm]

GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE
PRIVACY ACT OF 1974
NOTICE OF SYSTEM OF RECORDS

This notice describing records accessioned into the National Archives of the United States prior to September 27, 1975, is published in accordance with 5 U.S.C. 552a(1)(2). Notices describing records accessioned on or after September 27, 1975, will be published once each month within 90 days after the records are received.

Dated: September 24, 1975

JAMES E. O'NEILL
Acting Archivist of the United States

System name: Records in the National Archives of the United States accessioned before September 27, 1975.

System location: Records are located in the National Archives, Presidential Libraries, and Federal Archives and Records Centers listed in 41 CFR 105-61.5101-1 through 105-61.5101-7.

Categories of individuals covered by the system: Since the National Archives records holdings include the population census schedules through 1950, a "record" exists on most individuals who have lived in the United States and have been enumerated in a decennial census. Additional major categories of individuals include those referred to in records relating to immigration and naturalization, military service records, passenger arrival and related records, and records relating to employment in the Federal Government. Beyond these major categories the existence of a record about an individual would be dependent upon the individual's association or relationship with the Federal Government and whether the documentation of this association or relationship was included in records subsequently determined to have enduring value. Some examples of these categories of records are listed in the appendix following this notice.

Categories of records in the system: All records, created by Federal agencies, that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government and received by the National Archives prior to September 27, 1975. These records are described in the "Guide to the National Archives of the United States" which is sold by the Superintendent of Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the NARS research facilities listed in 41 CFR 105-61.5101 and the GSA Business Service Center reading rooms listed in 41 CFR 104-60.303. The appendix following this notice lists examples of categories of records about individuals maintained in the National Archives.

The list of examples is divided into two major groupings-- Civil Archives and Military Archives. It is not intended to be complete but only illustrative of the many records systems in the National Archives containing information relating to individuals. The categories, therefore, have not been limited strictly to those maintained as "systems" or relating to "individuals" as defined in the Act. Some of the categories of records are not organized by an identifying particular assigned to the individual, and additional information and/or research is required in order to retrieve information relating to a specific individual. Other categories relate to individuals other than U.S. citizens and lawfully admitted aliens.

Interested persons may also want to consult "Government Dossier (Survey of Information Contained in Government Files)," U.S. Congress, Senate, Subcommittee on Administrative Practice and Procedure, Committee Print, 90th Congress, 1st session, November, 1967. This publication contains a fairly comprehensive listing of records in the National Archives relating to individuals. The list covers records created after 1900 and accessioned as part of the National Archives holdings before 1966, and shows for each group of files: the inclusive dates, the types of information included, types of individuals covered and approximate number of individuals, the source of the information, form of storage and basis and limits of confidentiality.

Authority for maintenance of the system: Chapter 21 of Title 44, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The National Archives of the United States, which date from the First Continental Congress and include records of the three branches of our Federal Government, are preserved and made available for use because of their historical and other research values, their continuing practical utility for the necessary processes of Government, and for the protection of both public and private rights.

Categories of users include Government officials, scholars, students, and members of the general public. No special qualifications are required in order to use the records of the National Archives and records are made available to any person who has applied for and received a researcher identification card. Rules governing the use of the records and procedures for applying for research cards are found in 41 CFR 105-61. However, the use of some of the records, especially those of recent date, is subject to restrictions imposed by Congress, the President, the Archivist of the United States, and the transferring agency in accordance with 44 U.S.C. 2104. Restrictions currently in effect on access to particular records that have been specified by the transferring agency are known as "specific restrictions." Restrictions on access that may apply to more than one record group are termed "general restrictions." They are applicable to the kinds of information or classes of accessioned records designated regardless of the record group to which such records have been allocated or the specific records "system" they are contained in. Many of the record categories listed in the appendix are subject to restrictions on their use. The restrictions are published in the "Guide to the National Archives of the United States" and supplemented by restriction statements approved by the Archivist and set forth in 41 CFR 105-61.53 and 54.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in boxes and bound volumes, microfilm, photographs, motion pictures, sound recordings, computer tapes.

Retrievability: Records in the National Archives are arranged by record group depending on the agency of origin. For example, records of the Bureau of the Census are in Record Group 29. Within each record group, the records are arranged by series, thereunder generally by filing unit, and thereunder by document or groups of documents. The arrangement at the series level or below is generally the one used by the originating agency. Records in the National Archives containing information about individuals, therefore, may or may not be arranged in a manner that could be termed a "system of records" as defined in 5 U.S.C. 552a(a)(5), e.g., "...a group of records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number symbol, or other identifying particular assigned to the individual." Some records are in alphabetical order but many are arranged in other ways that would make it difficult to locate the records of a specific individual.

Safeguards: Buildings employ security guards and records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

Retention and disposal: Records are retained permanently.

System manager(s) and address: The system manager is the Assistant Archivist for the National Archives, National Archives Building, 8th and Pennsylvania Avenue, NW., Washington, DC Mailing address: General Services Administration (NN), Washington, DC 20408.

Notification procedure: The records in the National Archives of the United States are exempt from most provisions of 5 U.S.C. 552a including those relating to individual access and amendment. Upon request, however, the Natioal Archives will attempt to locate specific records about individuals and will make these records available to the individual subject to the restrictions set forth in 41 CFR 105-61. Because the holdings of the Archives are so large and records about individuals are not always maintained in a manner to permit information on specific individuals to be retrieved, individuals must provide sufficient information concerning their association or relationship with the Federal Government to permit the National Archives to locate the records in a reasonable time. Records in the National Archives of the United States may not be amended and requests for amendment will not be considered. More information about access procedures is available in the "Guide to the National Archives of the United States" or from the system manager named above.

Record access procedures: Same as above.

APPENDIX

Civil Archives

Census schedules, 1790-1870, consist primarily of schedules of population, with quite incomplete schedules for manufacturing, agriculture, business, and special social classes. Population schedules include those for decennial population censuses, 1790-1870, and on microfilm for 1880-1950. Most of the schedules for the census of 1890 have been destroyed. Schedules for censuses before 1850 give only the name of the head of each family, followed by such family information as the number of dependents or other members of the household by age and sex. Beginning with the 1850 census, the schedules contain the name of each individual and his age, sex, state or county of birth, and occupation. The censuses of 1850 and 1860 contain separate slave schedules. There are also various Indian census schedules and a few territorial population schedules.

Passenger arrival records, 1820-1954, are included in the records of the Bureau of the Census and after 1891 in the records of the Immigration and Naturalization Service. Records relating to passenger lists in the Bureau of the Customs records consist of originals and copies of passenger arrivals submitted by the collectors of customs to the Secretary of State, with incomplete indexes to arrivals at New York and other ports, and various microfilm indexes. The indexes and passenger lists usually include the following information: name of vessels, name of master, name of the port of embarkation, date, and port of arrival; and for each passenger, the name, age, sex, and occupation, name of native country and ultimate destination. Passenger arrival records in the Immigration and Naturalization Service records consist of passenger lists for Baltimore, 1891-1909, Boston, 1891-1943, New Orleans, 1903-45, New York, 1897-1942, Philadelphia, 1883-1945, and minor ports, 1893-1945.

Immigration and naturalization records, 1787-1954, include "Americanization" Records, 1913-36, consisting of correspondence and other records relating to an education and americanization program for aliens desiring U.S. citizenship. Naturalization Records, 1906-40, include naturalization declarations, petitions and certificates, 1906-40, and indexes to naturalizations of World War I soldiers, 1918. Field Office Records, 1787-1944, consist of copies of naturalization proceedings in Federal and non-Federal courts in New England. Records of Alien Enemy Internment camps, 1917-18 and 1940-48, include administrative records and internee case files in various internment facilities.

The records of the Bureau of Insular Affairs include the Personal Name Information Files, 1898-1946, that concern persons employed by or under contract with the Bureau of Insular Affairs. The files contain applications for employment, recommendations, travel orders, copies of examination scores, correspondence and notices of retirement, death or serious illness and include documentation on persons in American possession, Puerto Rico, Cuba, Virgin Islands, Philippine Islands, Alaska, Hawaii, as well as persons in the continental United States. They are arranged alphabetically by name. Breau of Insular Affairs records also contain a series of Philippine Constabulary Name Information Folders, 1898-1935, concerning American citizens and foreign persons serving as commissioned officers in the Philippine Constabulary of the Insular Government of the Philippine Islands. The files contain promotion notices, appointment papers, correspondence, travel orders, notices of assignment or re-assignment and notices of illness or death. They are also arranged alphabetically by name.

The records of the Office of the Secretary of the Interior include a file of Applications and Recommendations of the Appointments Division, 1849-1907. These records concern persons employed by, or who applied for appointment with, the Department of the Interior. The files contain applications and recommendations for appointment, notices of transfer, promotion or assignment, notices of dismissal or failure to appoint, correspondence and reports. They are arranged by name of office of position, then alphabetically by name of applicant. There is also an alphabetically arranged index by name of applicant, 1879-1907.

The records of the Bureau of Indian Affairs include Annual Census Rolls of American Indians created pursuant to an act approved July 4, 1884. Census Rolls, 1885-1940, are arranged alphabetically by name of Indian agency, thereunder by name of tribe and thereunder by year. The rolls usually show for each Indian the Indian or English name (sometimes both names appear), age, sex, relationship to the head of the family and sometimes to other Indians named on the roll. Other records include the files of the Carlisle Indian School, Carlisle, Pennsylvania, 1879-1918, including record cards filed alphabetically by name that refer to Individual Student Folders. The student folders show the English and Indian name of the student, his or her agency, nation, band and home address, degree of Indian blood, age and dates of his or her arrival and discharge from the school and sometimes his outside work assignment or leave, if any. The records of the Secretary of the Treasury include records relating to the appointments of department employees, 1791-1945. Included are nominations and applications, lists, registers and related records.

The records of the Bureau of Accounts in the Department of Treasury include records relating to disbursing clerks, 1865-1927, and surety bonds of officials responsible for the collection and disbursement of public funds, with an index, 1789-1925.

Records of the United States Coast Guard in the National Archives include service records for officers and crews of the Revenue-Cutter Service, 1795-1915, and for officers of its successor, the United States Coast Guard, 1915-29. Records relating to officers usually show from where appointed, dates of birth and sometimes death, biographical data, names of posts they held and sometimes names of relatives. Crew members records include varying personal information such as name, rating, service, enlistment dates, age, occupation and similar information.

Records of the Bureau of Marine Inspection and Navigation include Applications for Seaman's Protection Certificates, 1916-1940, a document required for sailing in foreign waters. The files show name and address of seaman, date and place of birth, date and place of naturalization if born outside the United States, name of ship on which last employed, and name of ship presently sailing on, signature, left thumb print and photograph and description of the seaman.

Records of the Office of Territories in the National Archives include an Alphabetical File of Individual Information Folders, 1941-47, for persons employed in the Philippine Islands, and an Alphabetical Name Information File of Employees in Puerto Rico, 1908-51. These records include applications and recommendations for office, leave records, reports of illness or death, promotion records and other personnel matters. They are filed alphabetically by name for each area. Similar records appear in Office of Territories records for other territorial possessions of the United States.

The records of the Appointment Clerk and Personnel Division of the Department of Justice, 1853-1933, include a general file of applications for positions, appointment letters, register of nominations submitted to the Senate by the President (1877-1905); and lists of judges, district attorneys, and marshalls for different periods from 1846-1883.

Records of the Department of State in the National Archives include Applications and Recommendations for Office, 1797-1901, and 1901-1966, including applications for Federal office, oaths of office, commission papers and correspondence concerning applications and appointments. They are arranged in part by Presidential Administration and thereunder alphabetically by name of applicant.

Records of the Public Buildings Service include extensive materials on artists employed in the Treasury Relief Art Project and the Public Works of Art Project, 1933-43. The records show names of artists, media and titles of art works and buildings to which art works were allocated. There are some records containing biographical data on artists (1938), showing date and place of birth, society memberships, awards received and places where works were shown or exhibited. They are arranged chiefly by name of artist. Similar records appear in the holdings of the Federal Art Project among the records of the Work Projects Administration in the National Archives.

Records of the Fish and Wildlife Service in the National Archives include a Supervision File of the Bureau of Biological Survey, 1910-50, containing correspondence concerning the supervision of employees of the Bureau. The records concern property, allotment of funds, leave, promotions, technical reports and similar records arranged alphabetically by name of employee.

Records of the Court of Claims include claims filed in the Case of the Eastern Cherokee vs. the United States, 1902. The records include a series of Individual Claim Files containing Indian and English name of claimant, residence, birth record, names and ages of siblings, and records of other ancestors and Indian relationships. They are arranged alphabetically by name of claimant.

Records of the National Resources Planning Board include a series of official personnel folders of NRPB employees, 1933-43, and related personnel materials. The records include information on work experience, time employed, age, birth date and place, and biographical information about employees. They are arranged alphabetically by name.

Records of the War Relocation Authority in the National Archives include a file of Evacuee and Excludee Case Files, 1942-1946, showing personal history, health, property, occupation, leave and school records of persons of Japanese ancestry who were evacuated to War Relocation Camps. The records include a locator index of summary personal data about individual evacuees.

The records of the Post Office Department include records relating to the appointments of Postmasters and to the establishment, discontinuance and change of name and site of post offices, 1815-1950. The records include the name of postmaster and appointment date, and the name of his or her successor. They are arranged by State, county and post office.

Records of the Patent Office in the National Archives include a file of Name and Date Patents for Inventions, 1791-1836, and a Numbered Patent File, 1836-1923. The files consist of patent applications, inventor's specifications, drawings, legal documents and correspondence with inventors and their attorneys. They are arranged for the most part by patent number.

Records of the Bureau of Land Management in the National Archives include a Name Index to Land Entry Papers in Certain States, ca. 1800-1908. The index is arranged alphabetically by name of entryman or entrywoman, and shows the land description, entry number and date of entry for applications made to acquire land in Alabama, Alaska, Arizona, Florida, Louisiana, Nevada and Utah. The index refers to an extensive series of land-entry papers arranged by type of entry and thereunder by number. The records of the Bureau of Land Management also include an Index by Name of Applicant to Land Entries, 1908-1955, to all land entries made on the public domain for that period. The card index is arranged by land office and thereunder by name and refers to serial number and date of entry and includes a reference to the Patent File, filed by number.

Military Archives

Records of the Office of the Secretary of War include Records of the Civilian Personnel Division, consisting of Lists of Employees, 1828-1934, Registers of Applications and Appointments, 1868-1934, and Personnel Papers, 1838-1912, containing incomplete lists of personnel of the War Department and its bureaus, together with lists of personnel in the field, for various dates, 1828-1934, giving in most cases, name, date of appointment, home State, by whom recommended, class, grade, promotions, place of service, and salary received. Arranged generally under place of service, thereunder by date of appointment. Several of the volumes are arranged by State or Territory from which appointments were made, thereunder by date of appointment. There are name indexes in most of the volumes.

The records of the War Department General and Special Staffs, Office of the Director of Intelligence (G-2) include correspondence and reports relating to the supervision of military attaches and missions abroad, counter intelligence investigations and propaganda and psychological warfare activities of the War Department. The name index for the correspondence and reports, 1917-41, also relates to correspondence on personnel investigations. Records of the Captured Personnel and Material Branch include indexes arranged alphabetically and files of interrogation reports, directives, and other records relating to captured personnel and material, and files of interrogation reports of prisoners of war. Records of the Office of the Chief Military Censor contain name and subject indexes and correspondence files relating to Press Censorship, 1917-19, and to censorship activities along the Mexican border, 1917-19.

Records of the Office of the Judge Advocate General (War) include court martial case files, 1809-1938, and a name index to court martial cases, 1891-1917. The index gives the name, rank, and organization of the defendant, case number and date registered.

The Records of the Adjutant General's Office, Department of the Army, General Records, 1784-1917, include regular army records, 1798-1914, containing personal documents, disability certificates, final statements concerning soldiers' deaths, and enlistment registers and records, including those for Indian scouts. Records of the Records and Pension Office, 1784-1917, include military service records consisting of a jacket-envelope for each soldier labeled with name, rank, and unit and containing original documents relating to the soldier and abstracts of information from original muster rolls, hospital rolls, descriptive books, and lists of deserters.

The records of the Adjutant General's Office since 1917 include Records Relating to Personnel, 1905-52, containing work permits, memorandums, applications, and correspondence relating to employment claims and AGO personnel, 1917-40, correspondence and files relating to general officer promotions, 1914-51, and applications for service medals and awards, 1905-51. Records Relating to U.S. Disciplinary and Internment Facilities, 1912-52, consist of reports, special court martial orders, and correspondence on administration of disciplinary barracks and internment camps at various forts, 1916-40, case files of prisoners of war, and imprisoned enemy aliens, 1917-19, and status reports on these men, 1912-52.

The Records of the Office of the Surgeon General (Army) General Records, 1775-1947, include records relating to military personnel consisting of lists, registers, personal histories, case files of candidates, and military service cards. Records relating to civilian personnel include registers, lists, rosters, monthly returns, and service data cards.

The Records of the Office of the Provost Marshal General since 1941 include Personnel Accreditation Records, 1943-54, consisting of personal history statements, investigation reports, canceled Criminal Investigations Division credentials, memorandums, correspondence, and other records relating to accrediting military civilian personnel as criminal investigators. Also included are correspondence files relating to the care and treatment of American prisoners of war and a master index by name of prisoner of war showing the camp to which he was assigned and information on his return to military control.

In the records of the Office of the Chief of Chaplains, Chaplains Reports, 1917-55, are reports reflecting services rendered and duties performed by chaplains in the field, and addresses of Army chaplains, 1917-50, with an index, 1923-55, and reports reflecting morale and religious attitudes of military personnel at Army installations, 1917-19.

In the Records of the United States Military Academy, Records of the Office of the Director of Admissions and Registrar, 1818-1973, include descriptive lists of new cadets and cadet academic reports.

The Records of the Bureau of Refugees, Freedmen, and Abandoned Lands have included in the Records of the District or Field Offices, 1865-72, records predating the Bureau created by military officers in charge of matters relating to blacks. Most of the records consist of letter books, letters received and registers, reports, and registers of marriages, complaints, and claimants.

Records of the Commissary General of Prisoners include Office Records, 1861-67, consisting of reports, registers, lists, and rolls of Federal prisoners confined in Confederate prisons and similar records relating to paroled Federal prisoners of war, to exchanged Federal prisoners of war, and to Confederate prisoners of war held in Federal prisons. Also included are registers and claims of former Federal prisoners.

Records of the United States Disciplinary Barracks include "General Prisoners' 201 Files," 1906-1904, and alphabetical and numerical (by prisoner's number) indexes to the files. The files, which are arranged by prisoner's numr, include copies of General Court Martial Orders showing charges, specifications, findings and sentence, and information on the dates of arrival and release.

The Records of the United States Soldier's Home include Records of Inmates, 1803-1943, consisting of descriptive books of men admitted and discharged and returns and muster rolls of inmates, 1851-1941; registers of sick inmates, 1873-1943; registers, death certificates, statements of service, descriptions of deceased inmates, and other records relating to death, 1852-1942.

The records of Allied Operational and Occupational Headquarters (World War II) include documentation on individual awards and individual casualties and information on individual prisoners of war.

The records of United States Army Commands include, among records of the Western Defense Command, files from 1942 and 1943 documenting the exclusion of aliens and citizens of Japanese ancestry and their confinement in Assembly Centers.

The General Records of the Department of the Navy contain registers, indexes, and pay rolls, 1842-1944.

In the Records of the Office of Naval Intelligence, there are World War I "suspect" case files with an alphabetical index showing the names of suspects, biographical data, aliases, sources of information, and file number, and a Central Registry of Security Suspects compiled during World War I.

Among the records of the Bureau of Naval Personnel, there are records relating to Naval Officers, Enlisted Men, and Apprentices, 1798-1943. Records relating to naval officers, 1798-1940, include application, examination, and appointment records, 1838-1940; commissions and warrants, 1844-1936; identification, 1917-21, and age, 1862-63, certificates; registers, rosters and records showing compliments, 1799-1909; and personnel jackets and other personnel records, 1900-1925, which contain applications to enter the Naval

Auxiliary Service, questionnaires, letters of recommendation, oaths of officee and fitness reports, together with related correspondence. Some of the records are arranged alphabetically by name of officer. Records relating to enlisted men include a microfilm index to rendezvous reports, muster rolls, and other personnel records, 1846-84; registers and lists of recruits, 1861-73, continuous service certificates, 1865-99, records concerning discharges and desertions, 1882-1920, and record cards for enlisted men who served during the First World War, 1917-19, containing the enlisted man's name, service number, place and date of his enrollment or enlistment, age and rating at enlistment, home address (including county and State), places and dates of service, place and date of discharge, and rating at time of discharge. Most of the cards are arranged alphabetically by State, with sections at the end for Guam, Hawaii, the Philippines, Puerto Rico, and Samoa, and thereunder alphabetically by man's name. Records that relate to naval apprentices include certificates of consent for minors, 1838-67, and apprentice papers, 1864-89.

Among the Records of the United States Naval Academy, the Personnel Records, 1846-1930, contain rolls of midshipmen, 1849-1930; registers of misconduct of cadets, 1846-82; monthly class reports, 1865-1904; class standings of cadets, 1855-1907; and lists, reports, and registers relating to such subjects as annual examinations, cadet's academic records, and punishments, 1855-1909.

Records of Naval Districts and Shore Establishments, 1903-1944, include correspondence relating to personnel matters and contain such items as sick reports, registers of officers, reports of deserters, address books of officers assigned to vessels, and general correspondence. The arrangement of the various series is alphabetic by name, chronological, and in some cases by the Navy Department classification scheme.

The records of the Selective Service System include a master index to conscientious objectors sent to camps and their case files (1940-1947), records of registrants in the District of Columbia from 1940 to 1944, and some state headquarters records relating to aliens (1940-1947).

The National Archives Collection of World War II War Crimes Records contains records of trials held before the International Military Tribunal at Nuernberg, the International Tribunal for the Far East, and the twelve United States Military Tribunals at Nuernberg in which the United States brought charges against various German organizations, firms, and individuals. These records include name indexes of witnesses and indexes to the proceedings, interrogation transcripts and affidavits of prosecution and defense witnesses, prosecution and defense exhibits and document books, documents, briefs, pleas and other records.

The National Archives Collection of Foreign Records, Seized 1941—includes membership rosters, records of appointments and promotions, personnel cards, correspondence and other records relating to individuals involved in the activities of the civil government and military forces of Germany since 1866 (particularly during the Third Reich), and of the Nazi Party, its formations, affiliated associations, and supervised organizations.

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